

The London School of Economics and Political Science

**Level- Linkage in
European Union – Brazil Relations:**

*An analysis of Cooperation on Climate Change,
Trade, and Human Rights*

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A thesis submitted to the International Relations Department of the
London School of Economics and Political Science for the

Degree of Doctor of Philosophy

London, September 2013

*This thesis is dedicated to my parents, Julio and Inês, for always holding my hands –
even when an ocean apart.*

DECLARATION

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ABSTRACT

This thesis explores EU-Brazil relations and answers the question of why these two actors have failed to use the bilateral level of their cooperation as a platform to enhance their coordination in multilateral arenas. The thesis develops a framework to explain the linkage between levels of cooperation within a particular bilateral relationship that focuses on both agents and issues. The argument of “level-linkage” is empirically tested in three case-studies: climate change, trade, and human rights. The thesis finds that the greater the openness of a regime to influences from other levels of cooperation, the more likely level-linkage is to occur. However, level-linkage is restricted to where the approaches of the two partners towards multilateralism are compatible. Preferences for partners were also not the main constraint to the promotion of an EU-Brazil strategic partnership in multilateral arenas. Instead, as this thesis reveals, the degree of coordination in national foreign policy-making institutions is the key determinant of level-linkage. These findings support the argument that the dynamics between agents and the specificities of issues do matter in explaining the relation between bilateral and multilateral levels of cooperation. In this light, this thesis contributes to the analysis of bilateral relationships within a multi-level structure, ultimately advancing academic research in international cooperation. It also contributes to the literature on foreign policy analysis and to an emerging body of scholarship in EU-Brazil relations.

ACKNOWLEDGMENTS

By no means is a PhD a lonely journey. Many are the individuals and institutions that supported me over this four-year marathon in the most different capacities.

I am deeply grateful to my supervisor, Professor Karen Smith, for all guidance, patience, and support. Working with her was a pleasure and a very enriching intellectual experience. Andrea Ribeiro-Hoffmann was a very important source of inspiration and encouragement in the early stages of my research. Caterina Della Coura, my academic advisor, had the kindest words when needed. Jens Meinshemer, Matthias Koenig-Archibugi and Uli Sedelmeier provided me with the wonderful opportunity to teach on International Organisations at the LSE on several occasions.

I am happy to be part of the Grantham Research Institute family. My special thanks to Michael Jacobs, James Rydge and Sam Fankhauser for the privilege of working with you. I owe a word of gratitude to the staff at the GRI and my friends Alessandro Tavoni, Luca Taschini, Joana Setzer, Maria de Carvalho, Michael Nachmany, Murray Collins, Samuella Bassi, and Philip Schleifer. I am also grateful to the IR Department staff for always been so helpful.

I deem to the financial support granted to me by the Brazilian Ministry of Education through a CAPES scholarship and by the LSE. I am also highly indebted to the anonymous interviewees for their crucial contributions to this research, especially to those from the EEAS/ European Commission and the Brazilian Foreign Ministry.

I am particularly touched by the support and the true friendship of Roberto Orsi. His precious intellectual guidance and encouragement were extremely valuable to this thesis. I am also grateful to Klaus Dalgaard, Rajeev Sibal, Diarmuid Torney, and Eduardo Viola for reading part of this thesis so carefully. I thank my dearest friends Annette Foester, Benedetta Voltolini and Janel Smith for sharing the pain and joy of life as a PhD candidate with me. Jeroen Smaers, you inspired me to start this

adventure. Brunella Mariani, “Capengas”, Carol Schenini, Chiara Pinna, Demetrius Pereira, Elena Lazarou, Geraldo Zahran, Karen Sonego, Leticia Barbosa, Luiz Cypriano, Maria Teresa Punzi, Morgana Matos, Shuxiu Zhang, Simone Pomari, and Valeria Lima e Silva, your friendship coming from the most different parts of the world makes my heart smile. David, thank you for the sunshine. Life with you is like a sweet Bossa Nova.

Nothing would have been possible without the unconditional love and support from my family. They mean the world to me. I thank my siblings, Helena and Joao, for our complicity and partnership, and my aunt Angela for all her affection. My deepest gratitude goes to my parents, Julio and Inês. Thank you for trusting me wholeheartedly and supporting me in a myriad of ways. You have always inspired me to have a critical mind and dare to dream. If I have come this far, it is all because of you.

As I complete this PhD a new –and probably the most adventurous- project begins: my baby girl grows in my tummy, welcoming me to motherhood. I love you already and forever.

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ACRONYMS AND ABBREVIATIONS

AoA – Agreement on Agriculture

AWG-LCA - Ad-Hoc Working Group on Long-Term Action under the Convention

BASIC – Brazil, South Africa, India and China

BCML - Bilateral Cooperation at the Multilateral Level

BL – Bilateral level

BPM – Bureaucratic Politics Model

CAMEX - Chamber of Foreign Trade (*Câmara de Comércio Exterior*)

CAP – Common Agricultural Policy

CDF – Clean Development Fund

CDM - Clean Development Mechanism

CECLA - Special Latin American Co-ordinating Committee

CFSP - Common Foreign and Security Policy

CHR – Commission on Human Rights

COHOM – The Human Rights Working Group

COP – Conference of the Parties of the Convention

CPR – Commitment Period Reserve

CSP – Country Strategy Paper

DBLCM - Dialogue at the Bilateral Level for Cooperation at the Multilateral Arena

DDA – Doha Development Agenda

DDH - Human Rights Division (*Divisão de Direitos Humanos*)

DEC – Economic Department (*Departamento Econômico*)

DEU – Department of Europe (*Departamento da Europa*)

DG AGRI - Directorate-General for Agriculture and Rural Development

DG AIDCO – Directorate-General for Europe Aid

DG CLIMA - Directorate-General for Climate Action

DG DEVCO – Directorate-General for Development and Cooperation

DG RELEX - Directorate-General for External Relations

DG Trade - Directorate-General for Trade

DG SANCO - Directorate-General for Health and Consumers

DGs – Directorate-Generals

DHS - Department of Human Rights and Social Themes (*Departamento de Direitos Humanos e Temas Sociais*)

DNU - UN Division (*Divisão das Nações Unidas*)

DOI - Department of International Organisations (*Departamento de Organismos Internacionais*)

DSB – Dispute Settlement Body

EAI – Enterprise for Americas Initiative

EC – European Community/ Communities

ECHR – European Convention on Human Rights

ECtHR – European Court of Human Rights

ECOSOC - Economic and Social Council

ECSC – European Coal and Steel Community

EEAS – European External Action Service

EEC – European Economic Community

EP – European Parliament

EU – European Union

EU-LAC - European Union, Latin America and the Caribbean Summit

EUMS – European Union Member States

Euratom - European Atomic Energy Community

EITs – Economies in Transition

ESS – European Security Strategy

FTAs – Free-trade Agreements

FTAA – Free Trade Area of the Americas

FPA – Foreign Policy Analysis

GATT - General Agreement on Trade and Tariffs

GEF - Global Environmental Fund

GHG – Green House Gas

GRULAC - Latin America and Caribbean States Group

HR – human rights

HRC – United Nations Human Rights Council

ICC – International Criminal Court

IIs – International institutions

INC - International Negotiating Committee

IOs – International organisations

IPCC - Intergovernmental Panel on Climate Change

ITO – International Trade Organization

JAP I – First Joint Action Plan of the EU-Brazil Strategic Partnership

JAP II – Second Joint Action Plan of the EU-Brazil Strategic Partnership

KP – Kyoto Protocol

LDCs – Least developed countries

LGBT – Lesbian, gay, bisexual and transgender

LULUCF - Land-use, Land-Use and Change and Forest

MAPA - Ministry of Agriculture, Livestock and Food Supply (*Ministério da Agricultura, Pecuária e Abastecimento*)

MDIC - Ministry of Development, Industry and Foreign Trade (*Ministério do Desenvolvimento, Indústria e Comércio Exterior*)

ML – multilateral level

MD – Managing Directorate

MERCOSUR – The Common Market of the Southern Cone

MFN – most-favoured nations

MOP – Meeting of the Parties of the Kyoto Protocol

MOP 1 – First Meeting of the Parties of the Kyoto Protocol

MoU – Memorandum of Understanding

MPOG - Ministry of Planning and Budget (*Ministério do Planejamento, Orçamento e Gestão*)

NAMA - Non-Agricultural Market Access

NIP – National Indicative Programme

OECD -Organisation for Economic Co-operation and Development

OHCHR – Office of the High Commissioner for Human Rights

OPT – Occupied Palestinian Territories

PTA – preferential trade agreement

REIOs - Regional Economic Integration Organizations

SCCF - Special Climate Change Funds

SGAP I - General Sub-secretary Policy I (*Subsecretaria-Geral Política I*)

SOPs – Standard operating procedures

SPS – sanitary and phytosanitary

SSM - Special Safeguard Mechanism

TAR – Third Assessment Report

TNC – Trade Negotiations Committee

TPRB - Trade Policy Review Body

TRIPs - trade-related aspects of intellectual property rights

UNEP - United Nations Environmental Program

UNFCCC - *United Nations Framework Convention on Climate Change*

UNGA – United Nations General Assembly

UPR – Universal Periodic Review

WMO - World Meteorological Organization

WTO – World Trade Organization

CHAPTER 1

Introduction:

Level-Linkage in International Cooperation

1.1 Summary

Cooperation at both the bilateral and the multilateral level are elements which are commonly integrated into the framework of a bilateral relationship. When the parties of an international regime meet in the multilateral arena, they already have pre-established relations with most of the players. This connection, however, does not necessarily imply a correlation between the two levels. As this thesis will reveal, the development of cooperation at the bilateral and the multilateral level can occur in isolation. One level may not necessarily have an impact on the other.

Despite the fact that most bilateral relationships are defined by “multilevel” cooperation, mainstream literature on international cooperation fails to provide a systematic account of this. The literature on coalitions predominantly addresses the multilateral arena, missing the consistent link between the bilateral and multilateral levels. Academic research addressing the bilateralism vs. multilateralism debate does provide interesting insights into the characteristics of the two modalities of cooperation and how they can be interrelated. The problem, however, is that these analyses consider bilateralism and multilateralism as two separated, often competing, *forms* of cooperation and not as *levels* of a bilateral relationship. Thus, the existing literature on types of agreement fails to provide insights useful to understand the dynamics of a relationship between two actors. Emerging literature on EU strategic partnerships tend to analyse EU relations with third countries considering in from a “multi-level” perspective. However, as this section later explains, these researches explain the linkage between dialogue at the bilateral level and bilateral cooperation at the multilateral level and the multilateral essentially from the compatibility of the partners’ agendas. As this thesis reveals, this type of approach over simplify the issue, ignoring other important factors that are crucial in shaping the outcome of the dynamics between different levels of cooperation. Addressing these gaps in the

literature, this thesis develops an analytical framework for better understanding the conditions and processes by which the development of dialogue at the bilateral level for cooperation at the multilateral arena (DBLCM) affects bilateral cooperation at the multilateral level (BCML) within the context of a particular bilateral relationship. I postulate the concept of level-linkage, defined as *the correlation between two or more levels of cooperation in the framework of a particular relationship*. Focusing on the appraisal of the impact of the bilateral level on the multilateral level of cooperation, this research argues that level-linkage is determined by a set of four intervening variables that underpin the four hypotheses. These are: (a) the type of regime; (b) the compatibility of the actors' approaches to multilateral cooperation; (c) their respective foreign policy-making processes; and (d) their respective preferences for partners in the multilateral arena.

The proposed framework is empirically tested in the case of relations between the European Union (EU) and Brazil. In 2007, the two actors agreed on a Strategic Partnership to enhance their relationship at all levels. Nevertheless, as this thesis shows, the EU and Brazil have not succeeded in projecting this bilateral partnership onto the multilateral arena. The unsuccessful strategy of the two actors to link the development of their cooperation on two different levels (bilateral and multilateral) constitutes the puzzle addressed by this thesis. Arguing that the nature of this process may vary across different issue areas, this thesis assesses level-linkage in three policy-areas: climate change, trade, and human rights. The methodology adopts a qualitative approach that combines the use of case-studies, process tracing and comparative method of analysis.

Although international cooperation is a topic broadly addressed by diverse theoretical approaches, most systematic analysis of the correlation between modalities of cooperation is grounded in rational institutionalism. Moreover, research on this topic focuses predominantly on trade and economic issues. Against this backdrop, rational institutionalist concepts and tools provide reference points for the development of the analytical framework used in this research. Yet, the concept of level-linkage, having been formulated to address this puzzle, intentionally draws on an eclectic theoretical framework. The result is an analytical tool that allows for an understanding of the interrelation between the bilateral level and the multilateral

level of EU-Brazil cooperation, and that can be equally applied to different issue-areas.

This thesis aspires to bring three main contributions to the literature. Firstly, it aims to contribute to the International Relations scholarship on international cooperation by developing a new approach to understanding the correlation between levels of cooperation. The analytical approach adopted here is innovative in adopting both agents and issues as units of analysis. Another important addition is the focus on the linkage between two levels of cooperation within a particular bilateral relationship. Secondly, the original account of EU-Brazil cooperation on climate change, trade and human rights adds value to studies of cooperation within these particular fields, providing new insights into the engagement of these two important actors within the three international regimes. Thirdly, this thesis contributes towards enhancing the profile of the EU-Brazil bilateral relationship in the fields of European Studies and International Relations.

This chapter introduces level-linkage in international cooperation. The first part presents an overview of the literature on international cooperation, with emphasis on the academic research on bilateralism and multilateralism. Section two defines the puzzle prompting the research question of this thesis and elaborates on the concept of level-linkage. It also defines the units of analysis, explains the hypotheses and justifies the case selection. The third section addresses the methods and methodology used. The operationalisation is explained in the fourth section. The last part of the chapter maps out the sources of information accessed.

1.2 Setting the Scene: Addressing International Cooperation

1.2.1 Defining Cooperation and its reasons

The dramatic increase in cooperative arrangements among states in the 1970s sparked a greater interest in the study of cooperation in academia. A systemic level of analysis prevailed in the literature on international cooperation in the following

decades (Milner, 1992: 466-467). As this chapter shows, this approach is still largely employed by mainstream scholarship. As becomes clear in the literature addressed below, most researchers adopt an ‘outside-in’ perspective, positing that the behaviour of states is essentially shaped in accordance to the characteristics of the international system and the position these actors occupy within this system.¹

Elaborating on this perspective, Robert Keohane argues that “cooperation occurs when actors adjust their behaviour to the actual or anticipated preferences of the others, through a process of policy coordination” (Keohane, 1984: 51).² This definition has been widely accepted by scholars and it is with this in mind that the literature explains the conditions under which cooperation occurs (Milner 1992: 467).³

This account of cooperation is grounded in three fundamental theoretical assumptions. The first, the notion that actors need to adjust their behaviour, implies a lack of harmony within the international system. Cooperation takes place in a context in which the interests of the parties are originally in conflict, but can be mutually complementary (Keohane and Axelrod, 1985: 226).

However, as Kenneth Oye claims, there are gaps in this approach. Firstly, there are situations in which conflict is the result of mutual preferences of the actors. That is to say, if two players seek contrasting goals and have the freedom to pursue their objectives, there would be no reason for them to cooperate. Secondly, even if the players focus primarily on self-interests and demonstrate no interest in cooperation, their interests can be naturally compatible. Mutual gains would then occur without the need to forge a formal cooperation (Oye 1985: 6).

The second theoretical assumption entailed by Keohane’s classic definition of cooperation is the rational perception that cooperation occurs when it offers potential gains for the parties. Furthermore, the statement that actors “anticipate

¹The appraisal of systematic interaction between actors is commonly cast in terms of game theory models that can
²Drawing on Keohane’s concept, Grieco (1990:22) points out the elements that characterise cooperation. First, it needs to be voluntary, and the states should be entitled to choose not to cooperate. Secondly, there must be a minimum of one common objective around which states’ interests converge. Thirdly, cooperation comprises a long-term engagement between two or more partners, and not a single interaction between isolated actors.

³ Despite this consensual view, Robert Keohane himself emphasises that cooperation “is a contested concept” (Keohane 1988: 360).

preferences of the others” suggests that actors cooperate whilst being primarily motivated by self-interests. The promotion of a public good or a concern with assisting the other party can also be considered as drivers of cooperation, but they are secondary reasons (Milner 1992: 468). The third assumption is the argument that international actors are not completely autonomous and independent. On the contrary, the current international order is characterised by a high level of interdependence that binds actors together, hence the importance of a process of policy coordination.⁴ Under this liberal approach, states are perceived of as rational actors, with rigid interests and identities, and the drivers for cooperation are essentially material gains.

Constructivists tend to disagree, arguing that interests and identities are shaped by factors such as the role of non-state actors, transnational norms and ideas. From this perspective, constructivists posit: “cooperation comprises iterated processes which continue beyond initial agreements and result in the complex and enduring governance orders and potential social change” (O’Neill et. al.2004: 151). Their emphasis on norms and ideas does not deny the importance of power and interests in explaining an actor’s behaviour within the international system. Yet, as Alexander Wendt claims, in opposition to “materialists”, “idealists” (or constructivists) believe that power and interest are constituted more by ideas than by material forces (Wendt 1999:135).

The debate on the factors prompting actors to cooperate is broad and complex, but for the purpose of this thesis it is sufficient to consider both material and cognitive variables as drivers of cooperation. In addressing EU-Brazil cooperation, this thesis incorporates both elements into its analysis.

⁴The notion of interdependence, understood as “both a process and a condition”, is a key element of the systemic level of analysis (Sterling-Folker: 2002: 38). In *Power and Interdependence* Keohane and Nye (2001:7-8) further develop the idea, claiming that interdependence means mutual dependence connected by reciprocal costs and benefits for the parties. However, as the authors emphasise, being interdependent does not imply that cooperation is inevitable, as interdependence can occur in a context of mutual threat. Yet, if reciprocal benefits are not an essential feature of interdependence, there are always costs involved. These costs can be imposed by the other party or can be necessary in order to ensure the maintenance of the system. Another important characteristic of interdependence is that it entails a loss of autonomy.

Cognitive elements and material interests may determine the internal forces that prompt actors to cooperate. Yet in order to analyse cooperation (or its absence), it is also important to pay attention to the external environment within which it takes place. Three contextual aspects may influence an actor's decision to cooperate or to defect: (a) payoff structure; (b) the shadow of the future; and (c) the number of actors (Axelrod & Keohane 1985: 228-235, Oye 1985: 3-4).

“Payoff structure” refers to the compatibility of the actors' interests. As Robert Keohane and Robert Axelrod explain, when there are shared interests, or a balanced exchange of possible gains, cooperative outcomes are more likely to occur. Yet, whereas the pay-off structure is often shaped by external factors, the mutuality of interests established by this structure depends on subjective factors, such as the perception actors have of their own interests. Interestingly, cognitive elements are also taken into account by this analytical framework, as shifts in perceptions of interests and preferences are considered to impact on possible pay-off structures (Keohane 1985: 228-229).

The “shadow of the future” relates to the perception of cooperation as either an isolated event or a repetitive game. Within this line of thought, the expectation (or absence thereof) of future interactions between the same players influences the likelihood that they will cooperate. In the absence of an authority which might enforce an agreement, cooperation is more vulnerable to infringement if it occurs in isolation. Conversely, cooperation is more likely to occur when actors perceive their engagement as being part of a broader and interactive game. By adopting strategies of reciprocity, or conditionality, international actors can establish a direct link between existing and expected cooperation. Influencing the conditions that encourage cooperation is another strategy by which to increase the prospects of a more durable process. The instruments used for this purpose include the clarifying of norms and conditions of an agreement, the setting up of strong mechanisms of surveillance and enforcement, and the linking of contents of one agreement to cooperation in another area. Yet, if the “shadow of the future” is helpful for elucidating perspectives on future cooperation, it is restricted by several conditions. Firstly, it assumes that actors are interested in further and deeper cooperation with each other, and that they attribute great importance to their future cooperation. Secondly, the unexpected outcome of a particular case of cooperation can alter the

pay-off structure of future interactions. Therefore, the “shadow of the future” accounts for the pattern of cooperation only when future outcomes are somewhat predictable (Oye 1985: 12-17).

The “number of players” argument considers that the likelihood of cooperation depends on the number of actors engaging in that process, as well as on the relationship between these actors (Axelrod & Keohane 1985: 234). This argument is grounded in the assumption that the prospects for cooperation diminish as the number of players increases. There are three main reasons for this. Firstly, identifying mutual benefits that justify the choice for cooperation is a more complex exercise when there are more actors involved. Secondly, larger membership of multilateral arrangements entails higher transaction costs and raises more concerns over issues of compliance and defection. Thirdly, the strategic use of reciprocity to assure compliance is riskier, as there are more possibilities for points of rupture to emerge within the cooperative arrangement. The greater the number of players, and the greater the risk of one actor defecting, the more likely it is that other parties will lose confidence in cooperation and opt to free-ride (Oye 1985: 19-20).

The rationale behind the “number of player” view may lead to the assumption that cooperation works better with a small number of players. Yet, Kenneth Oye advocates the advantages of multilateralism, claiming that this mode of cooperation can generate more gains than bilateral or regional cooperation. Moreover, states can create mechanisms, such as international regimes, with which to overcome the uncertainties associated with multilateral cooperation (Oye 1985: 20-21). Further elaborating upon these arguments, Helen Milner claims that, when there are more players involved in cooperation, there are more opportunities for side payments to take place. The achievement of relative gains is also facilitated by an increase in the number of players, essentially because interacting with more actors enhances the likelihood of one party benefitting from the offer of at least another actor. Additionally, the number of actors is neither a structural nor an absolute condition. In many multilateral negotiations the parties tend to join coalitions representing the interests of several players through a common position. That being the case, the number of players tends to be smaller than the number of the parties formally engaged in cooperation, as it can be largely defined in terms of these negotiation groups (Milner 1992: 473-474).

Breaking up cooperation into a three-element structure (pay-off, shadow of the future, and number of players) makes it possible to better understand the external factors that influence an actor's decision to engage in a cooperative scheme. To a certain extent, the assumptions underlying these three elements can be applied in the understanding of level-linkage. This thesis argues that the level-linkage process is affected principally by the compatibility of the parties (pay-off) and the preferences for partners in the multilateral arena (influenced by "the number of players"). Also, to a certain extent, level-linkage can be understood as a measure used to minimise the "shadow of the future". These arguments are discussed again in the next section, when level-linkage is explained.

The understanding of cooperation as a process of policy coordination leaves room for wide interpretation of the different forms that cooperation can take. The literature addresses this issue from two different angles, focusing on either the process or the number of players engaged in cooperation.

Taking processes as the unit of analysis, Helen Milner proposes a typology of modalities of cooperation that distinguishes between tacit, negotiated and imposed forms of cooperation. Tacit cooperation occurs in the absence of any form of institutionalisation or agreement, resulting from a convergence of expectations. Negotiated cooperation is explicit and therefore easier to identify. Cooperation can alternatively be *imposed*, when the most powerful actor induces or even enforces other parties to change their policy (Milner 1992:469).⁵

Another method of interpreting different forms of cooperation adopts the number of actors as the unit of analysis. Since the early 1990s, there has been a significant amount of theoretical and empirical work on cooperation that addresses bilateral, regional and multilateral forms of cooperation (Krugman 1989; Keohane 1990; Ruggie 1992, 1993; Hurrell 1995). Attempts to define and distinguish between these forms of cooperation tend to underestimate the complexity of the issue. Taking multilateralism as a reference point for analysis, the literature fails to provide a definition of bilateralism. As Rixen and Rohlfing stress, "cooperation theory has as

⁵ Helen Milner's typology draws on Oran Young's work, in which international regimes are classified as (a) self-generated or spontaneous arrangements; (b) negotiated institutional arrangements; or (c) imposed arrangements (Young 1989: 84-88).

inherent analytical bias towards multilateralism and generally disregards the antipode to this institutional form, namely bilateralism” (2007: 390).

From this perspective, Robert Keohane defines multilateralism as “the practice of coordinating national policies in groups of three or more states, through ad hoc arrangements or by means of institutions” (Keohane 1990: 731). By default, this definition implies that bilateralism can be understood as coordination between two players. As Richard Samuels describes, bilateralism is a “foreign policy strategy in which a sovereign state chooses to pursue its international interests and goals in concert with one other sovereign state” (Samuels 2005: 72). In negotiated cooperation, policy coordination is normally formalised through the conclusion of an agreement. From an international law perspective, Gabrielle Blum claims that, whereas bilateral agreements are exclusively between two parties without the possibility of including more players, multilateral agreements “invite the international community at large to join them, and thus, at least in aspiration, aim at universal participation” (Blum 2008: 329).

This notion of universality alludes to the idea that multilateralism is more inclusive and, therefore, a strategy which is capable of delivering greater public good. In this sense, the number of parties is not the only factor taken into account in order to define multilateralism. As John Ruggie writes, “what distinguishes the multilateral form from other forms is that it coordinates behaviour among three or more states, on the basis of principles of conduct” (Ruggie 1992: 574). Implicit in this statement is the notion that other forms of cooperation lack these principles. Moreover, it suggests an inclination towards favouring multilateralism over other strategies.

These principles of conduct have largely been addressed by the literature. Reciprocity, non-discrimination and indivisibility are commonly evoked as the characteristics of multilateralism that make it an appealing strategy of cooperation (Ruggie 1992: 571; Bagwell and Staiger 1998: 1162). Conversely, bilateralism is by nature discriminatory and exclusive (Ruggie 1992:571-572).

Differences between bilateralism and multilateralism go beyond issues of membership. Multilateralism provides more long-term benefits than bilateralism, in exchange for some loss of flexibility in decision-making. It creates a stable forum for

cooperation and increases stability, all with lower-transaction costs. Additionally, the inclusion of a large number of members reduces the risk that disagreements may pose to the maintaining of cooperation. If bilateral agreements can be easily terminated by a conflict of interests between the parties, in multilateral agreements these differences are more likely to be accommodated for (Martin 1992: 783-786).⁶ On the other hand, bilateral agreements tend to be more durable, as they are more likely to satisfy the interests of all parties, but also because there is more control over possible infringements; retaliation measures are more easily enforced. Consequently, bilateral cooperation tends to be more credible than multilateral schemes, as they run less risk of defection (Boun My et al. 2009: 908).

As this thesis argues, actors can strategically opt for more than one form of cooperation with which to frame their relationship. This is clearly the case in the EU-Brazil relationship. The strategy of developing cooperation on many parallel levels suggests that the EU and Brazil consider the interaction between multilateralism and bilateralism as positively impacting on the overall framework of their relations. Consequently, in the case at hand, bilateralism and multilateralism are complementary strategies. But how does the literature treat the correlation between these two forms of cooperation?

1.2.2 Does bilateralism help or hinder multilateralism?

The impact of bilateralism on multilateralism is an open question within the literature. Most empirical work on the compatibility of different instruments of cooperation focuses on trade issues, in particular on regionalism and preferential trade agreements (PTAs). Moreover, the existing literature addresses bilateralism and multilateralism as modalities of agreements, not as levels of cooperation within the framework of a specific bilateral relationship.

⁶ The characteristics of multilateralism are discussed in further detail in this chapter, when the conceptual and theoretical tools of this thesis are presented.

In this sense, discussion on the effects of preferential agreements and their compatibility with multilateralism dates back to Jacob Viner's pioneering work entitled *The Customs Union Issue* (1950). Analysing the world trading system, Viner articulates a distinction between trade diversion and trade creation. According to the author, a union creates trade when the low-cost of production in one country replaces the high-cost production of a partner. In this case, welfare is promoted for those involved and, generally speaking, for the world. However, when a customs union replaces cheaper supply from a non-member country with more expensive products from a state that is party to the agreement, the result is a trade diversion (Lahiri, 1998: 1126).

In the 1980s, the stagnation of trade liberalisation under the multilateral structure of the General Agreement on Tariffs and Trade (GATT), and the beginning of a second wave of regionalism sparked a renewed debate over the two modalities of cooperation. Adding to this discussion, Paul Krugman asked: *is bilateralism bad?* Exploring this question, he came to the conclusion that "*it might be*". Whether or not bilateralism (or regionalism) has a negative impact on world welfares is determined by the consequences it has on states that are not part of the agreement. (Krugman 1989:21).

Another important contribution to the understanding of the relationship between preferential agreements (bilateral or regional) and multilateralism is the work of Jagdish Bhagwati (1991, 1993). Criticising Viner's approach as being static, and focusing on the immediate effect of a PTA, Bhagwati (1991:77) asserts that PTAs could be either "building blocks" or "stumbling blocks" on the way to multilateral cooperation, an argument that has dominated the debate on bilateralism vs. multilateralism.

In a similar vein, Lisa Martin advocates that bilateralism be used as an intermediate stage to achieve multilateralism (Martin 1992). According to her, this strategy consists of forging bilateral agreements and, once norms are agreed upon, converting these agreements into those of a multilateral nature, whilst incorporating new partners. This has been the process adopted on many occasions in order to promote multilateral cooperation on issues where interests conflict, such as trade, and has provided a potential answer to the problem of collaboration. Addressing this

problem, Thomas Wright declares: “states should work to convert their strongest bilateral relationships into multilateral arrangements” (Wright 2009: 164).

In exploring this aspect of open membership under what he calls the “dynamic of the time-path question”, Bhagwati explains that, in order to allow for further expansion, a customs union needs certain incentive structures in place. The most important components of this structure are political, and not economic, incentives (Bhagwati 1993: 38). In this sense, PTAs can create an interaction between different levels of diplomatic cooperation, stimulating multilateral engagement. However, the impact of bilateralism on multilateralism can move in the opposite direction. Depending on the case, PTAs might undermine incentives for a multilateral scheme of cooperation. This outcome is most likely to occur during negotiations on sensitive issues, such as trade in some agriculture goods (Heydon and Woolcock 2009).

The literature presented suggests that there is no consensus amongst International Relations scholars as to an answer to the “help or hinder” dilemma. Yet, as stressed in the outset of this section, theoretical and empirical analyses of this issue address bilateralism and multilateralism as different/opposing modalities of cooperation. Thus, by focusing on type of agreements, the existing literature on international cooperation that addresses the bilateralism vs. multilateralism debate explores a different question than the one proposed by this thesis. The inadequacy of the applicability of these arguments to the study of the correlation between levels of cooperation *within* the framework of bilateral relationships reveals a gap in the literature.

1.2.3 Bilateralism *for* Multilateralism: A Foreign Policy Strategy

Despite the lack of consensus amongst scholars on the linkage between the two levels of cooperation, at the policy level this correlation is not questioned at same degree. Policy-makers tend to assume that the linkage between bilateralism and multilateralism not only exists, but can be strategically manipulated. The EU policy of forging bilateral “strategic partnerships” with key global players to promote

“effective multilateralism” is great example of a foreign policy grounded on the idea of level-linkage.

As Thomas Renard points out, although the EU first used the expression “strategic partner” when defining its relationship with Russia in the late 1990s, the idea of “strategic partnerships” on the way they are currently conceive was developed as a core pillar of the 2003 European Security Strategy – ESS (Renard 2010: 7- 9).

Adopted by the European Council in December 2003, the ESS can be considered as the first comprehensive document to outline specific areas for EU external action, breaking the almost exclusive power of EU member states on the security dimension of the EU foreign policy (Biscop 2005: 15).

Identifying a changing security environment, the ESS proposes three strategies to effectively address new security treats: a) enhance internal capability; b) strengthen cooperation with the neighbourhood; and c) promote partnership for effective multilateralism. It is then on this third recommendation that the pursuit of special relations with a range of “key global actors” is introduced as a central element of the ESS. Elaborating on the potential scope of these “strategic partnerships”, the EU evoked the US as “the key partner for Europe”. Nevertheless, the document also praised enhanced cooperation with Brazil, Canada, Japan, Norway, South Africa and Switzerland, pointing out the prospects for the strengthening of EU-India bilateral cooperation (Council of the European Union 2003).⁷

Linking “strategic partnerships” with the pursuit of “effective multilateralism” suggests that the ultimate goal of the strengthening of bilateral relations with third parties is not the enhancement of dialogue at the bilateral level, but the projection of these partnerships at the multilateral arena. As the EES states,

⁷ For more on the ESS see Duke (2004), Kammel and Algieri (2009) and Solana (2004).

there are few if any problems we [the EU] can deal with on our own. The threats described above are common threats, shared with all our closest partners. International cooperation is a necessity. We need to pursue our objectives both through multilateral cooperation in international organisations and through partnerships with key actors (Council of the European Union 2003).

Thus, bilateralism is considered as an element of the EU's approach towards multilateralism, a policy strategy that matches the concept of level-linkage explored in this thesis.

As a “strategy”, the ESS offers a “vision” of EU external actions, but intentionally omits the instruments that assure its implementation. Thus, the execution of the recommendations outlined in the ESS requires the adoption of specific policies. Although there is no EU guideline on how to pursue strategic partnerships, the EU has adopted a rather standardised process to reframe of its bilateral ties with “rising powers”. As Renard explains, following the adoption of the ESS, the European Commission drafted various “Communications from the Commission to the Council and the Parliament” stressing the relevance of bilateral relations with specific countries. Following internal debate triggered by the launching of internal communications, the establishment of strategic partnerships are formalised through the adoption of “Joint Statements” issued in the conclusion of high-level bilateral summits between the EU and “key actors”. “Joint Action Plans” often follow these statements, formalising the terms of new bilateral partnership (Renard 2011: 10).

By the end 2011 the EU had established strategic partnerships with ten countries. Namely with: Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa, South Korea and the United States.

The variety of this “selective group” suggests the complexity behind the idea of “strategic partnerships” and has awakened great interest amongst academics, but, above all, amongst policy analysis. The body of the literature on EU strategic partnership can be broadly divided into two approaches. The first way to analyse this issue is looking at the political feasibility and implications of this strategy to EU foreign policy, broadly speaking. Balfour (2010) Biscop, Grevi (2008), Gratius (2011), Husar et. al. (2010), Renard (2011, 2012), Renard and Biscop (2012), have all

contributed extensively to this literature. Another approach is country-studies, exploring EU's partnership with specific partners. Namely, EU partnership with China (Rees 2009 Sautenet 2007, Taneja 2010, Vogt 2012), Russia (Haukkala 2010, Krozser 2012, Lavrov 2013, Lynch), Africa (Mangala 2013), India (Bava 2010, Jain 2007, Sachdeva 2008), and Mexico (Franco Hijuelos 2010). Brazil has also been at the core of the debate on EU strategic partnership (Emerson et al. 2013, Gratius 2012, Grevi & Renard 2012, Grevi & Vasconcelos 2008, Poletti 2007, Ribeiro-Hoffmann 2007, Whitman & Rodt 2012, Znojek 2012).

In common, these analyses are all very critical on their assessment of the success of EU strategic partnerships to project eventual enhanced bilateral relations to the multilateral level. Moreover, the literature above mentioned on specific partners adopts a similar analytical approach to the question of the future of the partnerships with the EU, focusing on the limited compatibility of agendas between these countries and the EU.

Renard developed a comprehensive analysis of "the lack of strategy behind the partnerships". Analysing EU policy on the strategic partnership, and the content of these arrangements with the ten EU partners, Renard identifies four core problems with strategic partnerships. These are: a) not all partners are strategic on the same degree; b) the agenda of cooperation in global issues is limited to some areas; c) strategic partnerships have not had a significant impact on the framework of bilateral cooperation with the EU not at the EU institutional organisation; and d) the EU is not always perceived as a strong international actor, an element that impacts on the interest of its partners in projecting a partnership to the multilateral arena (Renard 2010: 21-31).

Overall, despite the various approaches to analyse strategic partnership, the literature on this topic addresses the compatibility between bilateralism and multilateralism from a foreign policy perspective. Adopting "agents" as unit of analysis, they link the bilateral level with the multilateral level of cooperation depends essentially on the political choice of the two partners. This approach is in clear contrast with the focus on "issues" and on type of agreement adopted by the scholarship on international cooperation. There is then a mismatch between policy-

oriented and academic research addressing the correlation between two levels of cooperation.

Against this literary backdrop, the next section identifies the two puzzles addressed in this research.

1.3 Analytical Framework

1.3.1 Mind the “Gap”: Identifying the Puzzles

Mainstream literature on international cooperation is grounded in the assumption that there is an almost unavoidable correlation between bilateralism and multilateralism. Analyses predominantly address the *quality* of this linkage.. Another characteristic of the literature reviewed is its fragmentation of analysis in terms of issue-areas studied, with a focus on issues and regimes, rather than on the agents involved in the process of cooperation. There is, as such, an assumption of a “natural” linkage between levels of cooperation. This assumption is also shared by the literature on strategic partnerships that considers the problem of the correlation between bilateral and multilateral levels of cooperation as a matter of foreign policy choice.

Applying these theoretical assumptions to the study of EU-Brazil relations, it would be assumed that the processes of their cooperation at the bilateral and the multilateral levels would be linked, with one impacting on the other. Yet, contradicting the mainstream literature, this thesis reveals that there is no *spillover* from enhanced EU-Brazil dialogue at the bilateral level for cooperation at the multilateral arena (DBLCM) to their bilateral cooperation at the multilateral level(BCML). *This mismatch between theory and empirical findings is the first puzzle identified and addressed by this research.*

Beyond theory, the EU and Brazil embraced the argument that developments in one level of cooperation can actually have an impact on cooperation at other levels. Forging a Strategic Partnership in 2007, the two actors decided to promote

this positive linkage. In other words, they induced bilateralism in order *to foster* multilateralism. Ever since, the two partners have employed significant political capital to project enhanced DBLCM into the multilateral arena, applying this strategy to a wide range of issues, including climate change, trade, and human rights.

As the next section explains in detail, this thesis works with the assumption that the linkage (or its absence) between levels of cooperation is not a permanent, fixed, condition. International actors can indeed influence this process, but not determine it entirely. Thus, the EU and Brazil could, in theory, manipulate some of the variables that shape the impact of DBLCM on BCML. *Nevertheless, despite all efforts, the EU and Brazil have failed to link the development of their cooperation on both levels in the three cases analysed. The failure of this strategy represents the second puzzle addressed by this thesis.*

The theoretical and policy puzzles raised prompt the research question answered by this thesis:

Why the EU and Brazil were not able to use their dialogue at the bilateral level as a platform to enhance their cooperation at the multilateral arena? In other words, how can this lack of level-linkage be explained?

1.3.2 Addressing the Gap: Introducing Level-Linkage to International Cooperation

Given the drawbacks of current approaches in explaining the interplay between the different levels of cooperation, in this thesis I propose and use a new concept: **level – linkage**. Simply put, *level–linkage refers to the correlation between two or more levels of cooperation within the framework of a particular relationship.*

The rationale behind this concept is grounded in four assumptions. Firstly, *the departure point for the analysis should be the scrutiny of the question of whether or not there is a correlation between bilateralism and multilateralism.* The relevance of the assessment of the quality of this linkage depends on the answer to the first problematic.

Secondly, *the outcome of this linkage varies according to the agents engaged in the process*. The reason for this is that, when international actors engage at the multilateral level, they have pre-established bilateral ties with a large number of parties. Given this scenario, this thesis claims that the interaction between these players in the multilateral arena is influenced by the degree of priority invested in a given bilateral relationship. Consequently, the linkage between levels of cooperation depends on who the agents are and how their relationship is framed.

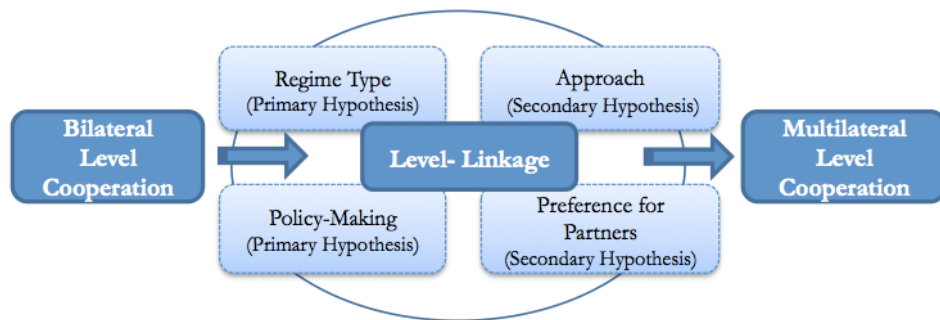
Thirdly, *level-linkage varies according to the issue at stake*. Nevertheless, as bilateral relationships normally encompass a wide range of issues, *the appraisal of level-linkage across different areas must be developed under the same analytical framework*. This approach allows for cross-case comparisons and provides a comprehensive understanding of the correlation between levels of cooperation within the framework of bilateral relations.

Fourthly, although the process of level-linkage can develop in any direction (i.e. any level of cooperation can influence any other level), *this thesis explores one particular direction of correlation: the impact of the bilateral level (BL) on the multilateral level (ML)*. The choice to analyse this particular level-linkage is grounded in theoretical and policy reasons. Firstly, as presented in the section above, the literature on bilateralism vs. multilateralism investigates the impact of the first on the latter. As this research aims to address the gaps in this academic debate, it should explore the same units and levels of analysis. Secondly, as chapter two explains in detail, EU-Brazil relations have recently been framed in terms of a Strategic Partnership that aims at cooperation *spilling over* from the bilateral to the multilateral level.

Based on four premises, this thesis argues that level-linkage occurs *when there is a correlation* between the two levels of cooperation, so that changes on one level impact on the other. Conversely, a lack of level-linkage implies that cooperation at the two levels has developed in isolation from each other. The analytical framework I propose for the assessment of level-linkage claims that linkage between the development of cooperation at the bilateral and the multilateral levels depends on four elements: (a) regime type; (b) compatibility of approaches; (c) foreign policy-making processes; and (d) preferences for partners. This process can

be summarised as follows:

Figure 1 Level-Linkage



Drawing on this analytical framework, a set of hypotheses is formulated and applied to the analysis of level-linkage in EU-Brazil cooperation on climate change, trade and human rights conducted by this thesis. As exposed in the figure above, the four hypotheses are divided into two categories: primary and secondary. This classification follows the different degrees of impact and relevance of each of these hypotheses in the process of level-linkage, as demonstrated in the three case studies addressed by the thesis.

The four hypotheses are:

H1 (Primary Hypothesis) - “Regime Type”-*The greater the openness of a regime to influences from other levels of cooperation, the more likely level-linkage is to occur.*

This hypothesis is grounded in the idea that the degree to which the bilateral level of cooperation can be employed as a platform for facilitating the enhancement of cooperation between two partners at the multilateral level depends on the type of international regime in which they are operating. Arguably, international regimes with a higher level of institutionalisation and more complex sets of rules and procedures are less prone to being influenced by other levels of cooperation. The main reason for this is that such regimes have very specific dynamics of negotiations and practices. These tend to isolate the process of developing multilateral cooperation within their domain from that of development on other levels.

H2 (Secondary Hypothesis) - “Compatibility of Approaches”-*The greater the compatibility of approaches of the EU and Brazil at the multilateral level, the greater the incentives and the prospects for level-linkage.*

As presented in the discussion of the literature, international actors engage in cooperation when motivated by the opportunity to enhance relative gains and promote their interests in the international arena. The promotion of a *spillover* of DBLCM to the multilateral level depends on the extent to which actors have similar approaches within the multilateral arena, both in terms of their views as to the structure and scope of an international regime and their agendas in multilateral negotiations.

H3 (Primary Hypothesis) - “Foreign Policy-Making”-*The more integrated the foreign policy-making processes of the two actors’ bilateral and multilateral policies, the more likely level-linkage is to occur.*

Considering foreign policy agencies as “procedural organizations” with strong bureaucratic structures (Wilson 1989:164), this hypothesis is grounded in the argument that the potential for enhanced cooperation on multilateral issues at the bilateral level to strengthen the engagement between the two actors within the multilateral arena is constrained by the degree to which policy-making processes addressing each of the two levels are coordinated.

The ideal institutional arrangement for positive level-linkage sees decision-making on bilateral and multilateral policies integrated within the same organisation, operationalised by the same agents. Moreover, in this perfect scenario, there would be no hierarchical treatment given to the agenda of the two levels; bilateral relations and multilateral negotiations would be equally important to policy makers. In practice, however, policy-making processes for each of the two levels tend to be fragmented and the agents handling bilateral relations are not the same responsible for an actor’s engagement in the multilateral arena. As the thesis argues, understanding the policy-making process of each actor makes it possible to identify the institutional setting that may limit or enhance the prospects of level-linkage.

H4 (Secondary Hypothesis) - “Preference for Partners” –*Level-linkage occurs if the EU and Brazil also consider each other to be preferential partners at the multilateral level.*

Giving preference to a certain partner does not necessarily imply the exclusivity of that bilateral alliance, as the two actors might still either engage in the same negotiation group or form coalitions with other parties. If the two actors join different groups in negotiations or act unilaterally, they would create an obstacle for linkage between their two levels of cooperation, undermining the prospects of a cooperative *spillover* from the bilateral to the multilateral level. It is important to clarify that, whereas the compatibility of approaches can be tacit or indirect, the preference for partners is defined by the same criteria John Odell adopts for coalitions, i.e. when actors *explicitly* decide to adopt a common position in negotiations (Odell 2006: 13).

This thesis considers that there are two possible outcomes of the impact of each of the four variables (presented in the form of the hypotheses) on level-linkage: (a) impact or (b) no impact. Simply put, the first outcome implies that the variable at stake (i.e., regime type, approach, policy-making, or preference for partners) plays a role in the level-linkage process, helping or hindering the correlation between the two levels of cooperation. The second outcome is obtained when the variable does not interfere with level-linkage at all.

The dependent variable is level-linkage (the impact of Dialogue at the bilateral level for cooperation at the multilateral arena on multilateral level cooperation) and the independent variables are: (a) regime type; (b) compatibility of approaches; (c) foreign policy-making processes; and (d) preference for partners.⁸

The proposed analytical framework is applied to the assessment of level-linkage on EU-Brazil cooperation on climate change, trade, and human rights and answers the research question leading this thesis: ***Why the EU and Brazil were not able to use their dialogue at the bilateral level as a platform to enhance their cooperation at the multilateral arena? In other words, how can this lack of level-linkage be explained?***

⁸The operationalisation of these variables is explained in detail in the section that follows later in this chapter.

1.3.3 Theoretical and Conceptual Tools

The four hypotheses that underpin the concept of level-linkage are grounded on a plurality of theoretical and conceptual elements. This section presented the main “conceptual tools” applied to each hypothesis.

Regime Type (Hypothesis 1- Primary)

In 1982 Krasner coined what is often referred as the consensus definition of international regimes (Diez et. al. 2011: 115), understood as “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations” (Krasner 1982:186). Principles are defined as beliefs, thus a subjective term. Norms, on the other hand, are more objective, considered “as standards of behaviour defined in terms of rights and obligations”. Considered as central characteristics of a regime, when principles and norms change there is a *shift of regime*. Rules prescribe actions and decision-making establishes the process for the implementation of pre-established norms and principles; changes in rules and decision-making are *shifts within a regime* (Krasner 1982: 187-188).

This distinction is important for the analysis of level-linkage because any dissimilarity in terms of the understanding between the EU and Brazil of the norms and principles of a regime suggest that the two actors have different conceptions of regime for an issue-area. In the absence of agreement on how to conceive of a regime, the prospects of an enhancement of the EU-Brazil BCML are not very likely, even if their cooperation strengthens at the bilateral level.

Although academics tend to agree with Krasner's definition, the analysis of international regimes does not follow a single and linear approach. Different schools of thought analyse regimes through a plurality of lenses. Exploring how the literature in international relations addresses the question of the relevance of international regimes, Krasner identifies three approaches to the issue. The first, “conventional structural view”, is grounded on realism and questions the existence of regimes,

considering that they claim the importance of power as the key driver to the organisation of international relations. Regimes, when acknowledged, are treated as epiphenomenal. “Modified structural views”, the second approach, perceive regimes as mechanisms to coordinate the behaviour of international actors, ultimately promoting concrete (material) gains within an issue-area, in line with rational institutionalism theory. Contrasting with the two structural views, “Grotian perspectives” place great emphasis on the relevance of regimes. Claiming that they are inherent parts of the international system, regimes are a characteristic not only of inter-state relations but of human interactions as well (Krasner 1992: 190-194). On a similar note, Hasenclever *et al.* (1997: 1-2) present three approaches to the analysis of the relevance of international regimes, associating each of them to a school of thought. “Power-based” approach relates to realism, “interest-based approach” can be linked to neoliberalism, whereas “knowledge based approaches” are grounded on cognitive theories (Hasenclever *et al.* 1997: 1-2).⁹

The analytical depth of these different approaches is however limited by the lack of precision in Krasner’s formulation. Thus, the academic literature on international regimes presents an interesting paradox. While there is a consensus and widespread use of the definition coined by Krasner (1982), scholars equally criticise his conceptualisation (Haggard and Simmons 1987, Kratochwil and Ruggie 1986, Milner 1993). There were few attempts to refine the concept, still employed by the literature, but at the end of the 1980s scholars began to refer to “regimes” as “institutions” (Simmons and Martin 2001:194) without further problematisation,¹⁰ probably because “even strong proponents of the [regime] concept admit[ted] the difficulty in defining it” (Milner 1993:493).¹¹

⁹ See Haggard and Simmons (1987) for a critic of Krasner’s definition and more on theories of international regimes.

¹⁰ Building on Krasner’s concept, for example, Hasenclever *et al.* (2000) defined regime as “deliberately constructed, partial international orders on either a regional or a global scale, which are intended to remove specific- issue areas or international politics from the sphere of self-help behavior. By creating shared expectations about appropriate behaviour and by upgrading the level of transparency in the issue-area, regimes help states (and other actors) to cooperate with a view to reaping joint gains in the form of additional welfare or security”.

¹¹ For a constructivist analysis of regimes, see Kratochwil and Ruggie (1986).

International institutions (IIs) can be understood as “a set of rules that stipulates the ways in which states should cooperate and compete with each other”.¹² Based on a broad and general understanding of a common “standard of behaviours defined in terms of rights and obligations”, the parties mutually agree on these rules, often incorporated in international agreements and organisations (Mearsheimer 1995: 8-9).

Three are the advantages of this definition of “institution” over the concept of “regime” that partially explain its use. Firstly, elements of this conceptualisation are restricted to “rules”, encompassing both decision-making procedures. Secondly, “institutions” are understood within a rational and objective approach, leaving behind “standards of behaviour” from its analysis. Similarly, this being a third advantage, Mearsheimer’s concept of “institutions” does not enter the debate on the “quality” of rules, leaving room for different interpretations on their social construction (Simmons and Martin 2001:194).

In another interpretation, Mearsheimer’s definition of IIs could be considered rather incomplete, as it does not state anything about the nature and characteristics of the rules and processes defining institutions. Addressing these issues, Koremenos *et al.* (2001: 762-763) argue that institutions are “explicit arrangements, negotiated among international actors, that prescribe, proscribe, and/or authorize behaviour”. This definition includes explicit arrangements that “have no formal bureaucracy or enforcement mechanisms but are fundamental to the conduct of international affairs”, like diplomatic immunity and formal organisations. Yet the nature and the scope of these explicit and formal arrangements can widely vary; consequently, each international institution has specific characteristics that make it unique.

The systematic appraisal of these differences should consider five core elements: a) membership; b) scope of issue covered; c) centralisation of tasks; d) rules of controlling institutions; and e) flexibility of arrangements (defining how institutional rules and procedures adapt to different circumstances) (Koremenos et al.

12 Unlike the regimes, the concept of IIs does not mention their jurisdiction in terms of issue. Thus, in Mearsheimer’s definition implies that an institution can address different areas of internal relations.

2001: 762-763).¹³These characteristics allude to the scope and the structure of international institutions, creating a well-defined context in which actors systematically cooperate. Together, they suggest that, rather than occasional arrangements, institutions (and regimes) tend to be long-lasting. Emphasising this element of “durability”, Duffield posits that international institutions are “relatively stable sets of related constitutive, regulative, and procedural norms and rules that pertain to the international system, the actors in the system (including states as well as non-state entities), and their activities” (Duffield 2007: 7).

As “stable” arrangements, institutions are ultimately formalised through the creation of international organisations (IOs).¹⁴ Understood as “formal, continuous structures established by agreement between members (governmental and/non-governmental) from two or more sovereign states with the aim of pursuing the common interest of membership” (Archer 2001: 33), they are “physical entities possessing offices, personnel, equipment [and] budgets” (Young 1986: 108). Thus, IOs are a constitutive part of international institutions and regimes. Nevertheless, “institutions” and “organisations” have been used interchangeably in a significant share of the literature in international relations. In these cases, as Archer points out, the use of “institution” is often “to refer to the detailed structure of an organisation” or simply as “a synonym for organisation”(Archer 1992: 2).

Unlike regimes and institutions, international law recognises the legal personality of international organisations granting them the status of actors. However, their capacity to perform as independent entities in global politics depends on social recognition; the role of IOs as actors is a subjective concept (Hurd 2011: 17-18). The question of their autonomy has been explored from different theoretical angles, ranging from constructivism (Barnett and Finnemore 1999) to rational choice theories (Pollack 1997; Lake 1996; Vaubel 1991).

Under a rational/functional perspective, IOs are treated as instruments or resources for the promotion of the interests of members of the organisation in the international arena. In particular, they “could help to focus expectations on

¹³See Young (1992) and Hasenclever et. al (1997), for the an analysis on the effectiveness of regimes and institutions.

¹⁴ See Reinalda (2009), “The history of IOs from 1815 to the present day”.

cooperative solution, reduce transaction costs, and provide a greater degree of transparency” (Martin and Simmons 2013: 331). Constructivists, however, claim that IOs “cannot be treated as simply exogenous or purely objects of choice”. On the contrary, they argue, IOs and international institutions “create, reflect and diffuse intersubjective normative understandings” (Martin and Simmons 2013: 335).¹⁵

These different approaches concur on the view that “IO operations also significantly influence the capabilities, understandings, and interests of states. This is most apparent with outputs such as information and rules. But it also true of more material activities like technical assistance and joint production” (Abott and Snidal 1998:13).

The point on which these theories diverge is on the sources and importance of these norms and rules. Whereas rationalists consider these elements essentially as a reflex of the preferences of the members of an organisation, constructivists argue that, as organisations evolve, they become active players in international relations, with autonomy and capacity to set new standards of behaviours and norms.

Norms, structures and the capacity of IOs to influence international relations vary, depending on the organisation. As Abbott and Snidal (1998: 9) posit, two characteristics define IOs: independence and centralisation. Independence relates to the ability of an IO to be influence international relations as with autonomy, ensuring the effectiveness of the process of inter-governmental cooperation. The most influential organisations often have a high-level of institutionalisation, with bureaucratic machinery sophisticated enough to impact multilateral negotiations, either taking an important role as mediator or proposing specific issues to be included in the agenda. Independence also affects monitoring and implementation.

The second characteristic, centralisation refers to the physical structure and the centralised administration of an organisation. More effective IOs tend to be more institutionalised, facilitating the interaction of the parties. In addition, formal organisations have clear rules for membership and decision-making, establishing the “rules of the game” for cooperation. Thus, “the acts of independent IOs may be accorded special legitimacy and they affect the legitimacy of member’s actions.

¹⁵ See Wendt and Duvall (1989).

Even, centralization, seemingly more mechanical, can alter states' perceptions and the context of their interactions" (Abbott and Snidal 1998: 9).

If regimes and institutions can constrain – even if with limitations- the behaviour of the parties and influence their preferences and foreign policies, it is expected that they would impact level-linkage. The extent to which regimes and institutions influence the prospects of a linkage between the bilateral and the multilateral level of the EU-Brazil cooperation varies from according to the scope, structure, and normative content of each regime/ organisation. Regimes with highly institutionalised organisations, I claim, provide international actors with a complex arena for multilateral cooperation that has its very own dynamics. Arguably, in this context, international actors have fewer incentives to link the levels in which they cooperate with each other, as it is less likely that bilateralism will impact on multilateralism in this scenario. Under this same rationale, I claim that the less institutionalised multilateral cooperation is, the more favourable the external environment for level-linkage is. That is because decisions and proposals taken at the bilateral level can be more easily incorporated in the agenda of multilateral institutions when they operate on the grounds of general norms and rules and within a structure not highly complex. In this sense, regimes with low degree of institutionalisation, also called “under construction” or “open-ended” are more open to level-linkage.¹⁶

Approach towards Multilateralism (Hypothesis 2- Secondary)

The first hypothesis of the thesis (“Type of Regime”) argues that regimes and IOs influence level-linkage by constraining the engagement of the parties to rules and procedures depending on their degree of institutionalisation. Inverting this approach, in the second hypothesis I place the EU and Brazil as the units of analysis in the assessment of the relationship between their cooperation and the regimes/IOs in which they engage.

16 As chapter three discusses, those are characteristics of the climate change regime, for example. Considered as a regime “still under construction” (Luterbacher and Sprinz 2001: 297) or climate change is also defined as “an open-ended regime that contemplates an evolutionary process” (Bodansky and Diringier 2010: 13).

As previously discussed, the creation of a regime demands a minimum common understanding by the parties on the norms and principles that should provide the basis for the institutionalisation of cooperation. Within this logic, I claim that level-linkage can only occur if the EU and Brazil both have an interest in multilateralism. As a subjective concept, there are, however, different interpretations of multilateralism. Hence, in this second hypothesis I argue that the degree of compatibility of approaches of the EU and Brazil towards multilateralism impacts level-linkage.

As presented earlier in this chapter, one of the most recurrent definitions understands multilateralism as policy coordination amongst more than two players (Keohane 1990: 731). This process of coordination, however, implies a certain compatibility of approaches. Thus, rather than being defined merely by the number of the parties, multilateralism is “an ideology ‘designed’ to promote multilateral activity. It combines normative principles with advocacy and existential belief” (Caporaso 1992:603). In other words, multilateralism results from a shared understanding of how to best organise international relations. It incorporates individual preferences and is the common denominator of the expectations and values of a certain group of actors. Consequently, depending on the players involved, multilateralism can stand for different norms and principles, taking distinct forms.

As an “ideology”, multilateralism is often considered as the most efficient instrument to promote equality amongst international actors. That is because power asymmetries tend to be overcome when the same principles of conduct apply indiscriminately to all parties. Another argument in favour of multilateralism is that generalised principles result from the agreement of all the parties, rather than mirroring the exclusive preferences of the most powerful actors. Multilateralism is then perceived as the “fairest” and the most democratic principle (Finnemore 2005: 196). This attribution of legitimacy to multilateralism alludes to its understanding an international institution grounded on three well-defined: a) indivisibility, b) non-discrimination and, c) diffused reciprocity (Ruggie 1992: 572-573).

When empirically analysed, however, this alleged legitimacy is not very straightforward. In some circumstances, multilateralism serves as mean to legitimate an actor’s norms and behaviours based on self-interests, rather than being a pursuit

to promote collective gains. In fact, in some occasions, it is a disguised mechanism for the promotion of unilateral interests, instead of balancing the preferences of all the parties. Moreover, international actors can employ multilateralism strategically to legitimise actions or ideas, which may be contested if introduced from a domestic level (Keohane 2006: 73-75). Another issue emerges in the contradiction between multilateralism's alleged capability to reflect a collective identity and the belief that its legitimacy is unconditional. In order to be a legitimate principle, multilateralism depends on whether the international norms promoted are congruent with domestic values of all the parties involved; and that is not always the case. This argument has an interesting implication for understanding "multilateralism's aspiration to universality" (Kahler 1992:681).

The increased relevance of multilateralism has then been directly linked to the exponential creation of multilateral organisations. As Keohane affirms,

since the end of World War II, multilateralism has become increasingly important in world politics, as manifest in the proliferation of multinational conferences on a bewildering variety of themes and an increase in the number of multilateral intergovernmental organizations (Keohane 1990: 731).

These organisations of multilateralism operate "as an agent of norm displacement and transformation, involving some of the very same principles [they] once helped institutionalize" (Acharya 2006: 96). This argument suggests that, like the understanding of multilateralism as a principle, intergovernmental organisations are the outcome of a particular shared perception on how to best structure international relations. In this sense, an IOs needs to operate on the basis of the same principles that underpin multilateralism to be considered a "multilateral organisation".

As Ikenberry stresses, joining these organisations entail a high price: the "reduction of autonomy" for their members. The political choice then entails a cost/benefit analysis, whose outcome depends on the weight of the different variables (understood as incentives to multilateralism) that influence this equation. The first element is structural and refers to the current characteristics of the international system, more cooperative and interdependent than in previous times. Secondly, incentives may come from inside a multilateral institution, pressuring actors to

undertake multilateral commitment in other realms. Thirdly, peer influence appears also to be important, when other parties impose political constraints over an actor's choice. A fourth source of motivation to join multilateralism is domestically defined and can be triggered by tradition or national identity, but also by the preferences of single actors, such as political leaders and groups of interests (Ikenberry 2003: 534-535). Thus, the engagement of an actor with multilateralism (and multilateral cooperation) is grounded on normative and material incentives, varying in quality and type depending on the actors and the regime at stake.

Based on these considerations, the second hypothesis of the thesis considers that the prospects for two actors to project their bilateral partnership to the multilateral level is limited by their compatibility of approaches towards multilateralism. The first precondition is, therefore, the shared understanding that international relations should be based on the principle of multilateralism. Achieving the fulfillment of this criterion, however, is not enough for level-linkage. Actors need to have a convergent view on how to shape this multilateralism, agreeing on the content of its norms and rules, even if their motivations to support multilateral cooperation may differ. The way to assess this convergence is to break down the discussion on "support to multilateralism" into different regimes. That is because the same degree of compatibility of approaches may not apply to all areas. Addressing this issue, this thesis analyses how the EU and Brazil perceive multilateralism in the specific case of climate change, trade and human rights. In order to do so, it takes into account the support of each actor to multilateralism in broad terms, but also looks at the principles and norms they support within the three regimes, including their agendas for negotiations

Foreign Policy-Making Process (Hypothesis 3-Primary)

Despite considering the EU and Brazil as unitary actors when they engage in international relations, the foreign policy-making processes hypothesis emerges from the notion that foreign policy is the outcome of a bureaucratic process that entails bargaining and coordination between different agencies and agents.

The influence of bureaucratic structures and organisational process on foreign policy-making was central in the research agenda of the first period of Foreign Policy Analysis (FPA) scholarship (1954-1993). The theoretical and conceptual assumptions of bureaucratic politics in FPA are grounded in a broader discussion of bureaucracy in politics promoted by sociologists and political scientists, largely influenced by the groundbreaking work of Max Weber, *The Theory of Social and Economic Organisations* (1924) (Hudson 2007:19).

Looking at the forms in which authority is legitimised, Weber argued that, whereas the first forms of political organisations determined authority on the basis of tradition or charisma, modern society is structure around a “legal-rational” framework: bureaucratic organisation. The legitimisation of this type of authority derives from the belief in norms and rules that delegate responsibility to bureaucrats, at the same time constraining their action in a normative structure. Three are the features of Weber’s bureaucracy: a) hierarchical structure; b) division of labour, and c) impersonal rules (Peters 2001: 71). As Weber explains, the principle of hierarchy establishes an uneven distribution of power in which one actor (or office) has more authority over other agents. This principle however, does not imply centralisation of competences in the hands of the “superior” authority. On the contrary, the principle of jurisdiction ensures that the responsibilities entailed in the bureaucratic organisation are distributed amongst a plurality of agents with distinct hierarchical roles. Finally, the bureaucratic activities follow legal norms and isolate the “official” and public role of a bureaucrat from his/her personal life. Acting as a “servant of the state”, these agents should obey to the principles of impersonality and functionality (Weber 1924: 956-959).

Weber criticised the tendency of this type of political authority to overtake the role of society, constraining policy-makers to an “iron cage”. Nevertheless, Weber praised the role of bureaucracy in ensuring impartiality in decision-making, considering that final objective of this type of organisation is to ensure efficiency (Lune 2010: 27).¹⁷

¹⁷ See Kalberg (2001).

Weber's analysis of bureaucracy addressed economic and political organisations of modern society, covering public and private entities within domestic jurisdiction. Yet, despite the applicability of Weber's theory to the study the bureaucratic type of organisations in foreign policy, it was just in the 1960s that academics began to analyse the role of bureaucracy in international politics (Hudson 2007: 19).

In *Strategic Planning and the Political Process* (1960), Huntington opened the "black box" of decision making in the US military programme. Differentiating domestic politics from "strategic programmes", Huntington argues that, whereas the legislative power controls the policy-making process of the former, the latter falls under the competences of the executive power. Three are the characteristics that define a policy-making process in the executive: a) hierarchical organisation of the different participating units; b) "fundamental goals and values are not at issue"; and c) "the range of possible choice is limited". Questioning the arguably rationality attributed to this process, Huntington posits that "strategic programs (...) are the product of controversy, negotiation and bargaining among different groups with different interests and perspectives" (Huntington 1960: 289). Despite raising important elements of reflection on the political process in US foreign policy, Huntington compared the role of the legislative and the executive in policy-making but without providing a systematic framework of analysis.¹⁸

Addressing this gap, Graham Allison proposed three models to explain organisation processes and bureaucratic politics within foreign policy, a theory developed in the *Essence of Decision: Explaining the Cuban Missile Crisis* (1971). As David Welch explains, Allison's objective was to challenge the rationalist interpretation of foreign policy-making as a centralised and controlled process. Bureaucratic (or governmental) decision making is one of the "models" proposed by Allison to analyse foreign-policy in considering this as a process grounded on a complex interaction of a pool of actors with rational, albeit different, perceptions.

¹⁸ See Bendor and Hammond (1992).

Under this approach, policy is the outcome of bargaining amongst agents distributed in a hierarchical institutional arrangement (Welch 1992: 118).

Bureaucratic Politics Model (BPM) considers foreign policy-making as grounded on two core elements. The first is the “conglomerate of bureaucratic organisations” which sets the structure wherein policy-makers operate. Standard operating procedures (SOPs), information and political options bureaucracies provide to the governments are all determined by their structure. Bureaucracies often develop “common attitudes” or images that influence the perception of an issue by policy-makers, affecting their decisions. Political actors are the second element of BPM’s explanation of foreign policy. Actors (or bureaucracies) have their preferences and agendas, determined in accordance to their roles in the “division of labour” and their position in the hierarchical structure of power. The actions of these agents are not always driven by the pursuit of the “national interests”, as the behaviour of political actors may be motivated also by seizing of opportunity to enhance their importance within domestic politics and defend specific interests of their units (Alden and Aran 2012: 33). In this line of thought, foreign policy could be considered as the outcome of the bargaining and negotiation process amongst a plurality of actors with different interests and power, taking place within the organisational arrangement and normative settings established by the bureaucratic structure of the political organisation.

Reacting with strong criticism to BPM, in *Are Bureaucracies important? (Or Allison Wonderland)* (1972), Krasner recognised that “the bureaucratic interpretation of foreign policy has become the conventional wisdom”, and expressed concern with a vision considered “misleading, dangerous, and compelling” (Krasner 1972: 160). Elaborating on these three elements, Krasner explained:

Misleading because it [bureaucratic politics] obscures the power of the President; dangerous because it undermines the assumptions of democratic politics by relieving high officials of responsibility; and compelling because it offers leaders an excuse for their failures and scholars an opportunity for innumerable reinterpretations and publications (Krasner 1972: 160).

In addition to the focus on the role of bureaucrats, another source of criticism to the BPM is the rationality of its approach. The omission of the relevance of cognitive elements, such as ideas and values of both individuals and organisations,

has been pointed out as a flaw in the BPM as proposed by Allison (Freedman 1976: 435; Smith 1980: 30).¹⁹

What seems to be a clash of bureaucratic interest and stands can often be more fruitfully viewed as a clash among values that are widely held in both the society and the decision-maker's own minds (...) we have no grounds for claiming that a different constellation of bureaucratic interests and forces would have produced a different result (Jervis 1976: 28).

Despite the criticism to Allison's (and Halperin's) work, literature in International Relations and FPA has not addressed the conceptual and methodological deficiencies of the first models developed to analyse bureaucratic politics. The tendency amongst academics remains "to treat bureaucratic politics exclusively as an independent variable explaining policy outcomes" (Preston and 't Hart 1999: 52).²⁰

While recognising the limitations of the BPM, this thesis draws largely from this approach to explore the impact of the foreign policy-making process on level-linkage (Hypothesis 3). This choice can be justified by the specific interest in assessing how (and if) the structure and procedures of the foreign policies of Brazil and the EU determine the policy-making of bilateral and multilateral policies, ultimately conditioning the coordination between the two processes. Thus, the starting point to explore this issue is the assessment of the policy-making of the two actors in terms of the "hierarchy" and "division of labour", as postulated by Weber, to then analyse the "complex interaction" amongst agents and agencies part of the bureaucratic organisation" of the EU's and Brazil's foreign policies.

Preferences for Partners (Hypothesis 4-Secondary)

The fourth hypothesis of this thesis argues that level-linkage depends on the preferences for partners of the EU and Brazil at the multilateral level. In assessing

¹⁹ See Drezner (2000) for a discussion bridging "ideas" and "bureaucratic politics" in foreign policy.

²⁰ See Rosenthal and 't Hart (1998).

these preferences, this thesis considers formal and informal coalitions forged by the EU and Brazil with one or more players at the multilateral arena.

Whereas bilateral cooperation is limited to two actors that play the game of bargaining and negotiations alone, many are the parties engaging in multilateral negotiations. The large number of players adds to the wide range of issues often included in the multilateral agenda. Together, these two elements bring to multilateralism a distinctive degree of complexity. Within this scenario, coalitions emerge as strategy actors employ to increase their power and enhance the prospects of gains from multilateral negotiations (Dupont 1994:148).

Broadly defined as “sets of governments that defend a common position in a negotiation by explicit coordination” (Odell 2006: 13), coalitions have the objective to simplify bargaining process by reducing the number of players negotiating. At the same time, they are important to compensate asymmetries in the distribution of power within the multilateral regime, not only facilitating an agreement but also enhancing the legitimacy of a multilateral outcome (Hampson and Hart 1995: 40).²¹

In this sense, the objectives of a coalition may vary according to the type of negotiations and the issues at stake. Moreover, the negotiation of a “common position” of a specific group can be motivated by power considerations or affinity of interests and values (Dupont 1994: 149-150). As it becomes clear in the preferences for partners manifested by the EU and Brazil in the multilateral negotiations covered in this thesis, coalitions can be restricted to an issue-specific or to a broader agenda.

Constructing a typology of coalitions, Narlikar (2003, 2005) distinguishes coalitions between “blocs” and “alliances”. “Blocs” are defined as a group of like-minded actors, bound together by shared values and ideology, with emphasis on a collective identity that “go beyond the immediately instrumental” (Narlikar 2005: 6). Blocs tend to have a more political agenda and often address a wide range of issues. Pooling bargaining resources, this type of coalition is motivated by the interest of the parties in counter-weighting the balance of power within a multilateral negotiation (Narlikar 2003: 14-15). “Alliances”, on the other hand, are coalitions formed “among self-interested actors as opposed to collective identities”. They are driven by

²¹ See Dupont (1996).

instrumental reasons and focus on a specific issue or threat (Narlikar 2003: 31).

The differentiation between the two types of coalitions, however, does not prevent the adoption of a mixed- model of cooperation. Elements from “alliance” and “blocs” are often combined, and, in practice, international actors tend to operate through a “hybrid” form of coalition (Rolland 2007: 486).

On a qualitative approach, another typology classifies coalitions in terms of their impact on multilateralism, considering that they can be either building blocks or stumbling blocks to multilateral negotiations. “Blocking coalitions” may engage with negotiations determinate to hijack of any agreement that do not meet their agendas. In order to have such influence, this type of coalition if often formed by actors with privileged positions of power, as their participation is essential to the celebration or the entry into force of an agreement. When decisions are taken by consensus, then coalitions formed by “weaker” players can have the same blocking effect. The opposite type, “crosscutting coalitions”, is the outcome of a side agreement between some actors around a common position that accommodates their originally conflicting interests. This process of “bridging” can occur through a trade-off between different issues, when the negotiations entail a plural agenda, or through the identification of an alternative position that the parties had not considered before (Hampson and Hart 1995: 29-42).

Traditionally, coalitions take part in multilateral negotiation through representation. The delegation of authority to a specific group of negotiators within the coalition can occur on the basis of three criteria: a) diplomatic bargaining skills of the diplomats of a specific government; b) technical expertise; and c) power relationship. In order to be effective, a representative should not be only the spokesperson for group. Rather, it has to articulate a common position with its constituency, have the authority to negotiate in behalf of its coalition, at the same time being capable to ensure respect and space in the multilateral arena to bargain with third parties in favour of the agenda of the group it represents (Hampson and Hart 1995: 42). Internal decision-making varies according to the degree of coordination and institutionalisation of a coalition. Whereas some groups operate on the basis of exchange of views, others have more formal and regular meetings in which the objective is to articulate a common position (Patel 2007:7).

Empirical analyses on coalitions in the literature in International Relations focus largely on multilateral trade negotiations. Within this domain, there is a consensus amongst scholars on the argument that the most enduring coalitions in the WTO are those forged amongst developing countries.²² Analyses converge on the view that rules of multilateral institutions and the outcome of agreement have been historically determinate by a minority of the parties, essentially developed economies. Within this context, coalitions have offered developing countries the possibility to enhance their bargaining power against “traditional” relevant players, changing the dynamics of negotiations (Habeeb 1988, Hamilton and Whalley 1989, Higgott and Cooper 1990, Kahler and Odell 1989, Narlikar 2003, Tussie and Glover 1993).

Based on the literature on coalition presented, this thesis explores opportunities in which Brazil and the EU joined a group of players, advocating a “common position”, as an indicator of their preferences for partners at the multilateral arena. Without qualifying the scope of these groups, this thesis adopts a rather loose interpretation of “coalition”, intentionally using the concept interchangeably with the terms “alliance” and “bloc”, as they are both indicators of preference for partners. Furthermore, whereas international relations scholars treat “coalitions” as a group of more than two players, the EU’s and Brazil’s “preferences for partners” can manifest through the strategic choice for coordination with only another party. A bilateral alliance thus qualifies as a “preference for partner” when analysing the performance of the EU and Brazil in the three multilateral regimes addressed by the thesis.

²² These coalitions fit in the “bloc” type of Narlikar (2003, 2005), as a driven by shared identity and values, encompassing a broad agenda. Despite the focus on this type of coalitions, academics have also expressed an interest in exploring issue-specific coalitions, or “alliances”. See for, example, Higgott and Cooper (1990) for an analysis on the Cairns group of the WTO.

1.3.4 Case Selection

Agents Selection

The choice to study the EU and Brazil is justified by their high relevance as international actors and the increasing profile of their bilateral cooperation within their foreign policies. Over the past 15 years, extensive literature has been produced to discuss the characteristics and the limits of the EU's capacity to be and to perform as an international actor in the different issue-areas. The different interpretations of the matter have converged on the opinion that the EU is, unquestionably, a major global player (Bretherton & Vogler 1999, Ginsberg 1999, Hill & Smith 2011, Jørgensen 2009, Jørgensen & Laatikainen 2013, Meunier & Nicolaidis 2006, Orbie, 2008, Smith 2003). Brazil, on the other hand, has only enhanced its profile as an emerging power over the past decade. Attracting the interest of scholars, there has been a "boom" of academic work recently published addressing the "rise of Brazil" (Amorim 2011, Cervo 2010, Dauvergene & Farias 2012, Fortunato Biato 2008, Hurrell 2010, Malamud 2011, Roett 2010, Rohter 2012, Soares de Lima & Hirst 2006, Sotero 2010). In investigating EU-Brazil cooperation, this thesis analyses the manner in which these two players pursue bilateral relations and approach the multilateral system, contributing to current academic debates on the role of Brazil and the EU as international actors.

Additionally, although EU-Brazil relations date back to 1960, there is a lack of literature on this topic. Traditionally, cooperation between the two partners has been largely addressed through the study of EU- Latin America or EU-MERCOSUR relations (Barahona de Brito 2000, Doctor 2005, 2007, Jaguaribe & Vasconcelos 2003, Klom 2003, Page 1999, Ruano 2013, Sanchez Bajo 1999, Santander 2005, Youngs 2002). The emergence of Brazil as a global player, and the re-framing of European foreign policy promoted by the European Security Strategy (2003), led to the establishment of the EU-Brazil Strategic Partnership. The enhanced profile of EU-Brazil relations that has ensued has been observed with curiosity by academics and policy analysts alike. Over the past few years, some journal articles, but predominantly "think-tank" publications have addressed the topic (Emerson et al. 2013, Gratius 2012, Grevi & Renard 2012, Grevi & Vasconcelos 2008, Poletti 2007,

Ribeiro- Hoffmann 2007, Whitman & Rodt 2012, Znojek 2012). This thesis thus makes an important contribution to the academic literature on this issue too.

Issue Selection

This research explores level-linkage in three areas of EU-Brazil cooperation: climate change, trade, and human rights. The choice to undertake these case-studies is anchored in methodological, theoretical, and policy reasons.

There is a relative consensus amongst international cooperation theorists that economic and environmental issues are characterised by high levels of interdependence. Consequently, these issues are the best to study in order to gain an understanding of the pursuit of cooperation as a strategy for achieving mutual gains (Sterling-Folker 2002: 48-49). As becomes clear during the case-studies, cooperation is prompted by the combination of both material and cognitive incentives in the case of both climate change and trade. Nevertheless, the diverse nature of the two issues demands distinct responses by international actors to interdependence within these realms. Robert Keohane and David Victor posit that climate change is a global issue that can only be tackled through the cooperation of a large number of parties (i.e. multilateralism); unilateral efforts or collective action by a small group of actors does not suffice. Moreover, as climate change is an escalating problem, the gains from cooperation to tackle it are only perceived as being long-term (Keohane & Victor 2010: 9). Where trade is concerned, the opposite is true. Grounded in the principle of liberalisation, cooperation on trade implies the replacement of protectionism by market opening strategies that have an immediate impact on the economic policies of actors. Gains from cooperation are measurable and identifiable in the short-term. Additionally, liberalisation can be promoted through a number of different strategies (Yarbrough & Yarbrough 1987: 2-3). In fact, the large proliferation of bilateral and regional trade agreements demonstrates that international actors have indeed diversified their approach to cooperation on trade. There are, as such, differences in the nature of the issue and the corresponding projection of gains from cooperation that make climate change and trade interesting cases to compare.

Considering the two criteria (nature of issue and strategies of cooperation), human rights is the case that differs the most from the issue-areas studied. As Jack Donnelly highlights, the human rights regime does not meet a demand created by “material interdependence”. Rather, cooperation on human rights derives from “moral interests”, and is, therefore, “less tangible” and political. Like trade, human rights are widely addressed by bilateral and multilateral agreements. In contrast to climate change, and trade to a certain extent, human rights are global concerns, but not international issues. Human rights are national matters as they concern the applicability of international norms to a domestic jurisdiction and depend on national political action (Donnelly 1986: 616). Despite the implications that the violation of universal human rights taking place within a particular jurisdiction may have for international relations, the gains from cooperation in this area are predominantly unilateral, as the final beneficiary is the country – and, subsequently, population – that adopts and implements international agreements.

The specificities that define climate change, trade, and human rights as distinct issue-areas are reflected by the development of different processes of international cooperation in all three areas, and have led to the establishment of three regimes with unique characteristics. As this thesis argues that level-linkage varies according to the issue-area at stake, the analysis of these three particular regimes brings to light elements that are important for the successful identification of existing or potential level-linkage within different issue-areas.

Additionally, the choice to analyse three regimes, and for the international organisations investigated, is suited to the objective of testing the four hypotheses of the thesis. In terms of the first primary hypothesis, “regime type” (H1), the three cases feature variant structure, scope, criteria for membership, decision-making processes, and understanding of the responsibility of the parties. The “compatibility of approaches” (H2) is largely shaped by the type of interests that underpin the approaches of the parties towards international cooperation. In the case of “foreign policy-making” (H3), the second primary hypothesis, one can distinguish between integrated and fragmented processes, depending on the level of coordination between agencies and agents responsible for the framing of policies at the bilateral level and the multilateral level. Where the EU is concerned, there are also variances in the formal, legal competences attributed to its formulation of a common external policy

within the three issue-areas. “Preferences for partners” (H4) are determined by the agendas of the two actors, but are also influenced by the responsibilities attributed to them and the distribution of the EU and Brazil within the formal groupings of the regime at stake. The table below (table 1) summarises some of the indicative differences between the three cases, with regards to the issues addressed in each hypothesis:

TABLE 1 INDICATIVE DIFFERENCES AMONGST THE THREE CASE- STUDIES

	Climate Change (UNFCCC/ Kyoto)	Trade (WTO)	Human Rights (HRC)
Maturity of Regime	New	Well-established	Well-established
Interests	Material/ Normative	Material/ Normative	Normative
Membership	States + REIOs	States + REIOs	States
Resp. of the Parties²³	Different	Equal	Equal
EU Competences	Shared	Exclusive	None
Decision-Making	Consensus	Consensus	Majority/ No vote
Policy-Making (EU & Brazil)	Fragmented No permanent representation	Fragmented Permanent representation (WTO)	Fragmented Permanent representation (UN)
Formal grouping	Different	Different	Different

From a policy point of view, these three areas are at the core of EU-Brazil relations. Cooperation on trade was established in the 1970s and has strengthened ever since, as the flux of bilateral trade and investment between the two partners provides important incentives for cooperation. Cooperation on climate change and human rights was institutionalised in 1992 and is grounded in a more normative basis, due to the nature of the issues. In terms of scope, whereas the agenda on trade remains centred on bilateral issues, EU-Brazil bilateral engagement on climate and human rights has shifted from a strict “local” focus in the 1990s, to the promotion of dialogue on “multilateral issues” as well.

The relevance of the three areas to EU-Brazil relations has been stressed in the several documents that provide the basis for the EU-Brazil Strategic Partnership, launched in 2007. Under this new framework, the two partners have endorsed the promotion of a *spillover* of cooperation from the bilateral level to the multilateral

²³ By responsibilities of the parties, I mean the applicability of the rules, norms and commitments that apply to the members of an international organisation. As the table shows, in trade and human rights, responsibilities are equally applied to all members. In the case of climate change, however, the commitment of the parties varies according to economic criteria.

level. As outlined in the two Joint Action Plans of the Strategic Partnership adopted thus far, the EU and Brazil have committed to strengthening their collaboration within the three international regimes addressed by this research. The scrutiny of cooperation on climate change, trade and human rights provides important insight into level-linkage, and allows for an educated assessment of the prospects for both actors inducing higher correlation between the two levels of cooperation.

Timeframe Selection

Although the EU and Brazil have long engaged in different levels of cooperation (see chapter two), it was in 2007 Strategic Partnership that the two actors decided to promote linkage between the bilateral level and the multilateral level of their cooperation. Thus, this thesis adopts 2007 as a reference point for analysing level-linkage in EU-Brazil relations, looking at cooperation prior to and after the agreement of the Strategic Partnership. The precise timeframe varies according to the issue addressed. In all three cases - climate change, trade, and human rights – this thesis looks at DBLCM since initial institutionalisation of the relevant regime, but places an emphasis on developments made over the last decade. The period covered in the analysis of BCML depends on the dynamics and agendas of the international regimes, as well as the multilateral negotiations being explored.

On climate change, the thesis explores EU-Brazil engagement since the adoption of the Kyoto Protocol, signed in 1997, up until the Conference of the Parties in Copenhagen in 2009. This choice is justified by the fact that a new phase of the climate regime began in 2010, focusing on the negotiation of a post-Kyoto period. The second case-study, on trade, looks at the negotiations of an agreement on agriculture since they were first launched, in 1999, until 2010, when the Doha Round came to a halt. The analysis of level-linkage on human rights scrutinises EU-Brazil engagement in the regular and special sessions of the Human Rights Council (HRC) from 2006 to 2011. This period spans from the first year of HRC activity, up until the end of the third consecutive membership of Brazil to the HRC, when the country left the institution, returning again in 2012.

1.4 Methodology and Methods

This thesis adopts a qualitative approach that combines case-study, process tracing and comparative methods of analysis. It proposes the study of a small ‘N’ problem, comparing cases that belong to the same unit of analysis (EU-Brazil relations), but that are dissimilar as far as their explanatory variables are concerned (the four independent variables).

Qualitative research aims at answering questions that “require explanation or understanding of the social phenomena and their context” (Ritchie and Lewis 2003: 5). Moreover, it implies “a process of examining and interpreting in order to elicit meaning, gaining understanding, and developing empirical knowledge” (Corbin and Strauss 2008: 1). As the objective of this thesis is to qualify and not quantify the correlation between the bilateral level and multilateral level of the EU-Brazil cooperation, it adopts a qualitative approach.

Additionally, in postulating its own framework for the appraisal of this correlation, this thesis provides theoretical contributions that would advance the literature on international cooperation. The hypotheses proposed here are tested in a small “N” of areas, to allow for the prioritising of an in-depth understanding of each individual case in all its complexity. The preference for a “case-based approach” is justified by the fact that this model allows one “to see which case aspects are relevant to the question at hand and how these aspects fit together.”²⁴ This understanding may be used to construct new theory, revise existing theory, thus generating new hypothesis for future testing” (Ragin and Rubinson 2009: 14). Such an approach is therefore more likely to enhance prospects for the arguments of this thesis being generalised, allowing the concept of level-linkage to be applied to other bilateral relations/issue-areas in future research.

In order to control the variables and hypotheses, this research opts for a comparative method. There are two reasons for this choice. Firstly, the analysis of only three case-studies does not allow for the application of a statistical model, as the

²⁴The research design in a case-based approach is framed around (a) low 'N' of cases (generally paradigmatic ones) and (b) a large number of variables covering several aspects of the phenomena and exhibiting a good knowledge of the cases (Della Porta 2008: 207-208).

validity of the generalisations generated from such an approach would be highly questionable. Secondly, as Donatella Della Porta argues, the comparative method is the most appropriate for understanding elements such as preferences, motivations and contexts and how they explain the phenomenon investigated (2008: 201-202).

The case-studies employ a process-tracing method in order to identify the eventual changes in the pattern of EU-Brazil cooperation at the two levels during the period analysed. As David Collier summarises, this method can be understood as:

The systematic examination of diagnostic evidence selected and analysed in light of research questions and hypotheses posed by the investigator. Process-tracing can contribute decisively both to describing political and social phenomena and to evaluating causal claims (Collier 2011: 823).

Alexander George and Andrew Bennett identify the instruments and the objectives of this type of analysis, claiming that:

In process- tracing the researcher examines histories, archival documents, interview transcripts, and other sources to see whether the causal process of a theory hypothesizes or implies in a case is in fact evident in the sequence and values of the intervening variable in that case (George & Bennett 2005:06)

This exercise is applied in the second and third stage of each case study, where primary and secondary sources provide information that identifies different pieces of “the history”. A single narrative is then built up, explaining the development of DBLCM and at the multilateral level. The employment of “process-tracing” is particularly important for identifying EU-Brazil engagement in the multilateral arena, as no literature was found providing a detailed account of cooperation between the two partners at this level covering more than a particular year of multilateral negotiations. Additionally, the “process- tracing” of cooperation was conducted considering the hypotheses of the thesis. This, as such, allows for an understanding of the process of cooperation, but also for the locating of relevant independent variables within a broad constellation of issues. Consequently, these analyses draw attention to the elements that underpin the concept of “level-linkage”. It becomes possible to understand not only the *outcome* of the linkage between the two levels of cooperation, but also the *process* of “level-linkage”, as the last section of each case-study records.

The next section provides details on how these different methods are combined into a single model to operationalise this research.

1.5 Operationalisation

1.5.1 Operational Model

The comparative analysis of these three areas of EU-Brazil cooperation is based on an operational model similar to that proposed by Robert Yin for multiple case studies under a replication approach (Yin 1994: 49). The analysis entails three stages:

- 1) Define & Design- The first step is to develop the argument and hypotheses, select cases, design a data section protocol and contextualise the issues addressed by the thesis in the literature and in international affairs.
- 2) Prepare, Collect & Analyse – In the second stage, the three case studies are conducted separately. Following the analysis, an individual case report is produced (a conclusion) to allow for later comparisons between the cases.
- 3) Analyse & Conclude – The third and last step consists of crossing the results of the three case-studies, structured around the four hypotheses of the thesis. The main findings are summarised, providing answers to the puzzles that underpin the research question. The contributions of this thesis to the literature and policy-making are stressed, and the path for future research pointed out.

1.5.2 Organisation of the Thesis and Case-Studies Process

In line with this model, this first chapter presents the theoretical and methodological approach of this research. The following chapter (chapter two) presents the overall framework of EU-Brazil cooperation, providing a backdrop for the analysis of the two specific levels of cooperation that it proposes to explore (bilateral and

multilateral). Chapters three, four and five are dedicated to the three case-studies. The results of the analyses are compared in the conclusion, where the main findings of the thesis are presented.

The scrutiny of each case-study is conducted in four stages that can be summarised as follows:

- 1) Setting the scene: This part briefly contextualises the case within the specific regime in which cooperation takes place. It describes the main characteristics of the regime (and the international organisation in question), including its structure, decision-making processes, agenda, membership and groupings.
- 2) Cooperation at the Bilateral Level: Entering the domain of EU-Brazil relations, this section looks at the initial institutionalisation of cooperation between the actors, with an emphasis on the latest developments. It assesses their agenda, instruments of dialogue/cooperation and the scope and importance attributed by the parties to collaborating on that specific matter. The main objective is to identify the pattern of EU-Brazil engagement at the bilateral level.
- 3) Cooperation at the Multilateral Level: In the process-tracing of negotiations/sessions, the analysis aims to identify patterns of EU-Brazil engagement at the multilateral level. To this end, this third section assesses the compatibility of their agendas, their preferences for coalitions, positions in negotiations and cases of EU-Brazil joint proposals.
- 4) Assessing Level-Linkage: The crossing of the findings of the two levels of cooperation investigated allows for the development of a conclusion on the outcome of level-linkage. This last part of each case-study explains this result, breaking the analysis up into each of the four hypotheses of the thesis.

1.5.3 Possible outcomes

Exploring one particular direction of level-linkage, this thesis claims that cooperation at the BL has an impact on the ML when changes in the first are matched by changes in the latter. Conversely, there is no level-linkage when the developments at the BL do not correspond to the development of cooperation at the ML. Additionally, as the table below (table 2) summarises, this correlation does not necessarily evolve according to the same trend; enhanced dialogue at the bilateral level for cooperation at the multilateral arena (DBLCM) (+) can correspond to more (+) or less (-) bilateral cooperation at the multilateral level (BCML). The opposite scenario also comprises level-linkage, as decreased BL cooperation can correlate to either enhanced or suppressed ML cooperation.

TABLE 2 OUTCOMES OF LEVEL-LINKAGE
(Bilateralism ➔ Multilateralism)

DBLCM	BCML	Level- Linkage
+	+	Yes
+	-	Yes
+	=	No
-	+	Yes
-	-	Yes
-	=	No

1.5.4 Categories, Typologies & Definitions

As this research focuses on trends of cooperation and the impact of certain factors on level-linkage, it develops qualitative criteria with which to “measure” these issues, avoiding quantifying them. In order to define changes in cooperation over the period analysed, this thesis covers three potential patterns of changes at the bilateral level, namely (a) enhancement; (b) decrease; and (c) continuity. The criteria for the categories are presented in the table below:

TABLE 3

CHANGES IN DBLCM

	Enhancement	Decrease	Continuity
Political Dialogue	More	Less	Unchanged
Agreements/ Deals	More	Less	Unchanged
Scope	Broadened	Narrowed	Unchanged
Institutionalisation	Stronger	Weaker	Unchanged

The same “typology” of changes in cooperation is applied to the multilateral level, yet the criteria are slightly different:

TABLE 4

CHANGES IN BCML

	Enhancement	Decrease	Continuity
Political Dialogue	More	Less	Unchanged
Joint Proposals	More	Less	Unchanged
Joint Alliances	More	Less	Unchanged
Mutual Support	More	Less	Unchanged

When testing the hypotheses, the thesis claims that each of the four intervening variables affect level-linkage in three possible ways: (a) hinder; (b) constrain; (c) favour. Criteria for these typologies were presented previously, when explaining the argument and hypotheses of the thesis (see table 5).

TABLE 5

TYPOLOGY OF IMPACT ON LEVEL- LINKAGE

Regime Type	
Closed	Open
Highly institutionalised Regime; Complex / Technical Agenda; Membership restricted to States; Restriction in number of parties; Decision making by simple majority of votes; Formal grouping structure; Different responsibilities to all members.	Weak institutionalised Regime; Political Agenda; Membership open to States and Regional Organisations; No restrictions in number of parties; Decision making by consensus; Flexible grouping structure; Same responsibilities to members.
Mixed	Combines elements from the two categories (open/closed) substantially.
Compatibility of Approaches	
Low	High
Diverse interest in multilateral order Diverse interest in stronger regime Diverse interest in engaging with the regime Diverse understanding of multilateral norms/ principles Diverse agenda for negotiations Diverse strategies for engaging with negotiations.	Shared interest in multilateral order Shared interest in stronger regime Shared interest in engaging with the regime Similar understanding of multilateral norms/ principles Similar agenda for negotiations Similar strategies for engaging with negotiations.
Mixed	Combines elements from the two categories (high/low) substantially.
Foreign Policy-Making	
Fragmented	Coordinated
Hierarchical structure Top-down structure Different agents for each level Different agencies for each level; No/ poor coordination amongst agencies; No/ poor coordination amongst agents.	Horizontal structure Bottom-up structure Same agents for both level Same agencies for both level; Good coordination amongst agencies; Good coordination amongst agents.
Mixed	Combines elements from the two categories (fragmented/coordinated) substantially.
Preference for Partners	
Diverse	Reciprocal
Different proposals Diverse negotiation groups Lack of support for other's proposal Different coalitions/alliances.	Joint Proposals/ Declarations Speak on behalf of each other Same negotiations groups Support for each other's proposals Same coalitions/ alliances.
Mixed	Combines elements from the two categories (diverse/reciprocal) substantially.

1.6 Sources

1.6.1 Primary sources

Interviews

A total of 51 interviews were conducted between July 2010 and August 2013, in Brasilia, Brussels and London. Particular attention was paid to maintaining a balanced pool of sources, which featured officials from the Brazilian government and the European Union. On the EU's side, interviews were conducted with members of staff from different Directorate-Generals of the European Commission, the European External Action Service and the EU Delegation in Brasilia. Covering the Brazilian perspective, interviews were conducted with diplomats from the Ministry of Foreign Affairs (*Itamaraty*), both in Brasilia and at the Brazilian Mission to the EU, in Brussels. Interviews were conducted directly, in English, Portuguese or Italian, depending on the interviewee.

Interviews started with open-ended questions, prepared in advance according to the expertise of the interviewee and the issue being addressed. Based on the answers given, and on the development of the discussion, new questions were formulated. In keeping with this same structure, the method employed to register information changed over the course of the fieldwork. Initially, the objective was purely to record the meeting and transcribe the material it generated, incorporating this data into the analysis of the thesis. Ensuring the confidentiality of the information shared was also an ethical concern. References in the chapters to the interviewees do not include any personal data that might reveal their identities. The annex of this thesis includes a list of the organisations employing the interviewees, as well as the place and date of the interviews, but keeps their names anonymous.

The objective of pursuing interviews was also reconsidered. Originally, the intention was to gain access to documents not available to the public. Also, it was expected that the interviews would help in the detailed reconstruction of the history of EU-Brazil relations. Additionally, there was an expectation that interviewees would reveal information crucial to the process-tracing of multilateral negotiations

over time. The major problem encountered was the changing of staff. None of the government officials interviewed occupied the same position over the entire period addressed by the thesis. Consequently, even if the members of staff had a good, broad understanding of EU-Brazil relations, as was expected, their contribution of elements including perceptions, anecdotes, unofficial events and particularities of a given period is limited to the timeframe in which they were exercising a certain function. Moreover, these members of staff did not seem to have easy access to the documents requested. One example of these absent documents, recurrent in a number of interviews with both Brazilian and European officials, was the agenda of the meetings of the EC-Brazil Committee (*Comista*). Held since 1982, some of these agendas are available online with the aid of a random Google search. Yet, none of the staff interviewed claimed to have a copy of all the minutes/agendas of these meetings. The same was true for a great deal of other information requested.

Official Documents

In addition to interviews, the thesis relied heavily on official documents from the European Union, the Brazilian government, and international organisations. In order to present the historical background on EU-Brazil relations (chapter two), and to explain the development of DBLCM in each issue-area, I analysed agreements, joint statements, memorandums of understanding, action plans, agendas and minutes of meetings, internal communications, country strategy papers and other instruments of EU-Brazil cooperation. These sources were also consulted in order to better understand how multilateral issues have been introduced into their bilateral agenda, and how the partners have framed their Strategic Partnership.

For background information on the structure of the international regimes analysed, I consulted international treaties, conventions and protocols of the ***United Nations Framework Convention on Climate Change***, WTO and HRC. I also consulted official reports from negotiations published by these international organisations to aid in the process-tracing of EU-Brazil engagement at the multilateral level. In the case of human rights, the reports of the special and regular sessions of the HRC were a vital source of information for identifying the voting positions and the statements delivered by the two actors on these occasions. The

organogram of the European institutions and the Brazilian ministries provided data useful to understanding their foreign policy-making processes.

The problems encountered when gathering information from these primary sources two-fold. Firstly, information available on the websites of the European Union and the Brazilian government is very limited and not presented in an organised way, especially in the case of sources from Brazil. In addition, data is not displayed consistently. Within a series of documents of the same type (such as agendas), many of them are simply not available. Moreover, apart from key agreements and documents related to the EU-Brazil Strategic Partnership, several primary sources were only accessible through arbitrary “Google searches”.

1.6.2 Secondary Sources

To map out the current debate on international cooperation, identify the puzzles addressed by this research and postulate its argument and hypotheses, this thesis consulted academic literature on international cooperation, bilateralism/multilateralism, regimes, policy-making and coalitions. I utilised the work produced by think-tanks on strategic partnerships. Literature on EU-Latin America/Brazil relations, European foreign policy and Brazilian foreign policy also provided important sources for understanding cooperation at the two levels, the partners’ approaches to multilateral negotiations, their policy-making and their preferences for partners. Reports from the “Earth Negotiation Bulletin” provided crucial data for the analysis of EU-Brazil engagement in multilateral climate negotiations. To understand their cooperation during the international negotiations of a new agreement on agriculture under the Doha agenda, the “Bridges Weekly News Digest” of the International Centre for Trade and Sustainable Development was a valuable source. Press articles were also consulted in the case-study on trade.

The limitations in terms of secondary sources were the lack of literature addressing the correlation between two levels of cooperation in the context of a particular bilateral relationship, the limited nature of academic work produced on EU-Brazil relations and the absence of a comprehensive account of EU-Brazil

engagement at the multilateral level. Nevertheless, whilst these deficiencies posed an obstacle to this research, once overcome, they highlighted the contribution of the thesis to the literature.

1.6 Conclusion

This chapter contextualised this thesis within the literature on international cooperation, pointed out the gaps in the approach currently adopted by academic research to address the relationship between two levels of cooperation. It introduced the concept of level-linkage and the analytical approach adopted in this thesis in order to answer the question: *Why the EU and Brazil were not able to use their dialogue at the bilateral level as a platform to enhance their cooperation at the multilateral arena?*

The next chapter (chapter two) provides an overview of EU-Brazil relations, setting the scene for the empirical analysis of level-linkage in the cases of climate change, trade, and human rights (chapters three, four and five).

CHAPTER 2

European Union-Brazil Relations: An Overview

2.1 Introduction

The first chapter provided a theoretical and conceptual discussion of the interaction between bilateralism and multilateralism. It also formulated the idea of level-linkage, grounding the hypotheses of the thesis in the broad literature in International Relations and Foreign Policy Analysis. Against this background, the thesis now enters the domain of the relationship between its two protagonists: the European Union (EU) and Brazil.

Relations between the two actors date back to the early days of European integration. Brazil was the first Latin American country to establish diplomatic ties with the European Communities,²⁵ in May 1960.²⁶ The following year, Brazil founded a diplomatic mission to the European Economic Community in Brussels, extending its domain to the European Atomic Energy Community (Euratom) and the European Coal and Steel Community (ECSC) in 1963 (Brazilian Mission to the European Communities 2010). Ever since, relations between the two partners have developed along an irregular path that combines moments of stagnation with periods of significant improvement. As a complex process, over the past five decades, the scope of cooperation evolved from being narrowly focused on a few areas to a broad agenda. The profile of their bilateral relationship has enhanced significantly, with the EU and Brazil currently defining their engagement as a “strategic partnership”. Aiming at the strengthening of bilateral cooperation on a wide-range of issues,

²⁵ The titles European Communities, European Community (EC) and European Union (EU) are used in accordance with appropriate usage in each of the periods discussed. The expression European Communities relates to the three Communities originating from the European integration process: European Coal and Steel Community (ECSC), European Atomic Energy Community (Euratom) and the European Economic Community (EEC). In 1967, the institutional framework of the three Communities merged. From that period onwards, the term ‘European Community’ applies, until 1993, when the Treaty of Maastricht came into force, creating the European Union.

²⁶ In 1960, the Brazilian Ambassador held an official meeting with the Commissioner in charge of External Relations, Jean Rey, formalising diplomatic relations between the European Communities and Brazil.

perhaps one of the most puzzling elements of this new framework is the strategy to promote a linkage between the development of EU-Brazil cooperation at the bilateral level and the other levels on which they engage. Particular emphasis has been placed on linking the bilateral and multilateral levels. Yet, as the case-studies that follow demonstrate, this process is not very straightforward. However, before assessing the success of this strategy, it is important to contextualise level-linkage in the framework of EU-Brazil relations.

With this in mind, this chapter offers a historical account of the development of this bilateral relationship, on a multi-level basis, providing key insights into the dynamic between the bilateral and multilateral levels of EU-Brazil cooperation. For this purpose, this chapter is divided into four sections and a conclusion. Section one addresses the early stages of bilateral relations, conducted predominantly at the inter-regional level of EU-Latin America and Caribbean cooperation, back in the 1960s. The second part of the chapter analyses the strengthening of cooperation at the bilateral level in the 1970s. Section three focuses on the sub-regional level, established with the creation of the Common Market of the Southern Cone (MERCOSUR) in 1991. The last section explores the current status of EU-Brazil relations, framed around the “strategic partnership”. The conclusion discusses the overall pattern of bilateral relations, on the basis of the four-level structure proposed in this chapter. It reveals a current trend towards the emphasis on cooperation at the bilateral level and at the multilateral level, supporting the choice of this thesis to explore level-linkage between these two levels of EU-Brazil engagement.

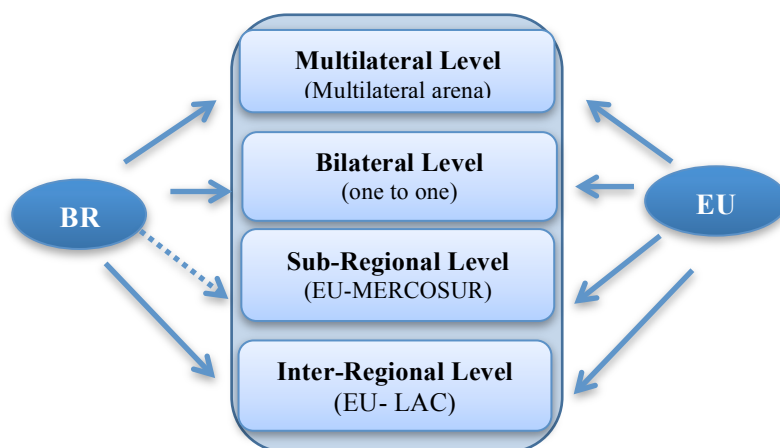
2.2 EU-Brazil Relations: A Multilevel Framework

2.2.1 Setting the Scene: The structure of EU-Brazil relations

As previously mentioned, the historical account of EU-Brazil relations that follows is structured around one of its interesting characteristics: a multi-level framework (figure 2). The analysis of this structure identifies four levels in which they

cooperate: 1) bilateral level; 2) sub-regional level; 3) inter-regional level; and 4) multilateral level. The bilateral level is defined as being the direct relationship between the two actors, developed in isolation from any other structure. Cooperation at sub-regional level occurs in the “bloc-to-bloc” framework of EU-MERCOSUR relations. At this level, there is an indirect interaction between the EU and Brazil, as Brazilian interests are represented through MERCOSUR. The inter-regional level is framed under the EU-Latin America and Caribbean (LAC) cooperation. Although LAC countries tend to coordinate their approaches when engaging with the EU, each state of the region has autonomy to take part in this process individually. Thus, at the regional level, there is a direct interaction between the EU and Brazil, despite the large number of players. The fourth domain of cooperation, the multilateral level, comprises direct EU-Brazil bilateral engagement in multilateral institutions/fora, amidst a constellation of other parties.

FIGURE 2 EU-BRAZIL BILATERAL RELATIONS – MULTILEVEL FRAMEWORK



As figure 2 illustrates, these four levels could be considered “pieces of a puzzle” that, together, represent the overall framework of EU-Brazil relations. Yet the fact that cooperation at each level takes place concomitantly does not imply they are necessarily linked. Arguably, cooperation at these levels may occur in parallel, but in isolation from each other. Alternatively, they may be so intrinsically connected that development at one level has a direct impact on other levels. The scrutiny of the correlation between the different levels of cooperation provides important insight into understanding EU-Brazil relations in all of their complexity.

2.2.2 The beginning: A Regional approach

The first European policies towards cooperation with Latin America and the Caribbean date back to the 1960s and were structured around a “one-size fits all” approach. Establishing contact groups and diplomatic ties in the continent, the interest of the European Communities (EC) was limited to forging a single, inter-regional framework for engaging with all countries in the region (Ribeiro-Hoffman 2004: 3). The lack of substantial achievement in cooperation that characterised the first decade of EU-LAC relations can be largely attributed to an almost-negligible interest in the region on the part of the EC.

When the EC first established a common policy towards developing countries, they focused primarily on the African continent.²⁷ This preference reflected the interests of some member states, particularly France and later also the UK, in pursuing closer ties with their former colonies.²⁸ Moreover, Latin America was considered the “backyard” of the United States; the European Communities did not want to be perceived as interfering in the “sphere of influence” of its ally. Economic reasons also account for the EC’s weak interest in the region. During the 1960s, Latin America already displayed a medium level of development. Thus, it was not considered underdeveloped enough to be the focus of European aid programmes, but it was also not sufficiently developed to be an interesting partner (Hoste 1999:1) In the 1960s, Latin America was in a political vacuum and, by default, European relations with Brazil were too.

As this chapter makes clear, from this early stage, the relationship between the United States and Latin America played a pivotal role in shaping EU-LAC cooperation. And this was not a characteristic exclusive to European foreign policy;

²⁷ Relations between the EC and Africa were institutionalised by Yaoundé Conventions (1963 and 1969) agreed between the six EC member states and the group of Associated African States and Madagascar. These agreements were succeeded by the Lomé Convention (1975) signed between the EC and 46 Associated Countries, this time from three regions: Africa, Caribbean and Pacific (the ACP Countries). Renegotiated four times, the Lomé Convention was replaced by the Cotonou Agreement (2000), into force until 2020 (Chisholm 2009: 10-17). Interestingly, Latin American and some Asian developing countries were left out of this framework and granted a status of ‘non-associated’ states (Piening: 1997: 120).

²⁸See Lister (1997) for a background on the early developments of EU relations with the South.

Brazil also oriented its foreign policy towards Europe on the basis of its engagement with the US.²⁹

Back in the 1960s, Brazil considered cooperation with Europe a matter of secondary importance. As Fagundes Vizontini argues, during the first half of the 20th century, the relationship with the United States was at the core of Brazilian foreign policy. Politically, relations between Brasilia and Washington were never linear and responded to the ideological orientation of the different Brazilian governments. Internal political instability was reflected in different approaches towards the US, varying from passive dependence, to the pursuit of an alliance in equal terms, to a brief period of independence. Nevertheless, these different policies were grounded in the perception of economic gains from cooperation with the US that were vital to Brazilian development. Moreover, the establishment of a military regime in Brazil (1964-1985), arguably supported by the US, undermined the prospects of an “independent foreign policy” that emerged in the 1950s, subsequently elevating the prospects of the Brazil-USA alliance by the time relations with the European Community were established in 1960 (Fagundes Vizontini 2000).

The decline of relations with the United States caused dissatisfaction amongst Latin American countries and exposed the weakness of their engagement with Europe. Yet, the distancing of the region from the US actually created political momentum for a rapprochement between Latin America and Europe. Nevertheless, the strengthening of this inter-regional level of EU-Brazil cooperation did not occur until the late 1960s.

The main reason for the isolation of Latin America was that neither the US or Europe had a coherent strategy towards the region. During the Kennedy administration, the US government implemented the Alliance for Progress, aimed at promoting social and economic development in Latin America. With a strong political agenda, the project did not succeed. The defeat of the US’ plan was followed by the diminishing of financial aid and trade flows between Europe and Latin America.

²⁹ For a background on US-Brazil relations see Bandeira 2006, Hirst 2013a, Pecequilo 2012, and Smith 2010.

Concerned with the impact of eroding relations with the US on its economic development, Latin American governments united to change the course of this trend. In 1969, leaders of the region called a meeting of the Special Latin American Coordinating Committee (CECLA) to discuss cooperation with the United States. The final declaration of the summit, the Viña del Mar Consensus, included an explicit request for President Richard Nixon to redefine US relations with the region.

The Latin American initiative to strengthen ties with the US awoke the interest of Europe in the region. In July 1969, the European Commission sent an internal report to the Council of the European Community, expressing concerns with the development of relations with Latin America. Perceiving this movement as an opportunity, members of CECLA gathered again in 1970, this time to discuss external relations with the European Community. The outcome of the meeting, the Buenos Aires Declaration, documented the dissatisfaction of Latin American governments over their disadvantageous position *vis-a-vis* other regions in European trade policy and the precarious status of inter-regional relations. In reaction to both the European Commission's report and Buenos Aires Declaration, the European Council agreed on the adoption of a permanent mechanism of cooperation with the region in 1970, the "Brussels Dialogue" (Muniz 1980: 57-58).

During the 1970s, the key European strategy continued to be a platform for inter-regional dialogue. The meetings of the "Brussels Dialogue", attended by the European Community and the Group of Latin American Ambassadors in Brussels (GRULAC), became more regular. Additionally, an inter-parliamentary dialogue between the two regions was established, in 1974. Nevertheless, not all European states considered the enhancement of political dialogue as a sufficient strategy for cooperation with the region. Responding to internal pressure from certain members, in particular Germany and Italy, with a growing interest in particular countries in the region, the "one size fits all" policy had to be rethought. The European Community accordingly developed a "selective approach" to its bilateral relations, favouring bilateral agreements with countries that were either major trade partners of the US, or which European countries had long-standing relations with (Muniz 1980: 59).

From the Brazilian perspective, the 1970s also witnessed increased interest in cooperation with the European Community. The first strong sign of a turning point in

that direction was the adoption of a foreign policy known as “responsible pragmatism”, in 1974.³⁰ The rationale behind this strategy consisted of pursuing the enhancement of Brazil’s profile in international politics and the promotion of rapid economic development. Becoming more flexible in regards to international alignments, Brazil opted for positions that it considered “less ideologically motivated”. In the quest for autonomy and development, the economic recovery in Europe and the strengthening of bilateral relations with some European states were perceived as an opportunity for Brazil to diversify its external trade relations. Moreover, from this point onwards, Brazil understood that the strengthening of cooperation with the European Community offered bargaining power in its engagement with the US. As this chapter demonstrates, Brazil has employed the “European card” on several occasions when negotiating with the US.³¹

In light of this, the foreign policies of Brazil and the EU both converged around the strategic interest of the parties in fostering their cooperation. As a result, bilateral relations between the EC and Brazil improved dramatically in the 1970s.

2.2.3 Going bilaterally, but not only

The combining of the interest of the parties in strengthening their bilateral relationship and the pursuit of new external economic opportunities placed trade and economic issues as the high priority for EC/EU-Brazil relations.³² Adopted in 1974, the first bilateral commercial agreement addressed mainly the agricultural sector, especially on trade of cocoa butter and soluble coffee. Four years later, the EC and

³⁰ For more on responsible pragmatism in the Brazilian Foreign Policy, see Ligiéro (2011) and Prado Mendonça & Miyamoto (2011).

³¹ Relations with the US remain highly important to Brazil until the present time. For a comprehensive overview of Brazil-US cooperation from the end of the Cold War until the first term of Lula’s government, see Hirst (2013). For an American view on this relationship see Meyer (2010). For a general discussion on US-Brazil, also see Bandeira (2006).

³²The first agreement between Brazil and the European Communities is the Cooperation Agreement on Peaceful Application of Nuclear Energy, signed with the European Atomic Energy Community (EURATOM), in 1961. Yet, this was an isolated initiative. For nearly 15 years, bilateral relations lacked instruments of cooperation between the partners in any other area.

Brazil reached a textile agreement in 1978 (European Commission 1982). Aiming essentially at regulating bilateral trade in these goods, the two accords were associated with multilateral trade rules. The textile agreement, for instance, was negotiated in connection with the process of renewal of the Multi-fibre Arrangement within the General Agreement on Trade and Tariffs (GATT). This is evidence that, from the beginning, there were signs that the EU and Brazil had tried to develop the bilateral level of their cooperation in coordination with the multilateral level. Yet, as this chapter demonstrates, the correlation between the two levels only became a central point in EU-Brazil relations several decades later.

Moreover, the fact that bilateral cooperation was mainly restricted to trade suggests that the strengthening of the bilateral level of EU-Brazil relations in the 1970s was largely motivated by material interests. At that time, Brazil was already the biggest market in Latin America for European trade and investments. Europe, on the other hand, was the main destination for Brazilian exports and the biggest foreign investor in the country, as indicated in the tables below:

TABLE 6 EUROPEAN COMMUNITY (EC9) TRADE WITH BRAZIL

(MI ECU)

Year	1974	1976	1978	1980
Imports	1978	2275	3048	4134
Exports	1447	2617	2117	2535
Balance	-531	+342	-931	-1599

Source: Commission of the European Communities (1982)

TABLE 7 FOREIGN DIRECT INVESTMENT AND REINVESTMENT IN BRAZIL

(MI USD)

Year	1961-70	1971-75	1980
EC	768	1490	559
Japan	109	830	111
Switzerland	257	614	280
USA	692	1596	436

Source: Commission of the European Communities (1982)

Thus interested in broadening the scope of trade cooperation, the EC and Brazil opened negotiations on a replacement to the 1974 Trade Agreement in 1980. The New Framework Agreement for Cooperation was launched in 1982. As a comprehensive instrument, the new accord established that commercial and economic cooperation between the partners should be grounded on three core pillars: a) an emphasis on technological cooperation; b) the commitment of both parties to make an effort to reduce their non-tariff barriers; and c) the creation of a joint committee to follow the development of this cooperation.

Despite further institutionalisation, in the early 1980s the level of EC-Brazil financial and trade exchanges plummeted, compromising the future of bilateral relations between the two partners. This contraction was registered in all economic relations between the EC and Latin America and was caused by internal crises in both European and Latin American countries.

In the case of Brazil, the main reason for the weakening of cooperation on trade and investments with the EC was the end of the period known as the “economic miracle” that extended from 1969 to 1979. As Almeida points out, the first economic policy of the military regime (1964-1985) aimed at promoting rapid internal economic growth. Despite surprising success in the first years of its implementation, the national development programme proved unsustainable in the long term and vulnerable to externalities (Almeida 2007). Adding to the poor domestic policy, the world economy’s recession that followed the oil crises in the 1970s created a breaking point for Latin America, Brazil was not an exception. The increase in the world’s interest rates and the decline of Brazil’s external trade flows reflected in the balance of payments and significantly raised the foreign debt. As a result, the Brazilian economy collapsed. The country went into deep recession, confronting a long period of inflationary pressure and financial crisis known as the “lost decade” (Paiva de Abreu 2004).

While Brazil was undergoing a major economic crisis, the European Community was facing political challenges, partially as a repercussion of the 1970s international crisis. Facing rampant unemployment, rising inflation and stagnant growth, the weakening economy forced member states to act together in addressing the crisis (Dinan 2004: 7). Internal EC policies were under review and there was

pressure from member states for structural reforms in the institutions and instruments of regional cooperation. Domestic policies were at the top of the European agenda (Saraiva 2004: 8). Moreover, in the 1980s European foreign policy reversed its progressive course of engagement with Latin America. The Falklands war between the UK and Argentina (1982) had severe implications for EC-Latin American relations. Whereas the EC supported Britain on the adoption of economic sanctions against its rival, Latin American countries supported Argentina. Political tensions between the two regions were such that meetings of the Brussels Dialogue were even suspended (Hoste 1999: 2). Furthermore, with the fall of the Berlin Wall, Central and Eastern Europe became the key priority of European foreign policy. If cooperation with Latin America had never been a main concern, the crisis in the region and the new priorities of the EC were sufficient to classify Latin America as a matter of “secondary external importance” for Europe (Saraiva 2004:8).

Together, the economic crisis in Brazil and the political distancing of the EC from Latin America were responsible for the fading EC- Brazil bilateral relationship.

2.2.4 Combining bilateral and regional cooperation

The renewed European interest in the region by the end of the 1980s was motivated by both political and economic reasons. Diminishing tensions in the Cold War allowed Europe to play a greater political role in the region that had thus far been considered mainly a domain of US foreign policy. The EC engaged in further political dialogue and development assistance programmes in LAC, directly contributing to the resolution of conflicts in Central America through the San José Process, in 1984 (Bretherton and Vogler 2003: 130).³³

The EC strategy to use instruments of political and economic assistance to resolve the crisis, especially in Nicaragua, contrasted with the US interest in a

³³ In 1984 the European Commission institutionalised an interregional political dialogue with the Contadora Group (constituted of Latin American countries, mainly from Central America) to deal with political crises within the region and in 1987 a political dialogue with the Rio Group was also formalised (Ribeiro-Hoffman, 2004:5-6).

military intervention and was essential to guarantee a peaceful resolution to the conflict. This success resulted in the reorientation of the European foreign policy towards the whole region (Smith 1995: 106).

The revitalization of relations between the two regions was formalized with the Declaration of Rome between the Rio Group and the EC, in 1990. Aiming at political stability in Latin America, the document represents the shared commitment to the respect of democracy and the rule of law. The Declaration also stated the EC's support for regional integration processes in Latin America, thus bringing a new element to EC- LAC political dialogue.

The concern in engaging with the region could be perceived as part of the EC's interest in acquiring international prestige as an "interest-free" interlocutor. The crises in Central America were also an opportunity for the EC to exercise its capacity to forge a common policy for a conflict zone.³⁴ Moreover, as Hostle concludes, "there was nothing to lose; there was a lot to gain since Central America could become a gateway for the entire Latin American continent...and it did" (Hostle 1999:4).

Another important political reason, and perhaps the most important one, was the accession of Portugal and Spain to the European Community in 1986. When the two countries joined the EC it was expected that they would request the same treatment for their former colonies as France and the UK had done. In fact, their Accession Treaty was complemented with a declaration of intention from the European Community regarding further development of European relations with Latin America (Santander 2001: 526).

Economic factors were also relevant. Latin America was already a large market for consumer goods with significant growth forecast, therefore a great destination for European exports of manufactured products. Additionally, the region also had a consolidated role as a global supplier of mineral goods. More imports for Europe would benefit the trade balance of Latin American countries, while at the

³⁴ According to Piening (1997:126) "The San Jose process remains one of the earliest and most successful instances of European Political Cooperation and is all the more noteworthy for having preceded by almost two years the subsequent institutionalization of the EPC in 1986 under Title III of the Single European Act".

same time representing an alternative to the EC's deep dependence on African supplies (Hoste 1999: 2).

The EC/EU's approach towards Latin American countries, including Brazil, could also be considered an attempt to promote Europe's role as a "civilian power" (Freres 2000: 64). From this perspective, strategies to promote regional stability and consolidate democracy can be seen as instruments to disseminate European values to the world (Carranza 2004: 8). In the words of Grugel (2002), "the EU has used Latin America to demonstrate variously its "civilian power" status, as a platform of market expansion, and to strengthen its role as an international actor". Young (2002: 111-112) believes that the scope and the effectiveness of European foreign policy towards the region represents a chance to assess the EU's capacity to exert global influence, going far beyond its borders.

Saraiva (2004: 16) argues that the pursuit of formal inter-regional cooperation with Latin America fits in with a European strategy to enhance its *actorness*. This explains, at least in part, the motivation to increase political dialogue with the region even when there was no clear European foreign policy towards Latin America. Moreover, such strategy denotes the perception of shifts in world politics towards multipolarity. The EU then considered it important to engage with actors that were gaining prominence in international affairs.

As Almeida (2007: 5-8) notes, after the re-democratization process that ended a twenty year military regime (1964-1985), Brazil continued to pursue its aspiration to become a global player. The country maintained the strategy of promoting its interests through multilateral mechanisms. Following the trends in international politics, this strategy was then reconciled with engagement in a regional integration process. Interested in enhancing cooperation with other countries in the region, Brazil concluded several agreements and protocols with its neighbours. The objective was not only to strengthen bilateral ties but also to advance forms of regional cooperation. For this purpose, in 1988, Brazil celebrated a bilateral agreement with Argentina in which the parties agreed to establish a single market in the region within ten years.

During the 1990s Brazil promoted structural changes mainly in the economic realm. The “import substitution” model that had so far protected Brazil’s domestic industry from international competition was replaced by a market-opening strategy. Grounded on the guidelines of the Washington Consensus, the new political orientation promoted economic reforms based on privatizations, market liberalisation and the diminishing role of the State in the economy (Almeida 2007:5-8).

As a democracy again, Brazilian foreign policy kept the focus in promoting more trade and investment opportunities for its market, in order to achieve national economic development (Hirst and Pinheiro 1995: 6-7). Brazil continued to pursue its longstanding goal of projecting its identity as a “global player”.³⁵In order to achieve this goal, it was important to disassociate the country with its image as merely a regional player. Thus, Brazil considered it crucial to foster its relationship with partners from other regions, including Europe. The new opportunities created by economic and market liberalisation in Brazil were appealing to the European Union.

As a result of their mutual interest in strengthening bilateral ties, in 1992 the European Commission and Brazil signed a new Framework Agreement for Cooperation, replacing the 1982 Agreement. The document extended bilateral cooperation to areas beyond trade, also covering energy, mining, environment, intellectual property, industry, investments and economic and social policies. Additionally, it institutionalised an EC-Brazil joint committee to ensure the coordination of the development of cooperation in all these realms. Considered a “third generation agreement”, in EU jargon, the accord included clauses on the observance of democratic principles and a future development clause, the latter allowing for the parties to mutually agree on extending the level of cooperation

³⁵ The main foreign policy goal of the Collor de Mello government (1990-92), was to promote Brazil to the “first world” and grant it the status of a “developed country” (Almeida 2007) and the end of the Cold War was seen as an opportunity to enhance North-South cooperation (Hirst and Pinheiro 1995: 6-7). Involved in a corruption scheme, Collor resigned only two years after the beginning of his term, to avoid being impeached. The following government of Franco (1992-1994) saw continuity in two key elements of the previous administration: the implementation of liberal reforms and engagement in regional integration. Hence, this time Brazil made a clear choice to privilege its relations with South America. The objective of strengthening its ties in the region was pursued as a way to establish a sphere of influence in South America, in order to increase its international role and reduce the sphere of influence of the US. It was with scepticism that Franco agreed on the opening of negotiations for a Free Trade Area of the Americas (FTAA), in contrast with the interest of many other countries, especially Argentina (Mello 2002: 39).

through the creation of new instruments or the broadening of its scope.³⁶ The Framework Agreement came into force in 1995 and remains one of the preeminent legal bases for EU-Brazilian cooperation.

2.2.5 The emergence of MERCOSUR: the sub-regional level of cooperation

Overcoming political rivalry, Argentina and Brazil agreed to revitalise their relations, embarking on a process of economic integration in the late 1980s. The idea spread to other neighbours in the region, namely Paraguay and Uruguay. The four countries agreed to establish the Common Market of the Southern Cone (MERCOSUR), signing the Treaty of Asunción, in March 1991.³⁷ Three year later, the Protocol of Ouro Preto granted legal personality and institutional arrangement to the bloc (Malamud 2005: 1-2).³⁸ The creation of MERCOSUR set up a new platform for EU-Brazil cooperation: the sub-regional level.

As expected, the EU closely followed the birth of regional integration in South America. Yet, its interest in MERCOSUR was shared by the United States. In 1990, the US launched the Enterprise for Americas Initiative (EAI), aimed at reinforcing relations with Latin America. As a development of the EAI, the US proposed the Rose Garden Agreement to MERCOSUR, signed in June 1991. Creating new economic opportunities for both partners, the “4+1 Agreement”, as it is known, established mechanisms of consultation on trade and defined guarantees to foreign direct investments (Santander 2001: 528).

Similarly to on previous occasions, the deepening of US relations with Latin America, and especially with MERCOSUR, reflected in the EU’s engagement with

³⁶ The list of other ‘third generation agreements’ concluded by the EU with third parties is wide and includes: Argentina and Bolivia (1990), Chile (1990, 1996 and 2002), Mexico (1991 and 1997), Venezuela and Uruguay (1991) and Paraguay (1992), amongst others (Ribeiro-Hoffman 2004:7).

³⁷ The Treaty also established the four elements that would constitute the basis of this process: 1) free circulation of goods, services and factors of production; 2) a common tariff and trade policy; 3) macroeconomic and sectoral policies, and 4) harmonised domestic legislation (Malamud 2005:1).

³⁸ In spite of its institutionalisation and the granting of its legal personality, the objective to create a single market was not accomplished. MERCOSUR is still only a customs union (Malamud 2005:2).

the region. In April 1991, leaders of MERCOSUR met with the European Commission for the first time to discuss the prospects of an agreement between the two regional groups. After nearly one year of negotiations, the MERCOSUR Council and the European Commission signed the Inter-Institutional Cooperation Agreement, in May 1992. The deal aimed to promote technical and institutional assistance from the EU in the development of the integration process in South America. Furthermore, the Agreement paved the way to the adoption of joint programmes and the discussion of inter-regional cooperation in several fields. Nevertheless, with an emphasis on political cooperation, the EU and MERCOSUR still required an instrument with which to foster their economic relations.

In order for this sub-regional level of cooperation to develop, the EU needed the support of its member states. Thus, in 1994, the European Commission delivered a Communication to the Council and the European Parliament (EP) stressing the importance of the strengthening relations with MERCOSUR as a foreign policy priority (European Commission 1994). The Communication argued that this was the case for both economic and political reasons. By 1994, the European Community was already the main trading partner of MERCOSUR, whereas the four members of the regional organisation accounted for around 70% of all European foreign direct investment in Latin America. Furthermore, MERCOSUR represented a market with great potential for growth. The promising futures of the economies within the bloc created opportunities for European businesses. On this basis, the European Commission argued to the Council and the EP that a trade agreement with MERCOSUR could consolidate EU's position as the major supplier of industrial and capital goods to the region. Political motivations given for the development of these sub-regional relations were essentially threefold. Firstly, engaging with MERCOSUR would be part of the EU's longstanding support for democratic systems. Secondly, in sharing experiences of regional integration processes, the EU would be setting an example to MERCOSUR, disseminating its own model of integration to the world. Finally, closer relations with the bloc would meet "the desire of these countries to maintain a balance in their relations with the United States and Europe" (European Commission 1994).

The European Commission's justification of this last political reason is, at least, interesting. The discourse endorsed in the Communication opted to frame the need for further engagement with MERCOSUR as (almost) an act of solidarity that would hinder the prospects of a hegemonic US presence in the region. Yet, what the document did not emphasise were the risks that enhanced MERCOSUR-US economic ties posed to the bloc's accessing of the European market.

Nevertheless, the economic and political arguments raised by the European Commission seemed compelling. The Council of the European Union responded to the Communication, authorising the launching of a new deal with the regional bloc. Concluded in 1995, the EC-MERCOSUR agreement came into force four years later, in 1999. With emphasis on trade and economic issues, the accord created a consultation mechanism, envisaging the reciprocal liberalisation of trade between the two markets. In addition, the new instrument of cooperation aimed at enhancing political dialogue between the partners.

Meunier and Nicolaidis posit that the pursuit of a commercial agreement with MERCOSUR was an expression of the EU's "trade power" (Meunier and Nicolaidis 2006: 910-912). Under this approach, trade relations could be considered an instrument used by the EU to promote non-trade related goals, such as geopolitical power for example. Additionally, in establishing trade agreements with third parties, the EU would be disseminating its own norms to the world, creating an international environment more favourable for the promotion of its interests. In the same line of thought, Carranza claims that "a successful EU-MERCOSUR free trade area would demonstrate that the EU can have a common foreign policy as a global player" (Carranza 2004:15). Thus, there were both material and normative incentives for the EU to strengthen its cooperation with the bloc.

More critical interpretations consider that the interest in counterweighing the US' dominance over Latin America is another factor involved in the push for closer relations between the two regions. As Karen Smith argues, "the EU's support for regional groupings in Latin America must be seen in the light of US policy in Latin

America and its proposal for a free-trade agreement of the Americas [FTAA]” (2003:80).³⁹

From the viewpoint of MERCOSUR, an association agreement with the EU was important for many reasons. Firstly, the two regions have undeniable historical and cultural ties (Grugel 2007: 48). Secondly, the EU is the main trading partner of MERCOSUR and the biggest investor in the region.

TABLE 8 EU TRADE WITH MERCOSUR

(MI ECU/EURO)

	1980		1990		2001	
	Imports	Exports	Imports	Exports	Imports	Exports
Volume	7,728	5,944	14,083	5,715	24,320	24,177
Trade Balance	-1,784		-8,368		-143	
Share of EU total	2.8 %	2.8%	3.2%	1.4%	2.4%	2.5%
Share of MERCOSUR total	28%	28.3%	56%	15.8%	24.2%	25.9%

Source: European Commission (2001)

Thirdly, the European regional integration process was considered a model of success. MERCOSUR was very interested in learning from Europe’s experience and acquiring the EU’s contribution to its own institutional and political framework (Bajo 1999: 929-933). Finally, an alliance with Europe would increase MERCOSUR’s bargaining power in negotiations with the United States (Klom 2003: 352).

Nevertheless, it is noteworthy to observe that, as Carranza stresses, MERCOSUR’s cooperation with the EU was envisaged as counterweight to the US’s presence in the region, rather than as an opportunity for the eventual break-up of their special relations with Washington. Therefore, the bloc engaged in a double strategy, concurrently negotiating free trade agreements with both the US and the EU, using the “European card” to gain concessions at FTAA negotiations on many occasions(Carranza 2004: 7).

³⁹ See Roett (1999).

Formally, this strategy translated into the development of two parallel processes of negotiations with the US and the EU. However, as Bajo argues, inside the bloc opinions diverged over which agreement should be prioritised. A “division of labour” to follow negotiations indicated individual preferences of the parties. Whereas Argentina had a key role in the negotiations with the US, Brazil was the lead in talks with the EU (Bajo 1999:933).

As this chapter has stressed, Brazilian foreign policy has long been geared towards the United States; the establishment of a sub-regional level of cooperation with the EU through MERCOSUR represented a change in this pattern. According to Calgagnotto, Brazil perceived relations with the US as either a stumbling block or a building block in its aspirations to become a global power. In the case of negotiations of the FTAA, Brazil feared that a deal could lead to a hegemonic presence of the US in the region. Moreover, there were concerns over the conclusion of an unbalanced agreement that would favour the US market. The EU-MERCOSUR accord was considered as an alternative solution, which would enhance the profile of the bloc in international affairs whilst posing fewer risks to Brazil’s affluence as an emerging power. Nevertheless, it soon became very clear that reaching a EU-MERCOSUR free trade agreement would not be a smooth process (Calgagnotto 2008:114).

As Andy Klom describes, a pre-negotiation period took place from 1996 to 1999, consisting of two phases. Lasting for two years, the first phase focused on the detailed assessment of the content and impact of an agreement between the EU and MERCOSUR. The second phase was dedicated to internal debate on the agenda of each partner. Negotiations were formally launched in the margins of the European Union, Latin America and the Caribbean Summit (EU-LAC) Summit in Rio de Janeiro, in 1999(Klom 2003). According to Arenas, in the same year, the Cooperation Council, created to discuss the implementation of the 1995 Agreement at ministerial level, established the Bi-regional Negotiation Committee. The body was responsible for defining the steps and a schedule for the negotiations of the Inter-regional Association Agreement (Arenas 2002:6). The Committee had a very broad agenda and an intense schedule of activities. Between 1999 and 2003, ten meetings on economic issues were held. Yet there were no substantial achievements

made (Saraiva 2004: 13). From 2004 onwards, the pace of negotiations on an agreement between the two blocs dramatically faltered.

The failure to reach an agreement had many causes. According to Mahrurk Doctor, since the negotiations of the Free Trade Area of the Americas finished without an agreement, there was no longer a “threat” of US hegemonic dominance over the Latin America (Doctor 2007: 290-293). As such, the European Union gained time in which to rethink its market access strategy in the region. Similarly for MERCOSUR, a deal with the EU was no longer an instrument of bargaining power with the US. For both sides, the geopolitical dimension of the EU-MERCOSUR trade agreement lost some importance.

From an economic perspective, the partners faced internal resistance from some interest groups which opposed an agreement. Opposition in MERCOSUR came from manufacturing and services sectors that feared open competition from European companies. In the EU, the agricultural sector condemned liberalisation in the European market and lobbied against an agreement. Before advancing with negotiations, the parties needed to reach internal compromise on an agenda for negotiations that would go on to be accepted by all domestic players.

Adding to this complexity, both regions had to consider their integration processes, diminishing the emphasis they placed on inter-regional cooperation. MERCOSUR was going through a period of instability, caused by economic crises and a lack of political consensus amongst its members on advancing the integration process, all of which had cast doubt over the future of the bloc. Meanwhile, the EU’s attention turned to “domestic” issues, such as the implementation of the monetary union and the enlargement processes.

Interestingly, however, negotiations were never abandoned. Declaring the prospects of an agreement as dead would have had high political and economic costs. EU-MERCOSUR negotiations were developed observing WTO rules and norms, and in parallel with Doha Round. Progress in one level of negotiations had direct impact in the other. An eventual multilateral agreement would grant the EU and MERCOSUR more access to each other’s market. Yet, in the uncertainty of a successful conclusion of the Doha Round, a bi-regional agreement would be an

alternative, to promote similar trade opportunities for the two parties. It was opportune to keep EU-MERCOSUR negotiations as an option. Discussions on a deal were then placed on hold (Doctor 2007: 290-293). Whilst the development of bilateral cooperation between the EU and Brazil at a sub- regional level stagnated, a new strategy was needed.

2.2.6 New Strategy: Bilateralism for Multilateralism

In the new millennium, EU-Brazil relations changed dramatically, both in terms of scope and approach. As this section demonstrates, breaking with the traditional model under which Europe acted primarily as the sponsor of projects in Brazil, the two actors reframed their engagement as an “equal partnership”. Under a new framework, cooperation was strengthened and extended to new areas. Enhancing the profile of their bilateral relations, the EU and Brazil adopted an innovative strategy of promoting linkages between the four arenas of their multi-level framework of cooperation. The bilateral level was as such conceived of as a platform for the promotion of enhanced relations between the EU and Brazil at other levels. Another defining characteristic of the current framing of bilateral relations is the emphasis on its multilateral dimension. Multilateralism has become a central element of EU-Brazil relations.

The reasons for the re-framing of EU-Brazil relations under these new terms were both economic and political. Prompted by domestic and international changes, there were material and cognitive elements to the decision of the two parties to adopt a more “strategic” approach to their bilateral relations.

The aftermath of the 11 September 2001 attacks led to the establishment of new priorities within the global agenda; security issues became the main area of concern. Under the presidency of George W. Bush, US foreign policy shifted from having a multilateral, to a unilateral, emphasis. The decision of Washington, together with some of its allies, to undertake a war in Iraq without the consent of the UN Security Council, cast a shadow on the future of multilateralism. The lack of support

to international organisations was not an isolated US policy.⁴⁰ The resistance of some key actors, including the US, to ratify international agreements, such as the Kyoto Protocol, and even the International Criminal Court, all suggested that multilateralism was “under challenge” (Newman et al. 2006:2).⁴¹ The diminishing importance attributed to multilateralism was not consensual. There were important players that engaged in a sort of “rescue mission” to help restore confidence in multilateralism.

Perceiving an alleged “crisis” of multilateralism, the EU and Brazil re-framed their foreign policies, emphasising their support for international organisations and other multilateral forms of cooperation. The compatibility of these approaches created a new opportunity for the EU and Brazil to strengthen bilateral relations around prospects of their joint promotion of multilateralism. Evidently, such interest was not spurred by pure altruistic behaviour, but from the combination of a belief in multilateralism as a legitimate principle by which to organise international relations and the perception of opportunities for both actors to increase their presence in international affairs.

For Brazil, the new international order created the conditions for the country to become a more active player in the multilateral arena. Even if not yet recognised as being a “great power”, the weight of Brazil within the global economy elevated the status of the country to that of an “emerging power”. This new status granted Brazil the respect and the political weight it needed to enhance its relevance as an international actor and, consequently, exercise greater influence in the international system (Hurrell 2010: 61).

Changes in the international context coincided with the beginning of President Lula’s government (2003-2010), and marked a turning point in Brazil’s foreign policy. The strategy of “autonomy through participation” that characterised

⁴⁰ For an interesting discussion on the shifts in the US approach to multilateralism, see Ikenberry (2003).

⁴¹ The ICC has not been ratified by many other players, including China and Russia. Moreover, a number of international arms control treaties and conventions “are being eroded, including the Anti-Ballistic Missile Treaty and the Non-Proliferation Treaty” (Newman *et.al.* 2006:2).

the previous government of Cardoso (1995-2002) was replaced by the concept of “autonomy through diversification”, which combined enhanced bilateral relations with multilateral cooperation. Yet, more than simply embracing the existing model of multilateral governance, Brazil’s primary interest was to restructure and reinforce it. In contrast to Cardoso’s “moderate” approach, Lula’s administration perceived multilateralism as being an instrument central to the defence of national sovereignty and promotion of equality amongst states (Vigevani and Cepaluni 2007:8-9).

In light of this, Brazil embraced what might be called “reciprocal multilateralism”, defined by two main characteristics: a) the existence of rules to ensure a fair and equal engagement of all the parties; and b) the contribution of all international actors in the agreement of these rules (Cervo 2010: 11). Since Lula, Brazilian foreign policy has supported the establishment of different forms of multilateral groupings, such as the financial G20, and has called for the reform of multilateral institutions to better accommodate the current balance of power (Hurrell 2010: 62).

Efforts to attribute a “universalist” scope to Brazilian foreign policy translated into fostering cooperation at all levels. Brazil turned its attention to forging south-south cooperation efforts and investing in old and new processes of regional integration (Amorim 2010: 226).

Yet, it is important to consider that, if the new -and current -Brazilian foreign policy does not prioritise relations with the EU over those with other partners, reinforcing engagement with the EU is strategically important. In order to become more than a regional power, Brazil needs to be welcome amongst the key global players. Reinforcing relations with the EU was motivated by economic and trade reasons, but also suited Brazil’s interest in acquiring the internal legitimacy of its ascendance as a rising power. As Lima and Hirst posit, “the country has demonstrated a clear intention of wanting to expand the roles that it plays and the responsibilities that it assumes in regional politics, in Third World agendas and in multilateral institutions” (Lima and Hirst 2006: 21). Thus, even if *bilateral* cooperation with the EU does not appear to be a top-priority in the Brazilian foreign policy of the Lula government, strengthening relations with the EU at the multilateral level can be considered a strategic move used to achieve Brazil’s goal of reinforcing

its relevance in the multilateral arena.⁴²

Yet, whereas Brazil considers itself an important part of multilateralism, the EU believes itself to be a “model” of multilateral cooperation. Thus, the promotion of multilateralism is a way of disseminating the EU’s own “way of life” (Groom 2009: 460), and, therefore, it is deeply rooted in European foreign policy. The degree to which the EU is considered an example of multilateralism varies. For John Ikenberry “the European Union is the most important manifestation of (this) sovereignty-transferring, legally binding multilateralism” (Ikenberry 2003: 535). These views converge on the opinion that “the EU is an organization whose governance structure is characterized by multilateralism. This reflects not only its inner European multilateral process, but its external orientation” (Kirchner 2011: 16).

Additionally, another determining factor in the EU’s attachment to multilateralism is the foreign policies of its 28 member states. Largely represented, in several international organisations, most of the EU’s members have a long history of engagement with multilateralism and play a pivotal role in multilateral institutions and fora.⁴³ The transposition of these individual preferences to the regional level had direct implications for the shaping of European foreign policy orientated towards multilateralism similar to that practised by EU members.

The EU’s commitment to multilateralism has followed the development of European foreign policy and the outlining of its objectives. According to Karen Smith, back in 1988, the European Council attributed competences related to multilateral institutions and global governance to the Commission, including promoting human rights, strengthening the role of the United Nations and preserving international peace and security, among others. In the 1992 Maastricht Treaty, the spread of EU values and principles and the promotion of international cooperation were set out as objectives of the Common Foreign and Security Policy. (Smith 2003:

⁴² For further discussion on Brazil as an emerging power, see Almeida (2007), Herz (2011), Hurrell (2010) and O’Neil (2010).

⁴³ For example, France and the UK are permanent members of the United Nations Security Council. France Germany, Italy and the UK are also party to the G8.

11-13). Moreover, norms and rules on democracy and human rights have been at the core of the political conditionality the EU attaches to its agreements with third parties (Smith 1998: 253). Yet, even if it was incorporating multilateral issues into its agenda and aiming at promoting “universal” values and norms, it was only from the 2000s onwards that the term “multilateralism” was explicitly mentioned in official documents of the European Union.

The alleged “crisis of multilateralism” of the early 2000s placed the EU at a crossroads. Failing to reach a common position amongst its members on how to address the Iraq war, the EU needed a plan for restoring its capacity to forge a European foreign policy. In addition, with “multilateralism under challenge”, the EU felt compelled to respond. The result of the combining of these factors was the launching of the European Security Strategy (ESS), in 2003.

As a benchmark for a better defined European foreign policy, the Strategy adopted three objectives for European external action: (1) addressing security threats; (2) building security in the neighbourhood; and (3) an international order based on “effective multilateralism” (European Council 2003). Therefore, since the ESS, the promotion of “effective multilateralism” has been officially considered as a European goal. Interestingly, the EU attributed a new adjective to the term, but did not propose an innovative approach to multilateralism. Even if the expression has been incorporated into the official discourse and documents of the European Union, the term has never been formally conceptualised. The elements that define multilateralism as “effective” according to the EU remain unclear.

In an attempt to unveil this issue, Biscop argued that “effective multilateralism” could be understood as “the development of a stronger international society, well-functioning international institutions and rules-based international order” (Biscop 2004: 27). This definition suggests that the EU is actually not proposing any new model of multilateralism; rather it suggests the fostering of current mechanisms and principles of multilateral cooperation. Lacking in detail, the ESS established three core actions under which the EU would disseminate “effective multilateralism”: (a) promote of the rule of law; (b) strengthen of the role of international institutions, with greater emphasis on the UN; and (c) contribute to

global governance. The UN system is placed at the core of EU's "effective multilateralism" (European Council 2003).

The emphasis on international organisations (IOs) is not a novelty. Over the past few decades, the EU has significantly increased its presence in international organisations. Arguably, the EU is present in all organisations of which any of its 28 member states is part. But its direct participation is limited to a small number of institutions. The EU is only a full member of the World Trade Organization and Food and Agriculture Organization, whereas in some other cases, as in the United Nations, it holds the status of observer (Jørgensen 2009: 6). Even if formal representation (or its absence) does not define the EU's *influence* within the various institutions, it affects the external recognition of the EU as an international actor operating in a multilateral context. Thus, in joining these IOs, even with observer status, the EU has the legitimate right to take part in their activities and eventually influence the shaping of these multilateral organisations, from an insider perspective. This has direct implications for the EU's engagement with multilateralism, as the type of access the Union has to multilateral institutions can affect both its interest in promoting multilateralism and its strategy for doing so.

The EU's strong commitment to multilateralism as a principle is not in doubt. But when it comes to dealing with multilateralism as a strategy, the EU has a more selective approach. As Jørgensen points out "given that the Union also makes use of bilateral and unilateral strategies, the multilateral strategy is only part of the Union's foreign policy instruments and objectives" (Jørgensen 2006:32).

In cooperating with other partners, the EU has a diverse portfolio of agreements. The EU's Treaties Office Database (Europa 2013) lists 752 bilateral agreements, and 230 multilateral agreements between the EU and third parties. This is clear evidence of the fact that the EU combines multilateralism with other strategies. In the 2003 ESS, in addition to promoting "effective multilateralism" as a European objective, the European Council emphasised the importance of enhancing bilateral relations with "key global players", asserting that both multilateralism and bilateralism remain priorities for the EU. This policy strategy was further institutionalised, and acquired a legal status when incorporated among the legal provisions of the Lisbon treaty, of which Article 21 states that:

The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations (TEU).

According to Grevi, the European approach of pursuing its multilateral interests by building stronger ties with certain international actors stems from a perception that the behaviour of key global players has a direct impact on global governance. Consequently, EU bilateral relations with some countries have been considered a precondition for the establishment of a multilateral model of governance, acquiring the status of “strategic” (Grevi 2008:10).

It was evident that the European perception of a certain historical and structural homogeneity across Latin America was not in touch with the political and economic differences amongst the countries in the region (Lessa 2009:9).

2.2.7 Forging the EU-Brazil Strategic Partnership

The shared interest of the EU and Brazil in the promotion of a multilateral system, together with Brazil’s growing international role and the stagnation of negotiations on an agreement with MERCOSUR, were clear indicators of the need for the EU to vary its strategy towards Latin America. As a result, the EU has diversified its approach to bilateral relations with each country, taking into better account their singularities, but always in parallel with an ongoing intercontinental dialogue strategy.

In November 2000, the European Commissioner for External Relations, Chris Patten, took the opportunity of the third round of negotiations of the EU-MERCOSUR agreement, held in Rio de Janeiro and Santiago (Chile), to hold bilateral meetings with the governments of Brazil, Argentina and Chile, individually. On the occasion, Patten stressed the EU’s commitment to the conclusion of an agreement with MERCOSUR, but also spoke of a “new strategic partnership” that would enhance EU relations with Latin America, attributing a distinguished role to

Brazil within this strategy:

Brazil's bilateral relations with the EU are essential to us (...) we wish to work closer with Brazil. Not only to develop the EU-Brazil bilateral relations and the MERCOSUR region-to-region links. But also, to meet objectives that were set at the EU-Latin American and Caribbean Summit in Rio de Janeiro (European Commission 2006: 5).

One month after Lula came into power in 2003, the EU Trade Commissioner, Pascal Lamy, met the new government to discuss trade issues. In justifying the purpose of his visit to the country, Lamy expressed the EU's interest in enhancing its partnership with Brazil in order to promote multilateral and regional goals:

Brazil is an essential partner for the EU both in the context of the WTO as well as a pillar of the Mercosur. The election of President Lula has brought a renewed spirit to the region. I very much look forward to working with the new government to advance on both the regional and the multilateral trade agenda (European Commission 2003).

In 2006, the new EU Trade Commissioner, Peter Mandelson, also visited Brazil with the intention of reinforcing their political ties. Interestingly, however, Mandelson went beyond the habitual discourse on the relevance of Brazil to the conclusion of a MERCOSUR-EU agreement. In his speech, he stressed the growing role played by the country in the world's economy, detaching its relevance from a regional context. Mandelson compared Brazil with China and India, praised the country's leadership of the G20 in the WTO and concluded by welcoming Brazil as a 'global economic power'. This shift in the tone of the EU's discourse reflected both the recognition of Brazil's role as an emerging power in world politics and the perception that an enhanced partnership with Brazil could be beneficial to the pursuit of European interests within a multilateral system, in accordance with the political guidelines of the ESS.

The interest in granting their bilateral relations a new status was welcomed by the Brazilian government. During the first official visit to the country by the President of the European Commission, José Manuel Barroso, in 2006, a Joint Statement was launched addressing the EU-Brazil joint commitment to tackle global issues and reinforce the role of existing multilateral institutions, as well as to promote more cooperation in traditional bilateral areas (European Commission

2006b).

Ever since, the agenda of EU-Brazil relations has incorporated more “global issues”, in an attempt to enhance their engagement at the multilateral level. The Country Strategy Paper 2007-2013 for Brazil, adopted by the European Commission, restated the convergence of the EU and Brazil’s views on global issues as well on the belief that “sustainable development can be better achieved in a multi-polar world” (European Commission 2007: 7). Meanwhile, cooperation in areas which have long featured in their bilateral dialogue has also been improved.

This new approach to EU-Brazil relations rested on existing instruments of cooperation and the creation of new ones.

In a “Communication to the Council and the European Parliament”, issued in May 2007, the Commission stressed the growing role of Brazil as global player and as a key interlocutor for the EU. Entitled “Towards an EU-Brazil Strategic Partnership”, the communication suggested that it would be opportune to use the upcoming first EU-Brazil Summit to agree on a Strategic Partnership with the country. The delivery of this Communication was followed by a declaration by the President of the Commission reinforcing the importance of strengthening this bilateral relationship:

Brazil is an important partner for the EU. We not only share close historic and cultural ties, values and a strong commitment to multilateral institutions, we also share the capacity to make a difference in addressing many global challenges such as climate change, poverty, multilateralism, human rights and others. By proposing stronger ties, we are acknowledging Brazil’s qualification as a key player to join the restricted club of our strategic partners (European Commission, 2007b).

The EU-Brazil Strategic Partnership was launched during the first EU-Brazil Summit, held in Lisbon in July 2007. The Joint Action Plan for the Strategic Partnership was agreed at the occasion of the second Summit, in Rio de Janeiro, in December 2008. The document establishes five main objectives for the Partnership:

1. Promoting peace and comprehensive security through an effective multilateral system;

2. Enhancing the Economic, Social and Environmental Partnership to promote sustainable development;
3. Promoting regional cooperation;
4. Promoting science, technology and innovation;
5. Promoting people-to-people exchanges Council of The European Union (2008).

As the instrument for the development of a comprehensive partnership, the 2008 Joint Action Plan addresses almost all possible aspects of cooperation between the EU and Brazil. In addition to the wide range of issues covered, another characteristic of the plan is its multi-level outreach. With the partnership, the EU and Brazil explicitly aimed to strengthen their cooperation at all four levels on which they engage. The document underlined the strategy for promoting this objective:

The relations between the EU and Brazil will be enhanced on the basis of annual dialogues at the highest level and regular Summits and Ministerial meetings. Such meetings will notably address global challenges and crises that threaten the stability and sustainable development of societies and economies around the world. Senior Official meetings and the European Community-Brazil Joint Committee meetings will contribute to the preparation of the Summit and Ministerial meetings as well as to the monitoring of progress on the ongoing dialogues and the implementation of the Joint Action Plan Council of the European Union (2008)

Adopted in 2011, the Second Joint Action of the EU-Brazil Strategic Partnership was structured under the same agenda of the first Action Plan, demonstrating continuity in the scope of the partnership. Ever since, the two partners have held annual high-level summits:

TABLE 9 EU-BRAZIL HIGH-LEVEL SUMMITS

Summit	Location and Date
1 st High Level-Summit	Lisbon, 4 July 2007
2 nd High Level-Summit	Rio de Janeiro, 22 December 2008*
3 rd High Level-Summit	Stockholm, 6 October 2009
4 th High Level-Summit	Brasília, 14 July 2010
5 th High Level-Summit	Brussels, 4 October 2011**

*Adoption of the Joint Action Plan I.

** Adoption of the Joint Action Plan II.

In terms of agenda, the joint declarations of the five summits held in the 2007-2011 period are all very alike and are divided in accordance with the five priorities of the Strategic Partnership set up by the Joint Action Plan I (mentioned before). Crossing these documents, it is interesting that not only the agenda and the format of the five joint declarations are similar but also the texts of many paragraphs are repeated. The main differences between them are in terms of updates on the latest developments of bilateral cooperation or the inclusion of specific issues within multilateral regimes on which the EU and Brazil claim to be committed to cooperate.

There are two ways that one could interpret this observation. On the one hand, the repetition in the five joint declarations might be considered an exercise of political rhetoric, showing that the Strategic Partnership has not developed much from its original form. On the other hand, the fact that the documents of five years of summits are very similar in content and form can be considered a sign of consistency. It shows, to a certain extent, that the decision to forge a partnership addressing multilateral issues was not an isolated event; rather it has been endorsed by the EU and Brazil as one of the core drivers of their cooperation.

Regardless of the outcome achieved thus far, the Strategic Partnership can be considered a milestone in the framework of the EU-Brazil relationship. Two core aspects of the Partnership justify this optimism. Firstly, the incorporation of new elements in the agenda of EU-Brazil cooperation demonstrates not only the enhancement, but also a new conception of their relationship. This aspect is directly related to their perceptions of each other's role in world politics and suggests a certain affinity of their values and interests. Secondly, when the EU and Brazil commit to act together to promote a certain model of multilateralism, with the reinforcement of international organisations, they are strengthening their cooperation on the multilateral level. This has an impact on the overall pattern of their multi-level cooperation and also on the legitimacy and reinforcement of multilateralism. Finally, until the Strategic Partnership, cooperation at the bilateral and the multilateral levels developed in parallel, but were never strategically linked. The success of this strategy is to be explored in the next three chapters of the thesis.

2.3 Conclusion

As this chapter demonstrated, the development of EU-Brazil cooperation has been structured on a four-level model. Far from occurring in isolation, the overlaps and parallel developments of those levels of cooperation have been a permanent characteristic of EU-Brazil relations. Yet, within the past decade, the two partners have placed greater emphasis on the development of which, together with the bilateral level, constitutes the core pillar of the current framework of EU-Brazil cooperation.

The 2007 Strategic Partnership signaled a new phase in this bilateral relationship, positioning the EU and Brazil as “equal partners”. The strategy adopted for promoting a spillover from cooperation at the bilateral level to the multilateral level suggests the understanding that the two strategies can be mutually complementary. Yet, as presented in the previous chapter (chapter one), there is no consensus amongst international cooperation theorists on the validity of this assumption. Therefore, EU-Brazil relations are an interesting case in which to empirically explore the concept of level-linkage.

CHAPTER 3

Level- Linkage in Climate Change

3.1 Introduction

As detailed in chapter 1, this thesis claims that level-linkage depends essentially on four hypotheses: a) the type of regime; b) the compatibility of the two actors' approaches; c) the foreign policy-making process of each player; and d) the preferences for third partners at the multilateral level. Hence, in order to understand whether or not the EU and Brazil have been successful in promoting a *spillover* from dialogue at the bilateral level for cooperation at the multilateral arena (DBLCM) to the multilateral level, it is essential to assess level-linkage in different domains. The scrutiny of this process requires a case-by-case analysis.

This chapter primarily analyses level-linkage in the case of climate change. The focus is on three periods in the development of the international climate change regime. The first considers the establishment of the Kyoto Protocol (KP), in 1997; the second addresses the implementation process of the Protocol, from the 2001 Marrakesh Accord to the tenth session of the Conference of Parties, (COP10) in 2004. The last period analysed goes from the first Meeting of the Parties of the Kyoto Protocol (MOP), in 2005, to the Copenhagen Accord in 2009.

The remainder of the chapter is organised into four parts. The first part contextualises level-linkage in the case of climate change. For this purpose, it introduces the international climate change regime, with particular emphasis on the United Nations Framework Convention on Climate Change (UNFCCC) and the KP, and presents the formal policy-making processes of the EU's and Brazil's external climate policies. Entering the domain of EU-Brazil cooperation on climate change, the second section of this chapter explores the development of their dialogue at the bilateral level for cooperation at the multilateral arena. The third part scrutinises EU-Brazil engagement in the multilateral arena. The last section assesses level-

linkage on climate change, analysing how each of the four hypotheses impact on the outcome of this process.

3.2 Setting the Scene: The International Climate Change Regime

3.2.1 Explaining the “type of regime” in the case of Climate Change

The UNFCCC and the Kyoto Protocol: Background

Considered to be a high profile issue on the current international agenda, environment and sustainable development were not part of the institutionalised forms of multilateral cooperation that emerged after World War II.⁴⁴ These issues are not directly mentioned in the original text of the 1945 Charter of the United Nations, as they were treated essentially as *local* concerns.

The first attempt to establish global environmental governance⁴⁵ dates back to the late 1960s. Aiming at expanding the role of the UN over environmental issues, in 1968 the United Nations General Assembly (UNGA) approved a resolution calling for a multilateral conference on the environment. The first United Nations Conference on the Human Environment was held in Stockholm, in 1972. The high number of participants, 114 governments, legitimised the institutionalisation of a multilateral framework of cooperation under the UN umbrella. The outcome of the Stockholm Conference was a model of governance with a strong political agenda.

Rather than emphasizing the role of technocrats and scientists, the current framework of cooperation still operates on the basis of international negotiations in which states are the protagonists. Further, the development of the international environmental regime that followed the Conference was also characterised by the

⁴⁴ Over the past two decades, there has been a significant increase in the number of academic literature on the environment and international relations (e.g. Harris (2009), Luterbacher and Sprinz (2001), O’ Neil (2009), Ott (2001), Thomas (1992), and Vogler (1995), Vogler and Imber (1996).

⁴⁵ “Defined most simply, global environmental governance consists of efforts by the international community to manage and solve shared environmental problems” (O’ Neill 2009:4).

fragmentation of the agenda into specific topics (O' Neill 2009: 4-5), such as biodiversity and climate change.

In the 1980s, scientific information drew attention to the depletion of the ozone layer, spurring international debate over the impact of human activity on global warming. Considered an essential transboundary issue, climate change was understood by international actors as requiring a collective response. Climate change was then taken to the UN level, being discussed at the UNGA in 1988. On this occasion, the UN members approved Resolution 43/53 on the “protection of global climate for present and future generations of mankind.” The document urged “governments, intergovernmental and non-governmental organisations to treat climate change as a priority issue”, and endorsed the actions of the Intergovernmental Panel on Climate Change (IPCC) (UNGA 1988).⁴⁶ Published in 1990, the first Assessment Report of the IPCC concluded that human activities had an impact on the rising of global temperature.

The Report provided the technical basis for the Second World Climate Conference, which concluded with a ministerial declaration calling for the agreement of a framework convention on climate change (Sands 2003: 358-359). In 1990, the UNGA created the International Negotiating Committee (INC), responsible for establishing the Convention. After six rounds of talks, the final text was adopted and opened for signatures during the Rio Summit, in June 1992. The UNFCCC entered into force in 1994, ratified by 155 parties (Gaan 2008: 125).

Article 3 sets as the objective of the Convention the promotion of “stabilization of green gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.” Recognising that the parties have different historic responsibilities and economic capacities, Article 3 UNFCCC establishes that:

⁴⁶ The IPCC was established in 1988 by the United Nations Environmental Program (UNEP) and the World Meteorological Organization (WMO) with the aim to provide scientific analysis on climate change, providing technical basis for international cooperation in this realm (Sands 2003: 358).

Parties should protect the climate system for the benefit of future and present generations of human kind on the basis of equity and in accordance with their common but differentiated responsibility and respective capabilities. Accordingly, developed countries should take the lead in combating climate change and the adverse effects thereof (UNFCCC 1992).

On this premise, the UNFCCC establishes different degrees of commitment of the parties, assigning the main responsibilities for tackling climate change to industrialised economies. The allocation of responsibilities follows the distribution of membership amongst three distinct groups, as defined in the Annex of the Convention. The list of Annex I includes Organisation for Economic Co-operation and Development (OECD) countries and other economies in transition (EITs), whereas Annex II encompasses exclusively OECD members. All other parties, essentially developing countries, feature in the so-called non-Annex I list. According to Article 4 of the Convention, specific commitments on CO₂ emission reductions apply exclusively to the Annex I countries. For those in the Annex II, responsibilities extend to providing financial and technical assistance to the non-Annex I countries, as well as granting technology transfer to developing economies and EITs. In addition, the Convention sets up commitments applicable to all parties (UNFCCC 1992). The UNFCCC establishes that all members should adopt preventive measures to minimise future impact on climate change, thus establishing the precautionary principle as the guiding principle for global climate governance (Gaan 2008: 127).

Overall, the UNFCCC provided the international climate change regime with an institutional framework for cooperation, defined in terms of principles, procedures, responsibilities, agenda, and organisational setting. However, given the plurality of interests and values of the several actors to be contemplated, reaching an agreement that would have “universal acceptance” implied adopting a “soft approach” to climate change (Oberthür and Ott 1999: 33). Negotiations that followed the agreement of the UNFCCC revealed the weaknesses of the “soft and gradual approach;” defining its specific normative content and advancing the commitment of the parties was an imperative need.

Entering into force in 1995, the UNFCCC established the Conference of the Parties of the Convention (COP) as its primary decision-making body, responsible for ensuring the effective implementation of the Convention, and promoting the

agreement of legal instruments and commitment among the parties. The first challenge of the Conference of the Parties to the Convention (COP) was to reach an agreement on the appropriateness and the regulation of the legally binding commitments to the Annex I parties of the UNFCCC. Two years of intense negotiations resulted in the adoption of the KP, at the third COP (COP3, in 1997 (Gaan 2008: 128).

As a complementary instrument to the UNFCCC, the KP embraces the same ultimate objective and institutional framework as the Convention. Endorsing the “common but differentiated principle,” the KP attributes greater responsibilities to developed countries, but also establishes commitments by *all* parties. Advancing the terms of multilateral climate cooperation, the KP defines legally binding obligations to the Annex I parties (listed again in the Annex B of the Protocol), setting individual and joint greenhouse gas (GHG) emission reduction targets to be achieved by end of the first commitment period (2008-2012) (Gupta 2005: 147-148). In order to assist the fulfilment of these commitments, the Protocol created three mechanisms: (a) joint implementation; (b) clean development mechanism (CDM); and (c) emission trading, in Articles 6, 12 and 17 respectively (Kyoto Protocol 1997).

Again, the “soft approach” of the process of multilateral cooperation on climate change had direct implications for the terms of the KP. According to Farhana Yamin, the three mechanisms agreed by consensus were defined just in general terms. The parties were reluctant to launch internal ratification processes before clarifying the rules and procedures of these instruments, blocking the entry into force of the Protocol. After six years of intense negotiations, the text defining provisions on the three mechanisms was adopted at the seventh COP (COP7), in 2001. The “Marrakesh Accord,” as the final declaration of the Conference is known, paved the way for the ratification process of the Protocol (Yamin 2005:2). The KP entered into force in February 2005; currently, there are 192 parties to the UNFCCC and the Protocol.

The EU signed the UNFCCC on 13 June 1993, ratifying the document on 21 December 1993. Brazil signed the Convention on 4 June 1992 and ratified the UNFCCC on 28 February 1994. The KP was subjected to a longer process. The EU signed the agreement on 29 April 1998 and ratified it only 4 years later, on 31 May

2002. Similarly, Brazil signed the Protocol on the same day as the EU, but the ratification process was only concluded on 23 August 2002 (UNFCCC 2011). Nevertheless, the European Union and Brazil were amongst the first actors to adopt the two instruments.

It is important to emphasise that both the European Union and EU member states are signatory parties of the UNFCCC and the KP. Article 22 of the Convention grants Regional Economic Integration Organizations (REIOs) the right to take part in the multilateral climate agreements established under the UN framework. This formal membership gives REIOs the same rights in taking part in the process of approval, ratification, acceptance or accession as that of states (Article 21); the only difference is in terms of voting rights. Article 18 establishes that REIOs cannot vote when their member states are exercising voting rights, and vice-versa. Should REIOs vote on behalf of their members, they have the same number of votes corresponding to their member states party to the UNFCCC (UNFCCC 1992).

The EU features in Annex I of the UNFCCC and the KP, and 26 of its member states have a binding commitment to reduce their emission of greenhouse gas.⁴⁷ The EU is third largest emitter after the United States and China. It accounts for around 13% of global GHG emissions, most deriving from energy supply, energy use and the transport sector.⁴⁸ Occupying a central position within this regime, over the past decades the EU has demonstrated commitment to reducing its GHG emissions, but has also engaged in the development of multilateral cooperation on climate change (Pew Centre on Global Climate Change 2009).

Brazil has one of the cleanest energy matrixes in the world; hydropower and biofuels provide most of the energy supply to modern sectors of the economy. Nevertheless, the country features among the top world GHG emitters. Around 80% of Brazil's GHG emissions are from deforestation and land use (Ministry of Science and Technology 2009: 6). As a party to the UNFCCC and the KP, Brazil has no legally binding responsibility to curb its GHG emissions; Brazil does feature in the

⁴⁷ Malta and Cyprus are not part of the Annex B of the Kyoto Protocol.

⁴⁸In 2009 the EU-27 GHG emission was of 4,614.5 million tonnes, corresponding to 9.2 tonnes of GHG per capita. The three largest shares of GHG emissions by sectors are: 32.4% on energy supply, 26.7% on energy use (excluding transport), and 20.2% on transport (European Environmental Agency 2011).

Annex B list of the protocol. This rather *unique* profile places Brazil as an important (and interesting) actor in the international climate change regime.

Organisational Framework and Decision-Making Process of the UNFCCC and the Kyoto Protocol

The UNFCCC sets up a comprehensive organisational structure, which consists of the Conferences of the Parties, a Secretariat, a Subsidiary Body for Scientific and Technological Advice, a Subsidiary Body for Implementation, and an interim financial mechanism (UNFCCC 1992). This framework promotes direct engagement among the parties and the United Nations bodies, and the results of this interaction are decisive in shaping the climate change regime.

The KP deploys the organisational framework of the UNFCCC as its main structure. In addition, permanent bodies serving exclusively the KP were created, such as the Executive Board of the CDM, the Supervisory Committee, and the Compliance Committee. Further, the Protocol mandates the COP as the sessions in which the MOP should take place. Nevertheless, the promotion of joint COP/MOP sessions does not imply merging the two agendas in a single summit. Article 13 of the Protocol stresses that the parties of the UNFCCC that are not parties of the KP are granted the status of observer in the MOP, but decisions should be taken only by the parties of the Protocol (Kyoto Protocol 1997).

Following the Rules of Procedures of the UNFCCC, the main decisions related to the Protocol are taken at the COP/MOP.⁴⁹ Generally occurring on an annual basis, these Summits are co-chaired by the Secretariat and the “COP president,” the latter representing the government hosting the meeting. Together, they are in charge of elaborating the draft agenda and opening the summits, where

⁴⁹ The United States’ participation in these meeting is restricted to the discussions of issues referent to the UNFCCC. Until the country ratifies the Kyoto Protocol, it cannot take part in the negotiations of Kyoto-related issues (Fletcher 2007: 119).

the parties can propose amendments to the agenda, normally approved by consensus.⁵⁰

At COP/MOP, negotiations happen in different arenas, including formal and informal forums, bilateral and minilateral consultations. In these various arrangements, debate and bargaining among the parties takes place; thus, the negotiation process is not very linear or centred on one domain. Throughout the days of the Conference, the activities of these forums overlap one another, and the final outcomes of negotiations are discussed at the Plenary. In a nutshell, the decision-making process of COP/MOP entails three levels. Negotiations start with informal consultations, sub-groups and informal working groups. They are then advanced in the working groups, where the parties agree on the decisions regarding different issues of the agenda. Finally, at the Plenary the parties wrap up the debate, adopting the final resolution by consensus (Yamin and Depledge 2004: 440-452).⁵¹

As of 2011, seventeen Conferences of the Parties had been held, the last seven in the joint composition of COP/MOP.

⁵⁰As the approval of the agenda traditionally requires consensus, what should be an ordinary procedural matter has been converted into a critical political issue. This is because managing to block an issue from the agenda represents avoiding its negotiation; this has been the strategy employed by the parties to enforce their own agendas within multilateral negotiations. But the same consensus that is needed to approve the agenda is also required to exclude one of its topics. To prevent disagreements over the agenda from compromising the success of the Conferences before they even start, the approach adopted by the Presidency and the Secretariat consists in holding these polemical issues in “abeyance”, in other words, they are not definitively excluded, but are not officially discussed in that specific session. Although a formal procedure defines that the parties should present their proposals in writing and in advance to allow their circulation among the parties, in practice, the dynamics of the COP/MOP is more informal; proposals are often made orally and without prior announcement (Yamin and Depledge 2004: 438-440).

⁵¹For more on the architecture of the climate change regime under the United Nations Umbrella, see Biermann et.al. (2009), Breidenich et.al (1998), Depledge, and Farhana (2004), Depledge (2005), and Grubb et.al. (1999).

TABLE 10 CONFERENCES OF THE PARTIES (COP) AND MEETING OF THE PARTIES (MOP)
FROM 1995-2011

Year	Meeting	Location	Year	Meeting	Location
1995	COP1	Berlin, Germany	2003	COP9	Milan, Italy
1996	COP2	Geneva, Switzerland	2004	COP10	Buenos Aires, Argentina
1997	COP3	Kyoto, Japan	2005	COP11/MOP1	Montreal, Canada
1998	COP4	Buenos Aires, Argentina	2006	COP12/MOP2	Nairobi, Kenya
1999	COP5	Bonn, Germany	2007	COP13/MOP3	Bali, Indonesia
2000	COP6	The Hague, Netherlands	2008	COP14/MOP4	Poznan, Poland
2001	COP6 (bis)	Bonn, Germany	2009	COP15/MOP5	Copenhagen, Denmark
2001	COP7	Marrakesh, Morocco	2010	COP16/MOP6	Cancun, Mexico
2002	COP8	New Delhi, India	2011	COP17/MOP7	Durban, South Africa

Source: UNFCCC (2011).

At these Summits, each party is represented by a national delegation headed by a chief negotiator speaking on the behalf of the government. Traditionally, the parties form negotiating coalitions, based on UN tradition, or informal political alliances.⁵² Overall, groupings of the international climate change regime under the UNFCCC and KP have three distinct compositions, according to the Annex I list, geographic location and, what is referred to here as political affinity. From these three criteria, it is under the latter that the parties are more active in forming negotiating groups (Climate Change Secretariat 2002: 29-30). The table below summarises these three arrangements:

⁵²The term “alliance” is here used as a synonym for coalitions, defined as “set of governments that defend a common position in a negotiation” (Odell 2006:13).

TABLE 11 COP/ MOP GROUPING COMPOSITIONS

Type	Origin	Criteria	Groups
List of Annex	UNFCCC Kyoto Protocol	Economic (OECD membership)	1. Annex I: 41 countries and the EU; 2. Annex II: 23 countries and the EU; 3. Non-Annex I: Developing countries (including Brazil)
Regional Groups	UN System	Geographical location	1. Africa; 2. Asia (and Pacific); 3. Central & Eastern Europe; 4. GRULAC (Latin America and the Caribbean); 5. WEOG (“Western Countries and the Others”, i.e., Canada, New Zealand and the United States).
Negotiating Groups	COP/MOP	Political affinity (Formal/ informal compositions)	1. G77/ China (Developing countries, including Brazil) 2. BASIC (Brazil, South Africa, India and China) EU Umbrella (non-EU developed countries); 5. AOSIS (Alliance of Small Island States); 6. Environmental Integrity Group (Mexico, Republic of Korea and Switzerland); 7. CACAM (Central Asia, Caucasus, Albania and Moldova); 8. Central Group 11 (most EIT countries included in the Annex I); 9. OPEC (Organization for Petroleum Exporting Countries)

Data from the UNFCCC (2012).

The EU and Brazil are both members of the UNFCCC and the KP. Yet, as table 11 summarises, the two partners do not share membership in any kind of formal or informal grouping formation under which international climate negotiations are arranged. EU-Brazil cooperation begins at two distinct departure points.

Another element of the “rules of the game” that determine the conditions in which the EU and Brazil cooperate on trade is the foreign policy-making processes of the two actors.

3.2.3 Foreign Policy-Making Processes

Brazil

Brazilian foreign policy-making on climate change is relatively centralised. The Ministry of Foreign Affairs is the primary institution behind bilateral relations with the EU and also the main body responsible for Brazilian external climate policy at the global level. Sharing the competence over the Brazilian external representation at multilateral negotiations with the Ministry of Science and Technology and the Ministry of the Environment, the role of chief negotiator has traditionally been performed by the Undersecretary-General for Environment, Energy, Science and Technology of the Ministry of External Relations. These three Ministries leading the Brazilian delegation are also in charge of defining Brazilian external climate policy. Within the Ministry of Foreign Affairs, competences in this process are primarily attributed to the Department of the Environment and Special issues, part of the Undersecretary-General for Environment (Brazilian Ministry of Foreign Affairs 2011).

Considering that the development of global climate governance has strong domestic dimensions and implications, the Brazilian Presidency established the Inter-ministerial Commission of Global Climate Change in July 1999. The objective of the Commission is to provide support for the Brazilian government's position in international climate negotiations. Furthermore, it also helps to define the additional criteria for the implementation of CDM projects, engaging with civil society, and advising projects and legislation concerning climate change mitigation. Having mixed responsibilities, contributing to both external and internal policies, in addition to the three Ministries that form the Brazilian negotiating delegation at the

multilateral level, the Commission includes Ministries competent in domestic climate change policies⁵³ (Brazilian Ministry of Science and Technology 2011).

Diplomatic bilateral relations with international actors are the competence of the Ministry of Foreign Affairs. Organising its activities in terms of geographic and thematic divisions, relations with the EU are primarily handled by the Department of Europe (DoE), part of the Ministry's headquarters in Brasilia, and the Brazilian Mission to the European Communities, in Brussels. On issues specific to a bilateral agenda, other departments of the Ministry of Foreign Affairs dealing with particular issue-areas are involved in the foreign policy-making process. In addition, as explained by a Brazilian diplomat, the development of EU-Brazil cooperation includes the participation of other Ministries and governmental agencies.⁵⁴ In the case of climate change, the DoE and the Brazilian Mission organise the activities of the bilateral dialogues and joint committees; however, the Brazilian delegation to these meetings commonly includes staff from the Ministry of the Environment and the Ministry of Science and Technology, and eventually from other bodies. The degree of participation of these agents varies according to the agenda and the location of the meetings. Nevertheless, diplomatic staff responsible for the development of cooperation with the EU at the bilateral level do not take part in the decision-making process of Brazilian climate policy addressing the multilateral sphere. The formal structure of Brazilian foreign climate policy can as such be considered fragmented.

European Union

In the case of the European Union, foreign policy is fragmented and decentralised. As an area of shared competence, the EU's external representation at multilateral climate negotiations lacks formal and legal procedures, but has been defined in

⁵³ Chaired by the Ministry of Science and Technology, the current structure of the Commission is constituted by ten other Ministries, namely: a) Ministry of Foreign Affairs; b) Ministry of Agriculture, Livestock and Food Supply; c) Ministry of Transport; d) Ministry of Mines and Energy; e) Ministry of Planning, Budget and Management; f) Ministry of Environment; g) Ministry of Finances; h) Ministry of Development, Industry and Foreign Trade; i) Ministry of Cities; j) Civil House of the Presidency (executive office) (Brazilian Ministry of Science and Technology 2011).

⁵⁴ Interview n24, Brussels, 12 July 2011.

practice.⁵⁵⁵⁶ Traditionally, the EU's negotiating delegation is formed by the "troika", composed of the European Commission, the Presidency of the European Council, and the incoming Presidency of the Council (Delreux 2011: 17-25). Originally, the EC played a leading role in negotiations, speaking on the behalf of the EU. However, the increased profile of climate issues in the agenda of national politics of EU member states has enhanced the participation of the Council of the European Union in the EU's external climate policy, becoming the key EU interlocutor within the multilateral arena (Oberthür and Kelly 2008: 48).

The Council plays a central role in defining the EU's external climate policy, influencing both the agenda and the policy-making process. In preparing for a round of international negotiation, the meetings of the Environmental Council, composed of environment ministers, are the first instance in which internal discussion of the EU's external position take place. It is on the basis of the conclusions of the activities of this group that, at the second stage, the European Commission and the EU member states agree on a common EU position to be taken to the multilateral level (Oberthür and Dupont 2011: 75).

⁵⁵ The decision-making process regarding EU *external* action differs from that of EU *internal* climate change policy. Whereas in the former the European Council can be considered as the most relevant institution, in the latter the European Commission is the core player. The European Commission has the exclusive competence to introduce legislative proposals that are submitted to the European Council and the European Parliament. Employing a co-decision procedure, the proposals are eventually approved by these two institutions. Implementation of this legislation is a responsibility of the member states, monitored by the Commission. The internal policy-making process of the European Commission has mirrored the dynamics and the multidisciplinary scope of climate change, understood as a policy area relatively new, and still under development. As such, climate change features in the jurisdiction of many Directorate-Generals (DGs) of the European Commission. Established in the late 1960s, DG Environment was the main pillar of the internal structure of the Commission regarding EU climate policy. For decades, the DG Environment worked in close coordination with other DGs with competences related to this realm, such as DG Energy. Recently, however, the profile of climate change within the EU's agenda was enhanced. A few months before COP15 (Fifteenth Session of the Conference of Parties), held in Copenhagen in 2009, the President of the Commission appointed a Commissioner for Climate Action (Barnes 2011: 42-56). In the next year, the DG for Climate Action was established. Among its competences, the DG CLIMA, as it is known, "leads international negotiations on climate, helps the EU to deal with the consequences of climate change and to meet its targets for 2020, as well as develops and implements the EU Emissions Trading System." Structured around these objectives, unit A.1 is in charge of international and inter-institutional relations on climate change (DG CLIMA 2011).

In addition to new institutional arrangements, the latest changes within the Commission also affected the EU's external representation on the international climate change regime. The Lisbon Treaty established that a Vice President of the Commission should also perform the role of High Representative of the Union for Foreign Affairs and Security. Among the competences of this new post features the responsibility to assist developing economies to cope with climate change. These changes enhanced the role of the Commission in the development of the EU's external climate change policy, but also the prospects of EU cooperation with other partners in this realm (Barnes 2011: 56-57).

⁵⁶ For more on the EU foreign policy-making and competences on climate change, see Damro (2006); Delreux (2011); Macrory and Hession (1996); Sbragia (1998, 2000); Sbragia and Damro (1999) and; Wurzel and Connely (2011).

The great importance of the Council of the European Union to the EU's external climate policy addressing the multilateral sphere contrasts with its secondary participation in the development of EU-Brazil bilateral cooperation on climate change. The European Commission is the primary institution responsible for handling bilateral relations with Brazil on a daily basis.

Within the European Commission, the internal allocation of this competence varies according to the issue. Until early 2011,⁵⁷ competences on climate change were distributed among the former Directorate-General for External Relations (DG RELEX), Directorate-General for Climate Action (DG CLIMA) and the European Commission Delegation to Brazil, assisted by other Directorate-Generals (DGs) when the issue required. Consequently, bureaucrats that have been in charge of bilateral dialogues and joint committees had no direct engagement with agents responsible for the policy-making of EU's climate policy at the multilateral level, as they even belong to different EU institutions. This fragmentation of the EU's foreign policy-making adds to the hierarchy between multilateral and bilateral policies, undermining the prospects of the agents responsible for forging cooperation with Brazil at the bilateral level for influencing the decisions taken by policy-makers at the multilateral level.

As this section demonstrated, the formal organisation of the EU's and Brazil's foreign policy-making is defined in terms of a bureaucratic structure that is relatively decentralised, and the competences of agents and agencies are divided by issues and levels of cooperation. It is with this structure in mind that the development of EU-Brazil cooperation at the bilateral and the multilateral level should be understood.

⁵⁷ Established by the Lisbon Treaty, the European External Action Service (EEAS) was created in December 2010, and has incorporated in its structure the former DG RELEX and the European Commission Delegation in Brasilia. However, the implications of these changes in the EU's institutional design for the EU's foreign policy-making remain unclear. However, as this thesis analyses EU-Brazil cooperation from the late 1990s until 2010, addressing the potential impact of the creation of the EEAS on level-linkage goes beyond the scope of this research.

3.3 EU-Brazil Cooperation on Climate Change at the Bilateral Level

Acquiring political salience in both the international arena and the domestic policies of the EU and Brazil, climate change issues have also been incorporated in the agenda of bilateral relations between the two actors.

Cooperation on environmental issues was first institutionalised with the 1992 EU- Brazil Framework Cooperation Agreement. Without reference to climate change, the scope of cooperation in the field of the environment (Article 18) is explicitly associated with sustainable development. Further, the joint actions agreed are limited to the bilateral level of the EU-Brazil engagement. No mention of multilateralism or international cooperation in the field of environment is made.

Nearly a decade later, the first Country Strategy Paper (CSP) for Brazil compiled by DG RELEX and the European Commission Delegation to Brazil in 2001, identified environment as one of the three focal areas for cooperation with Brazil. Under the National Indicative Programme (NIP) for 2002-2006 presented in the CSP, 9 million Euros (9% of the NIP budget) were allocated to projects in the area. The objective was to support “Brazilian initiatives in conservation, protection and sustainable development, through government and civil society partners, particularly in the Amazon area.” In addition, the CSP also aimed at “developing wider EC-Brazil cooperation on environmental issues” (European Commission 2002).

In the second CSP, the EC continued prioritising the development of its cooperation with Brazil on the environment from 2007 to 2013. Narrowing down the priority areas to two, the EC allocated 18.3 million Euros (30% of the indicative budget) for projects “promoting the environmental dimension of sustainable development.” The second CSP primarily endeavours to “support the efforts undertaken by Brazil to curb deforestation in the Amazon region and other biomes and to manage its natural resources in a sustainable way.” The document maintained the “local” scope of cooperation on environmental issues, featuring the EU as the donor and Brazil as the recipient country. Nevertheless, the discourse encompassed another dimension, when the EC recognised that “Brazil has a major role to play in

global environmental issues”, and declared its interest in supporting Brazil’s compliance with multilateral agreements, such as the UNFCCC and the KP. Further, the document also recommended the institutionalisation of a High Level Dialogue on environmental issues, comprising discussion about several subjects, including climate change (European Commission 2007).

Even if the mention of global environmental governance in the second CSP is restricted to discourse, it represents the beginning of the widening of scope of EU-Brazil cooperation on the environment. Also, to a certain extent, it translates in an official document the partners’ aspiration, and arguably, a demand from Brazil to frame the relationship in terms of “equal partnership.” Certainly, the shifts in the pattern of their bilateral engagement regarding environmental issues mirrored major changes in the general terms of EU-Brazil relations, consolidated by the Strategic Partnership.

In the specific realm of the environment, there was the perception from both the Brazilian government and the EU institutions that restricting cooperation to the “donor-recipient” framework implied ignoring the new reality of Brazilian development. According to a member of staff of the EU Delegation in Brasilia, Brazil no longer desired to receive EU funds in the traditional terms agreed. The diminishing of interest, combined with the bureaucracy in the Brazilian government that renders accountability complicated, led the funds to be allocated more to civil society projects, than to governmental programmes.⁵⁸

The Brazilian position can be justified by the economic development achieved over the past two decades. As an official of the Brazilian Ministry of Foreign Affairs stated, the financial contribution granted by the EU is now marginal considering the funds necessary to sponsor projects on the environment; as he summarised by saying, “Brazil does not need EU money. We want cooperation at the same level of partnership.”⁵⁹

The understanding of the need to re-frame the terms of EU-Brazil cooperation is not only reflected by the structure of this engagement, but also in its

⁵⁸ Interview no 13, Brasilia, 24 June 2010.

⁵⁹ Interview n.15, Brasilia, 23 July 2010.

agenda. Broadening the scope of cooperation implies abandoning the almost exclusive focus on Brazilian issues, encompassing regional and international dimensions of the environment. Not only did this perception create the conditions to enhance bilateral dialogue on global environmental governance, it also favoured the development of cooperation on the specific realm of climate change.

In light of this, the partners agreed to establish the Brazil-EC Dialogue on the Environmental Dimension of Sustainable Development with Emphasis on Climate Change, in September 2006. Aiming at providing a “structured framework for bilateral consultations and joint actions,” the Dialogue comprises a Senior Level Policy Dialogue and a Working Group on Climate Change. Held annually and alternatively either in Brazil or in Europe, the meetings provide the partners with an opportunity to exchange views and best practices, and to develop joint actions in a wide range of environmental issues (Docstoc 2011).

One year later, the 2007 Strategic Partnership confirmed the high-profile nature of climate change in EU-Brazil relations. In the agreement, the two partners concur on “the need to identify and promote common strategies to tackle global issues.” A shared understanding of the EU and Brazil’s approach towards climate change is briefly presented. The partners stress their commitment to strengthening the multilateral climate change regime, based on the principle of common but differentiated responsibilities, and guided by the ultimate objective of the UNFCCC (Council of the European Union 2007).

The bilateral alliance forged to address climate change on its global dimension was detailed in the first Joint Action Plan of the EU-Brazil Strategic Partnership (JAP I), launched in 2008. Endorsing their common view on global climate governance, the EU and Brazil added that both partners consider the need for developed countries to commit to ambitious emission reduction targets, whereas developing countries should take national mitigation actions, promoting their sustainable development. Furthermore, they agreed to cooperate on the basis of the 2007 Bali Action Plan, working together to contribute to a global agreement by 2009 that will define the prospects for multilateral cooperation in the post 2012 period of the KP. Joint actions supporting initiatives to reduce deforestation, as well as training

and capacity building activities for projects related to the CDM were also adopted (Council of the European Union 2008).

By 2009, EU-Brazil cooperation on climate change had embraced a comprehensive agenda. The Joint Declaration of the third EU-Brazil Summit placed climate change as the first global issue it addressed, dedicating nine paragraphs to the terms of cooperation on this matter (Council of the European Union 2009). In addition to addressing general principles and reaffirming their commitment to the strengthening of this international regime, in Stockholm the partners stated their position with regards to specific issues on the multilateral agenda. Expectations that the EU-Brazil partnership on climate change would move from discourse to practice were endorsed by the agreement of the parties to hold a high level bilateral meeting before COP15, in Copenhagen, later that year.

Working together ahead of negotiations was a strategy endorsed by the fourth EU-Brazil Summit, in 2010. In spite of the fact that only one paragraph in the Joint Statement of this meeting was dedicated to climate change, this did not imply diminishing interest in bilateral cooperation on the matter. In fact, at the fifth EU-Brazil Summit in 2011, the partners reiterated their commitment to enhance cooperation on climate change at the bilateral level and at the multilateral level. For this purpose, a self-standing EU-Brazil Climate Change Dialogue was launched (Council of the European Union 2011).

As explained by staff from DG CLIMA from the European Commission, the decision to separate climate change from the Brazil-EC Dialogue on the Environmental Dimension of Sustainable Development represents the enhanced importance the partners attribute to cooperation on climate change.⁶⁰ These meetings are important as they represent the primary opportunity for discussing specific issues of global environmental governance at the bilateral level. True, climate change has featured in the agenda of all EU-Brazil Annual Summits held from 2007 to 2011. However, these high level meetings, co-chaired by Brazilian Heads of Government and the EU Troika, have a very broad political agenda. Consequently, environmental issues are not addressed in much depth on these occasions; hence the importance of

⁶⁰ Interview n.19, Brussels, 11 July 2011.

bilateral sectoral dialogues. With the changes adopted in 2011, the new EU-Brazil dialogues on climate change should be held on an annual basis, either in Brussels or Brasilia, following a similar structure to that of the Dialogue on the Environment.

The composition of the delegation then varies according to the location, as the partner hosting the meeting has more representatives. The General Director and/or the Head of Unit of DG CLIMA, desk officers for Brazil and technical experts from the EU Delegation are usually joined by EU Delegation in Brasilia when meetings are held in that city. The Ministry of Foreign Affairs and other Ministries, together with diplomats and the Brazilian Mission to the European Union in Brussels represent Brazil in these dialogues.

In the four editions of the EC-Brazil Dialogue on the Environment held from 2006-2010, debate concerning climate change focused on: a) multilateral negotiations; b) exchange of information on climate actions taken at the domestic level; and c) bilateral level of cooperation (corresponding to “local” issues).

Regarding the international climate change regime, an official of DG CLIMA interviewed stressed the informal nature of debate on these issues at the Dialogues. In the interviewee’s view, “the EU is not using the bilateral level to get something at a multilateral level, but to test new ideas and develop new concepts, increasing mutual understanding and fostering cooperation;” nonetheless, “no formal position is agreed and taken there”. The perspective presented by a staff member of the Brazilian Delegation indicated that, like the EU, Brazil does not expect that joint positions that are to be taken in multilateral negotiations could be agreed at bilateral level. Yet, since the Strategic Partnership, bilateral cooperation has been enhanced, and the increased sectoral dialogue at the technical level has facilitated closer coordination between Brazil and the EU.⁶¹ But has the strengthening of Dialogue at the bilateral level for cooperation at the multilateral arena impacted on the pattern of engagement between the two partners at the multilateral level?

⁶¹Interview n.19, Brussels, 11 July 2011.

3.4 EU-Brazil Cooperation on Climate Change at the Multilateral Level

3.4 1 The First Challenge: The Agreement of the Kyoto Protocol

Negotiations on a complementary agreement to the UNFCCC were launched in Berlin in 1995. The discussions of what became the KP extended for two other Conferences of the Parties, and it was at the third session of the COP that the most important bargaining and trade-offs occurred, leading to an agreement, in 1997. Engaging within the negotiations of the KP since they were first launched, Brazil and the EU were determined not only to promote a comprehensive agreement, but also to affirm leadership in this process, leaving their imprints on the Protocol.

The EU's participation in COP3 was marked by the presenting of quite controversial and ambitious unilateral proposals; this approach was later consolidated as part of the EU's strategy in most of the negotiation rounds. As Sebastian Oberthür and Marc Pallemmaerts assert, the EU's position in Kyoto was defined by its strong emphasis on the need to adopt rates of GHG emission reductions. Previously agreed among the EU member states, the proposal taken to the multilateral level consisted in the adoption of a 15% GHG emission reduction target for the Annex I parties. The EU plan was supported by the G77/China, but opposed by other developed countries, unwilling to undertake such a commitment. In the impossibility of reaching a consensus, the text tabled by the EU was not incorporated in the Protocol. However, the discussion of special obligations for the countries of Annex I was fruitful; the KP comprises legally binding commitments to the parties of that group. Further, the decision represented an important achievement for the EU in asserting its presence as a single actor on the international stage. Nonetheless, among the Annex I countries, it was the role played by the United States that stole the scene in Kyoto; the EU was not a protagonist (Oberthür and Pallemmaerts 2010: 33-36).

Part of US influence at COP3 derived from a rather unexpected alliance with Brazil in defining one of the cornerstones of the KP: the Clean Development

Mechanism (CDM).⁶² An initiative from Brazil, the original proposal consisted in the establishment of a Clean Development Fund (CDF). The instrument would adopt binding emission reduction targets for developed countries based on their historical responsibilities, and fines would be charged should commitments not be met. As expected, the so-called “Brazilian proposal” was strongly opposed by developed countries, but supported by the developing nations. Yet, in an unusual move, the US sided with Brazil. Together, they modified the original text, putting forward a plan that would be accepted by the majority. Removing the penalties clauses, the final draft was defined as the CDM. Approved by the Convening Parties, the CDM was incorporated in the KP under Article 12 (Johnson 2001: 193-194). Interestingly, even if the “Brazilian proposal” could be interpreted as a step-forward to the EU’s proposal of binding emission target, it did not obtain the support of the EU. As the Earth Bulletin reported from the negotiations, the EU opposed many technical issues of the implementation of the CDM, and the parties could not reach an agreement on these specificities (Earth Negotiations Bulletin 1997).

The incorporation of the “Brazilian proposal” as a core instrument of the KP was an important step towards the consolidation of Brazil’s leading role in the international climate change regime. In fact, the Brazilian position during the negotiations of the Protocol could be summarised as the combination of the interest to acquire a leading role within the international arena and the promotion of domestic interests. Moreover, Brazil had already revealed its commitment to the G77/China at COP3, simultaneously pursuing engagement with developed countries (Viola 2002: 138).

Achieving an agreement in Kyoto, however, did not guarantee its implementation. According to Article 23, the Protocol could only enter into force when ratified by at least 55 parties, accounting for a minimum of 55% of global production of GHG in 1990 (Kyoto Protocol 1997). Fulfilling those criteria was not a smooth process. Whereas signing the Protocol represented a symbolic act, ratifying it implied undertaking binding responsibilities and obligations. The long time span between the agreement of the KP and the beginning of its entry into force

⁶² Cole and Liverman (2011) provide an interesting account of how the proposal of the Clean Development Mechanism features in the context of Brazil’s approach to environmental politics.

demonstrated the reluctance of many parties, especially from the Annex I group, to further commit to the international climate change regime. Ensuring the implementation of the KP was a central interest of the EU and Brazil.

3.4.2 The Second Challenge: Implementing the Kyoto Protocol (2001-2004)

In 2001, President George W. Bush announced that the US would not ratify the KP. The decision changed the course of US participation in the international climate change regime, but also threatened the entry into force of the Protocol. Without the US, reaching the 55% of GHG criteria would require a larger number of ratifications. At the same time, the shift in the US approach to multilateral cooperation in this realm paved the way for the EU to escalate its leadership within that international regime.

Given the uncertainty over the future of the Protocol, COP7 in 2001 was marked by tense discussions regarding the ratification process, in which the EU and Brazil were the protagonists. The alliance between the EU and Brazil was also extended to other issues negotiated in Marrakesh. The EU sided with developing countries in many of the provisions concerning the implementation of the Protocol under negotiation, this time even on the CDM. Originally rejected by Japan, Canada and Australia, the Commitment Period Reserve (CPR) of the CDM was supported by the G77/China and the EU. Approved, the CPR was included in the final resolution of the COP7, known as the “Marrakesh Accord” (Dessai and Schipper 2003:150-151).

One year later, at the eighth COP (COP8), the KP still had not been implemented. Brazil and the EU continued to press for ratification, but in other issues negotiated in Delhi their engagement varied. Going against other Annex I parties, the EU supported the G77/China in the definitions and modalities of Land-use, Land-Use and Change and Forest (LULUCF). However, Brazil and the EU disagreed on the debate of the financial mechanisms of the Climate Change Fund (Earth Negotiations Bulletin 2002). The mixed pattern of cooperation between the

EU and Brazil on technical issues was extended to politically-sensitive matters. The EU joined the group of developed countries, pledging the discussions of a post 2012 commitment claiming enhanced responsibilities to the non-Annex I group. As expected, the G77/China opposed the proposal. Given the impasse, there is no mention of a post-2012 period, or of developing countries' commitments, in the "Delhi Declaration" (Roberts and Parks 2007: 134).

Without reaching the necessary ratifications of the KP, the ninth COP (COP9) in 2003 focused on the functionality of technical instruments of cooperation that had been adopted by the "Marrakesh Accord." In spite of the technical nature of most issues negotiated, in Milan the rift between the EU and the developing countries, Brazil included, expanded. Based on the Third Assessment Report (TAR) of the IPCC, the EU continued to push for the negotiations of post-2012 commitments. As expected, the G77/China group strongly opposed that. The EU and Brazil also had contrasting approaches to the complementary mechanisms of the Special Climate Change Funds (SCCF), such as the Global Environmental Fund (GEF). Further, the North-South divide was stressed on the debate of the TAR of the IPCC, which adopted a system of information sharing among the parties. Whereas for the Annex I group the instrument was rather technical, the developing countries perceived it as a political issue, fearing that the proposal could imply enhanced commitments for non-Annex I countries in the future (Dessai et. al. 2005; 110- 116).

The divergences between the EU and Brazil, the latter essentially represented by the G77/China group, over COP8 and COP9, did not undermine the two actors' alliance on the ratification issue. Based on a shared interest in promoting global environmental governance under the UN framework, the EU and Brazil, supported by others parties, played a strong part at the international level by advocating the ratification of the Protocol. As a result of these joint efforts, and especially due to the EU's role a few weeks before COP10, Russia ratified the Protocol, in 2004.⁶³ The decision allowed the KP to enter into force, and signalled a major achievement for

⁶³ According to John Vogler, the entry into force of the KP was dependent on ratification by Russia. In a trade-off deal, the EU agreed to support Russia's membership to the WTO and grant the country some concessions regarding the access of Russian gas into the European Single Market in exchange for Russia's ratification. EU economic diplomacy was fundamental in guaranteeing ratification by Russia, thus allowing the KP to be implemented (Vogler 2011: 29).

the EU's soft power (Oberthür and Kelly 2008: 26).⁶⁴ However, the partnership between the EU and the developing countries was rather circumstantial and restricted to the ratification issue, thus not representing a major shift in the pattern of EU-Brazil cooperation.

During COP10 in 2004, the negotiations of the post-2012 commitment period continued to create a major divide among the parties. Hosting the meeting, Argentina proposed the promotion of seminars on the future of Kyoto after the first commitment period. Surprisingly, an extensive debate concentrated on this matter, as the suggestion was directly associated with the deepening of cooperation on climate change and the increase in responsibilities for developing countries. The Argentinean proposal was backed by the EU, but opposed by other important players. The US and Saudi Arabia were against any attempt to deepen multilateral cooperation on climate change, whereas most developing countries, especially Brazil, China and India, rejected the initiative, considering that it would imply further responsibilities for non-Annex I parties. In an attempt to reach an agreement, the EU backed the text tabled by the US. The political manoeuvre of the EU guaranteed the approval of the seminars for 2005, but under a very shallow agenda and poor structure.

Siding with the US was a characteristic of the EU approach to the tenth COP10 in central aspects of the negotiations. This position was grounded in the expectation that the EU could convert US scepticism regarding global environmental governance to constructive engagement. However, considering the absence of any indicator of the US interest in ratifying the KP, the strategy was a dangerous move; the EU risked isolation. Not surprisingly, the EU failed to engender a significant change in the US position at the multilateral level. The price paid was relatively high, as the strategy was decisive in distancing the EU from important developing countries, increasing the North-South divide (Ott et.al. 2005: 86-90).

From 2002 to 2004, the positions of the EU and Brazil at the COPs placed the two parties in different sides of the negotiations, with Brazil supporting the G77/China and the EU aligning itself with the developed countries. Nonetheless,

⁶⁴ For more on the process of ratification of the Kyoto Protocol in Russia, see Buchner and Dall'Olio (2005) and Korppoo (2002). Hovi (2012), Lisowski (2002), Shaffner (2007), Steurer (2003) analyse the ratification process within the United States, and von Stein (2008) provide general overview of the ratification process of the Kyoto Protocol.

whereas Brazil had for long time proved to be loyal to the group of the developing countries, the EU's performance in that period does not indicate a consolidated preference in siding with other parties in the Annex I. In the years that followed the entry into force of the KP, the EU continued to interchange its preferences for coalitions according to the issue at stake, giving new possibilities for alliances with Brazil.

3.4.3 The Third Challenge: Agreeing on the Post-2012 Commitment Period (2005-2009)

The first Meeting of the Parties (MOP1) was held in the same year the KP entered into force, in 2005. MOP1 was carried out jointly with the eleventh COP (COP11) of the UNFCCC; ever since these two meetings have always occurred simultaneously. On this occasion, the parties agreed on operational aspects for the implementation of the Protocol, reaching important decisions on further commitments for the post-2012 period. Negotiations were marked by a shift in both the EU and Brazil's approach. Contrasting with the two previous COPs, in Montreal the EU sided with the G77/China group in most of the provisions negotiated. Arguably this alignment was in part facilitated by the technical character of certain issues, but also by the acceptance by the developing countries, including Brazil, to discuss possible enhanced commitments to non-Annex I parties (Earth Negotiations Bulletin 2005). This trend continued at the twelfth COP (COP12), in Nairobi, in 2006.

As Eduardo Viola stresses, contradicting its long-standing position against the inclusion of forest-related issues in the agenda of negotiations, at COP12 Brazil proposed the creation of a global fund to combat deforestation. Financed by the Annex I parties, the fund would be distributed in accordance with the performance of the countries in reducing deforestation. The proposal was widely supported by the G77/China and the EU. However, the opposition of some other parties, and fundamentally of the US, hindered the prospects for its approval. The negotiations of the fund extended until 2007 (Viola 2007).

The EU's engagement with Brazil and other developing countries was only part of the EU's performance at COP12; the EU also acted unilaterally. During the negotiations, the EU strongly defended the objective to keep the temperature increase below 2°C. The proposal had not been discussed with other developed or developing countries and, when tabled, the G77/China group were opposed. Without further attempts of persuading other parties to support the EU plan, the 2°C target was not adopted (Sterk et al. 2007: 140-142).

The necessity to reach an agreement on the post-2012 period influenced the agenda and the negotiations at the thirteenth COP (COP13), in 2007. In Bali, the parties achieved concrete results in the direction of setting a roadmap for the second commitment period of the KP. One of the most relevant accomplishments was the establishment of the Ad-Hoc Working Group on Long-Term Action under the Convention (AWG-LCA), aiming at enabling the implementation of the Convention beyond 2012. Reaching this agreement, however, required the accommodation of divergences among the parties.

Together with other parties of the G77/China group, Brazil agreed on the creation of AWG-LCA, declaring the interest of developing countries in enhancing their commitments post-2012. However, they emphasised that *national* actions would be taken. Considering that as a feeble compromise, the US proposed greater responsibilities and more specific obligations to the non-Annex I parties. In the midst of this dispute, the EU changed its original position and backed the G77/China. Isolated, the US was compelled to withdraw its proposal, thus allowing an agreement (Afionis 2008: 9). The final declaration includes the establishment of “nationally appropriate mitigation actions by developing country parties.” The acceptance of these commitments represented a substantial shift in the approach of developing countries to multilateral cooperation on climate change. In fact, as exposed before, since COP12 Brazil has shown signs of change in central aspects of its long-standing position in the negotiations, and the openness to discuss forest issues was reaffirmed at COP13.

Regarding the EU, at the same time it was in favour of relatively soft obligations for developing countries, it also engaged with the G77/China in defending the adoption of reduction emission targets of 25-40% to the Annex I group

by 2020. Opposed by the Umbrella group, the proposal failed to reach consensus, and was not included in the final text of the Bali declaration. Nonetheless, the achievements made at COP13 were positively relevant for the future the KP. The “Bali Action Plan” paved the way for the post-2012 agreement, concluded in Copenhagen, two years later in 2005 (Ott et. al. 2008: 91-93).

The alliance between the EU and Brazil on many important issues negotiated in Bali can be partially credited to their shared understanding that multilateral cooperation on climate change should be developed on the basis of the “common but differentiated responsibilities” principle.⁶⁵ In fact, this condition was decisive in shaping both actors’ positions regarding the discussion of enhanced responsibilities to the parties of the Annex I and the non-Annex I. Moreover, the EU-Brazil partnership forged in Bali facilitated the conclusion of a comprehensive agreement, but also contributed to the emergence of their leadership within the international climate change regime. Arguably, the increasing role played by both actors and the enhanced compatibility of their approaches towards international negotiations could have led to a consolidated partnership between the EU and Brazil on climate change in the COPs/MOPs to come. However, that was not the case.

At the fourteenth COP (COP14), in Poznan, the EU played a minor role due fundamentally to its inability to articulate a common position among its member states.⁶⁶ On those points of the agenda where the EU had a say, its positions varied. The EU opposed the G77/China’s proposal of the “Technical Mechanism under the UNFCCC”, presenting its own plan. Divergences between the EU and the developing countries also emerged in the discussion of the financial mechanisms for the Adaptation Fund. Furthermore, regarding the CDM, the parties disputed the instruments to improve project assessment. In this matter, the G77/China group split;

⁶⁵ The commitment to this principle was publically expressed at COP13 by the Brazilian Foreign Minister, Celso Amorim, as he stated that: “Our responsibilities are common. Yet they are differentiated. Those historically responsible for greenhouse gas concentrations in the atmosphere must stop preaching and set the example. Annex I countries must have new and more ambitious legally binding emission reduction targets. It is extremely worrying that some developed countries do not appear to be heading towards meeting their targets under the Kyoto Protocol even as the biggest emitter still refuses to join the Protocol” Brazilian Ministry of Foreign Affairs (2007).

⁶⁶ The EU’s inability to exert leadership in Poznan was largely on consequence of its focus on domestic affairs, especially with the impact of the financial crisis. Moreover, considering the ongoing internal debate on the European Energy Package, it was difficult to articulate a common external position on climate change among the then 27 member states to be taken to the multilateral level before overcoming the deep divergences on internal climate and energy policy. In fact, “for many observers present in Poznan, it seems like the really important negotiations did not take place there, but in Brussels” (Santarius et al. 2009: 2).

Argentina backed the EU proposal of benchmarks, whereas the BASIC group (Brazil, South Africa, India and China) opposed it. In none of these issues was agreement reached; the achievements made in Poznan addressed “administrative” issues.⁶⁷ Finally, given the poor role played by the EU and the Umbrella group, the real driving forces of the negotiations were the parties of the G77/ China group, and the few achievements of Poznan should be credited to them (Santarius 2009: 2-17).

The poor results of COP14 put pressure on the parties to advance their positions and overcome divergences if they wanted to reach a post-2012 agreement. Against this background, the EU and Brazil made significant improvements in their internal climate change and environment policies that were determinant in shaping their positions at the fifteenth COP (COP15) in 2009.

A few months before the Conference in Copenhagen, the European Energy Package was launched, setting new voluntary targets for GHG emissions of EU member states (DG CLIMA 2011b). This internal initiative boosted the EU’s confidence on its capacity to articulate a common European policy on climate change, suggesting that the EU would be able to speak with a single voice at COP15. Moreover, the EU expected that Energy Package would provide evidence of its commitment to tackle climate change. On this basis, the EU was confident it would play a leading role in Copenhagen.

According to the European Council, the EU drafted a programme on financial and mitigation measures addressed to developing countries to be suggested at COP15. In addition, during the same days of COP15, the European Council met in Brussels, and agreed to increase their reduction commitment from 20% to 30% by 2020. In order to undertake this new commitment, the EU would request the adoption of similar initiatives by other developed countries and further collaboration from developing countries (European Council 2009).

⁶⁷ Rooted in the G77, the BASIC group is an informal coalition of emerging powers that combines the agenda of developing countries on climate change with the specific economic interests of the “rising powers”, namely Brazil, South Africa, India, and China. With a loose agenda for climate negotiations, the BASIC is not a tight group, lacking common position in many issues. What brings this group of countries together is their interest in playing a greater role in the international climate change regime. Nevertheless, there is no indicator that this shared goal is enough to ensure this informal alliance in the long-run (Hallding *et.al* 2011).

Like the EU, Brazil also articulated an ambitious position based on voluntary commitments to be taken to COP15. Anticipating the Brazilian approach to Copenhagen, at the 64th UNGA, in September 2010, Brazilian President Lula da Silva declared:

Brazil is doing its part. We will arrive in Copenhagen with precise alternatives and commitments. We have approved a National Climate Change Plan that includes an 80% cut in deforestation of the Amazon by 2020. We will reduce CO2 emissions by 4.8 billion tons, more than the sum-total of all developed country commitments. In 2009, we can already show the lowest deforestation rate in 20 years (President Lula, 2009).

As in the case of the EU's proposals, the Brazilian decision to adopt voluntary commitments at COP15 was motivated by domestic factors. The diminishing of deforestation in Brazil registered from 2005 was followed by the adoption of policies addressing deforestation, ranging from the creation of new regulatory bodies and legislations to financial mechanisms to support initiatives that combat deforestation (Hochstetler and Viola 2011: 11). The Brazilian unilateral position presented at COP15 could be considered as a transposition of domestic changes to the international arena.

Prepared to affirm their leadership on global climate change negotiations in Copenhagen, the role played by Brazil and the EU produced different outcomes.

According to Joseph Curtin, contradicting its own expectations, at COP15 the EU's role was, at most, very poor. Opting for a unilateral approach, the EU not only tabled the internally agreed proposals, but articulated a draft resolution jointed almost exclusively by the Presidency of the Conference, Denmark - not coincidentally a EU member state. Displeased by this unilateral move, other parties opposed the EU proposal of the so-called "Danish resolution." Without a second strategy to be employed, the EU was sidelined by its lack of coordination, failing to forge new positions.

The difficulty in reaching an agreement on post-2012 threatened the future of the KP. Aiming at saving Copenhagen from a complete failure, in the last moments of COP15, the BASIC group took the lead in drafting a final resolution. Meeting behind closed doors, the leaders of BASIC were later joined by the US President

Barack Obama. The text produced was then approved at the final meeting of all the parties in Copenhagen. As for the EU, “the President of the European Commission learned of the agreement they had reached by way of a text message on his phone. The EU and its Member States were presented with a text which had been agreed at a meeting at which they had not been present” (Curtin 2010: 6). Featuring among the few parties that articulated a last-minute deal in Copenhagen, Brazil was certainly a protagonist at COP15. Moreover, the presentation of Brazil’s voluntary commitments was one of the highest moments in meeting (Tome Silva 2010: 24). Playing a prominent role throughout all the process of negotiations, at COP15 Brazil asserted its leadership in the international climate change regime.

The contrasting roles of Brazil and the EU at COP15 hindered the prospects for cooperation between the two partners at the multilateral level in this stage of negotiations. The lack of coordination of the EU in articulating a common position among its member states obstructed the possibilities of the Union to employ any of its common strategies within the international negotiations; i.e., act unilaterally or forge alliances. Thus, the positions of EU and Brazil in Copenhagen did not diverge, but could also not converge.

Overall, and in spite of their relatively convergent approach and interest in the development of the climate change regime, cooperation between the EU and Brazil follows a tortuous path. At least in the period covered and the issues here analysed, the pattern of engagement between the two partners at the multilateral level can be considered very irregular. The table below (table 12) summarises the positions of the two actors in the main points of multilateral negotiations addressed in this section, showing the compatibility of their approaches:

TABLE 12 EU'S AND BRAZIL'S POSITIONS ON KEY ISSUES OF CLIMATE NEGOTIATIONS

Year	Meeting	Issue	Brazil	EU	EU X BR
1997	COP3	15% GHG emission reduction	Favour	Favour	Convergence
		Clean Development Mechanism	Favour	Against	Divergence
2001	COP7	Commitment Period Reserve	Favour	Favour	Convergence
		Pressure for USA ratification	Favour	Favour	Convergence
2002	COP8	LULUCF	Favour	Favour	Convergence
		Further commitments for non-Annex I	Against	Favour	Divergence
		Financial instruments CC Fund	Against	Favour	Divergence
2003	COP9	TAR information sharing	Against	Favour	Divergence
		SCCF instruments (GEF)	Diverged	Diverged	Divergence
		Further commitments for non -Annex I	Against	Against	Divergence
2004	COP10	Post- 2012 seminars	Against	Favour	Divergence
2005	COP11 MOP1	Technical provisions	Favour	Favour	Convergence
		Further commitments for non-Annex I	Favour	Favour	Convergence
2006	COP12 MOP2	Grants to tackle deforestations	Favour	Favour	Convergence
		2C degrees target	Against	Favour	Divergence
2007	COP13 MOP3	Creation of the AWG- LCA	Favour	Favour	Convergence
2008	COP14 MOP4	Technical mechanisms UNFCCC	Favour	Against	Divergence
		CDM benchmarks	Against	Favour	Divergence
2009	COP15 MOP5	Negotiations on the final declaration	Engaged	Not engaged	Divergence

Thus, it is plausible to affirm that rather than allies on global climate change governance, the EU and Brazil are circumstantial partners. But how does the development of cooperation on climate change between the EU and Brazil at the multilateral level relate to the pattern of their engagement at the bilateral level? In other words, how is the process of level-linkage defined?

3.5 Assessing Level-Linkage in EU-Brazil Cooperation on Climate Change

Concurring on the need for multilateral cooperation to address climate change, Brazil and the EU share an interest in building an effective international regime on this realm. Since 2006, bilateral relations between the two partners have been framed around this common goal. In incorporating issues of the global agenda in the bilateral level of their relations, the EU and Brazil have deployed significant political efforts to enhance cooperation on climate change. Two primary instruments highlight the success of this strategy. The first refers to the incorporation of climate change in the high level political agenda of the EU and Brazil, especially with the establishment of the Strategic Partnership, in 2007. Climate change is one of the key “global issues” to be addressed by the two partners; a commitment later endorsed by the two Joint Action Plans, and evoked in the five annual EU-Brazil Summits held from 2007 to 2011. The second is the institutionalisation of an annual dialogue on environmental issues. Incorporated in the framework of EU-Brazil cooperation in 2006, this mechanism evolved into the format of a dialogue specifically on climate change in 2011.

The shifts in the EU-Brazil bilateral cooperation from essentially “local” issues to the assimilation of the multilateral agenda, together with the creation of new mechanisms to foster dialogue on global climate governance demonstrate that EU-Brazil cooperation has enhanced significantly – at the bilateral level. However, the pattern of engagement at this level contrasts with the lack of cooperation at the multilateral level.

Crossing the positions taken by the EU and Brazil at multilateral climate change negotiations (see table 12), it is clear that, whereas at the bilateral level improvement of cooperation follows a linear and progressive pace, at the multilateral level; EU-Brazil cooperation is, at most, irregular. Periods of reciprocal collaboration and eventual alliances contrast with diverging positions embraced on other occasions. As a result, there was no level-linkage on climate change; enhanced dialogue at the bilateral level for cooperation at the multilateral arena has not *spilled over* to the multilateral level. But why has the EU-Brazil strategy to increase

cooperation on climate change produced a positive outcome only at the bilateral level? In other words, why does enhanced DBLCM not have an impact on the engagement between the EU and Brazil in the context of multilateral negotiations, as the partners expected?

3.5.1 The Regime Type

One of the arguments of this thesis is that level-linkage depends on the type of international regime under which cooperation is framed. Considered as a regime “still under construction” (Luterbacher and Sprinz 2001: 297), and defined as “an open-ended regime that contemplates an evolutionary process” (Bodansky and Diring 2010: 13), agreements on climate change are subjected to continuous amendment processes, and are negotiated under a “convention-protocol method.” According to this two-phase approach, international actors first agree on the general terms of cooperation, proceeding with negotiations on detailed measures and binding obligations only in a second stage (O’Neill 2009:79-80).

In terms of their structure, the institutional arrangements of the UNFCCC and the KP are based on the direct engagement of the parties. As defined in Article 7 of the UNFCCC,⁶⁸ the Conference of the Parties is the “supreme body of the Convention.” The Secretariat and other agencies operate at a technical and organisational level; the political agenda of the international climate change regime is a responsibility of the parties. This structure enhances the importance of the international actors in this process.

As part of the dynamics of multilateral cooperation, the promotion of an actor’s interest requires persuading others to agree on the same issue. In many cases, this process is successful when a majority supports a given proposal. In the case of climate change, however, decisions are taken by consensus. According to Joanna

⁶⁸ “The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention” (UNFCCC, 1992, Article 7).

Depledge, decision-making by consensus, in theory, attributes equal weight to the parties within negotiations, consequently, implying greater procedural equity. In practice, however, the outcome is commonly the least common denominator possible. Laggards in negotiations, even when a minority, manage to weaken the content of the agreement. Finally, consensus “raises the transaction costs of the negotiation process, as greater efforts are required to secure even minor decisions” (Depledge 2005: 95). Arriving at negotiations with a relevant number of supporters enhances the potential gains from cooperation, as the amount of players to be persuaded at the multilateral level decreases. Decisions by consensus then increase the importance of alliances; at the same time, unilateral behaviour is discouraged.

The agenda of negotiations and the structure of the international climate regime create incentives for the EU and Brazil to play an active role in the framing of multilateral climate governance. In addition, the decision-making process by consensus enhances the inclination of the parties to join their forces, making the EU-Brazil strategic partnership more appealing. To a certain extent, the political alliance forged between the two actors at the bilateral level can be credited to the recognition of their limited capacity to promote their interests alone. In addition, the adoption of such a strategy stems from the understanding that the nature of the international climate change regime allows for an interaction between the bilateral level and the multilateral level of cooperation.

Thus, it can be inferred that the institutional design and decision-making process of the UN framework for cooperation on climate change and the complexity of the agendas of negotiations, together with the norms and the scope of the regime, create a multilateral context relatively open to influence by external factors, such as cooperation at other levels. The “regime type” is favourable for level-linkage.

3.5.2 The Compatibility of the Two Actors’ Approaches

For different reasons, the EU and Brazil share an interest in global climate governance. Moreover, external climate policies of both parties are grounded on the preference for multilateralism as the strategy to address climate issues.

As Robert Falkner argues, the EU “has come to consider the need to participate in multilateral environmental institutions building as a ‘good citizenship’ norm in international society” (Falkner 2005: 597). The EU’s interest in engaging within this regime is largely justified by the EU’s aspiration to enhance its relevance as an international actor.⁶⁹ Based on a preference for a normative approach, but also considering its incapacity to exert coercive power over others, the EU pursues “soft leadership.” In employing its “soft power,” the strategy adopted in international climate change negotiations combines “leadership of example,” with the emphasis on negotiation, argumentation and persuasion. The expected outcome is to promote the establishment of a rule-based model of environmental global governance, exporting the EU’s normative preferences (Oberthür and Kelly 2008: 36-44).

Power and *actorness* explain part of the EU’s interest in promoting multilateral cooperation on climate change; material elements are also behind this preference. With an energy matrix extremely dependent on external supplies of fossil fuels, gas and coal, the EU has employed significant efforts in adopting more non-fossil fuel sources of energy.⁷⁰ However, renewing its energy matrix requires large investments and political and social support, having implications for the EU’s international competitiveness. In proposing to tackle climate change through the adoption of emission reduction commitments by other developed countries, the EU is trying to share the burden of its own necessity; hence the emphasis on multilateralism (Groenleer and Van Schaik 2007: 984).

For Brazil, “the environmental issue is articulated in the government’s foreign policy for the construction of a new world order, one that is sustainable, multilateral, less asymmetric and built on democratic institutions” (Vizentini and Reis da Silva 2010: 63). This claim defines the Brazilian approach to multilateral climate change adopted since the late 1980s; contrasting with its sceptical participation at the first debates on the establishment of environmental regimes, back in the early 1970s.

⁶⁹ Groenleer and Van Schaik (2007), and Pavese and Torney (2012) analyse EU actorness in the case of climate change, whereas Afionis, S. (2011), Connelly and Rüdiger (2011), Gupta and Grubb (2000), Karlsson et al. (2010), Mehling and Massai (2007), Oberthür (2009), Vogler and Bretherton (2006) promote an interesting discussion on the EU’s leadership in the international climate regime.

⁷⁰ The EU imported 85.3% of oil and 64% of gas consumed in 2009 (European Commission 2011).

The shift towards a more cooperative approach is largely justified by the strategic interest in promoting Brazil's image as a relevant global player in the international arena through its participation on global environmental governance. Further, domestic interests and the assimilation of the "sustainable development discourse" have also contributed to a change in Brazil's participation in the negotiations (Viola 2002: 34). Nevertheless, even if considering that addressing climate issues requires effective North-South cooperation (Barros-Platiau 2006: 261), Brazil has employed diplomatic efforts to assert its role as a strong player, and, above all, a leader of the developing countries within the international climate change.

Like the EU, by taking strong positions and actively contributing to international negotiations, Brazil aims to employ a sort of "normative power." In addition to influencing rules and principles that constitute the basis of the international climate change regime, the occasions on which Brazil assumed unilateral voluntary commitments could be considered as a strategy of "leadership by example."⁷¹ Those similarities in terms of strategies employed at the multilateral level between the EU and Brazil contrast with differences regarding preferences for unilateral or joint positions. On this issue, the EU has adopted an independent approach on more occasions than Brazil, which places greater emphasis in coordinating its positions with other parties.

Arguably, Brazil and the EU share the understanding that multilateralism is the best modality of cooperation to address climate change. Moreover, the two partners have similar foreign policy strategies, as multilateralism is also considered an instrument to enhance their relevance in the global arena. However, as this is a regime still in the process of definition, a EU-Brazil partnership to promote "effective multilateralism" on climate change can only be consolidated if the two parties have compatible understanding of the principles that should provide the basis for global climate governance, also on the agenda of negotiations.

According to Ana Paula Barros-Platiau, the Brazilian position on climate change negotiations is guided by the general principles of its diplomacy, namely:

⁷¹ For an account of Brazil's role and engagement with multilateral climate negotiations, see Barros-Platiau (2010), Hochstetler and Viola (2012), Johnson (2001), and Viola (2004).

common but differentiated responsibilities; international cooperation; right to development; sovereignty; and equity and pacific solution of conflicts (Barros-Platau 2011: 22).

Over time, the association of these principles has generated different political guidelines. In the “strong nationalist phase” of the 1970s, Brazil claimed that industrialised nations had the solely and historical responsibility over environmental concerns. Developing countries should be entitled the right to pursue their economic development autonomously, without any international constrains. In the shift of paradigms in the Brazilian standing on climate negotiations that preceded the 1992 Rio Summit, the new and current - position has remained grounded on the principle of “common, but differentiated responsibilities.” The difference between the two phases is in the conciliation of the right to development with sustainability (Viola 2002: 34-35). As demonstrated in the section above, throughout the negotiations rounds analysed, Brazil has supported legally binding obligations to Annex I, but also demonstrated more tolerance on enhancing the participation of developing countries in the aspects of mitigation, adaptation and monitoring of climate change, and even in the inclusion of forest issues.

From the EU perspective, as John Vogler claims, positions taken at the multilateral climate negotiations have been the outcome of the combination of two factors: the development of EU internal climate policy, and the principle of “common but differentiated responsibilities” (Vogler 2011: 33). In supporting differentiated responsibilities to developed countries the EU has traditionally pushed for strong GHG reduction commitments for the Annex I. Nevertheless, the EU’s approach is also critical of developing countries, as the EU favours the restriction on the exploitation of forests and other carbon sinks (Oberthür and Kelly 2008: 36). These preferences indicate a rather independent approach towards multilateral negotiations that characterises the EU’s participation in the international climate change regime throughout the period analysed here.

Different membership to the Annex I implies distinct obligations at the international climate change regime and could imply opposing approaches on international negotiations. However, in broad terms, the EU and Brazil have similar positions on the guiding principles and the general agenda of the regime. The

“principle of common but differentiated responsibilities” embraced by both partners implies the acceptance of uneven commitments on climate issues as a starting point to build up a partnership. Based on this principle, the EU and Brazil have positioned themselves in favour of greater responsibilities to the Annex I parties, a perspective that conflicts with the view of some developed countries. Thus, this shared understanding reinforces the choice of Brazil as the EU’s strategic partner.

So far, the two players have supported the establishment of a regime grounded on ambitious legally binding GHG emission reduction targets applying only to the Annex I parties. Consequently, on this basis, an effective climate change regime requires the engagement of several developed economies, hence the interest of EU and Brazil in persuading other parties to ratify the KP, producing a multilateral framework of cooperation with a large membership.

Regarding their own participation, the EU and Brazil have contributed actively to ongoing negotiations, submitting proposals and undertaking voluntary commitments. In an attempt to influence the others and to demonstrate its engagement, the EU went further than its legally binding obligations, internally agreeing on greater targets for emission reduction. In a similar way, Brazil adopted voluntary commitment to reduce its GHG emissions. The resemblances between these foreign policies are not only in the content of the decisions, but also on the strategy employed by both partners to convert the announcement of their unilateral positions into an opportunity to project their images as international actors in the regime.

Nevertheless, it is noteworthy that the decision to undertake voluntary commitments to GHG emissions by no means implies a change on Brazil’s position towards legally binding obligations to developing countries. This view is in line with the concept of “common but differentiated responsibility” also observed by the EU. However, according to this principle, even if distinct, responsibilities should apply to all parties. A clash between the EU and Brazil’s approaches then emerges regarding the extension and the nature of the commitments of developing countries.

On several occasions the EU has pushed for enhanced obligations to developing countries, firmly opposed by Brazil and other G77/China members, as occurred at COP8 and COP11, for example. According to Kathryn Hochstetler and

Eduardo Viola, Brazil and other emerging economies justify their position on Article 4.7 of the UNFCCC, which states that the primary objective of developing countries is the eradication of poverty and social and economic development. In addition, the Article establishes that the implementation of developing countries' commitments is subjected to the financial and technological assistance of developed countries as defined by the Convention (Hochstetler and Viola 2011: 5). Thus, in spite of agreeing on "differentiated responsibilities" as the golden principle of the climate change regime, the EU and Brazil have diverging interpretation of the degree of the obligations of the parties, posing an obstacle for their cooperation.

Concerning the agenda of negotiations, a critical point that has emerged in many rounds of negotiations are forest-related issues. As discussed before, for decades Brazil refused to include these issues in the discussions, resisting the EU's pressure. Hochstetler and Viola explain that Brazilian negotiators feared that taking forest issues to the international agenda "would eventually open Brazil to international liability for the high rates of deforestation in the Amazon that the Brazilian government evidently could not control." New domestic policies implemented in the early 2000s successfully changed the course of deforestation, reflecting in the openness to negotiate forest matters that has characterised Brazil's position in multilateral climate negotiation since 2006 (Hochstetler and Viola 2011: 9-12).

Interestingly enough, this shift in the Brazilian approach holds the potential to increase the points of convergence of interests between the two actors regarding the agenda of multilateral negotiations. In practice, however, the prospects of cooperation on this issue are limited. Reluctant to include the Amazon in the international agenda, Brazil is sceptical of the EU's discourse on Brazilian forests. According to an official from the Brazilian Ministry of Foreign Affairs, the problem is the strong association that the EU makes between climate issues and deforestation when it comes to bilateral dialogues with Brazil. In his opinion, "the EU has always to find a mission to save the world," behaving on the basis of its "complex of superiority," trying to "teach Brazil how to deal with its forests, when the EU has exterminates its own primary forests." Further, "the EU's approach remains

associated by many Europeans with the idea of the internationalisation of the Amazon”.⁷²

This argument that the EU is in favour of an international control over the Amazon cannot be generalised. In the opinion of a Member of the European Parliament, for example, EU-Brazil cooperation on climate change and energy should prioritise the protection of the Amazon; “preserving it should be a universal responsibility. The EU should cooperate with Brazil on this matter”.⁷³

Nevertheless, different interpretations have not prevented the partners from cooperating on forest related issues, at all levels. Bilaterally, the 2007-2013 Country Strategy Paper defines that, regarding the environment, “the EC’s main priority will be to contribute to protecting the environment - more specifically Brazilian forests - and to combating poverty in fragile biomes” (European Commission 2007). At the multilateral level, deforestation was included in the points of EU-Brazil dialogues concerning the agenda of climate negotiations. In JAP I, for example, the partners agreed to “strengthen their cooperation and support ongoing efforts to reduce emissions from deforestation and forest degradation, in accordance with decision 2/CP.13 of the Conference of the Parties of the UNFCCC” (Council of the European Union 2008).

Throughout the negotiation rounds analysed, the compatibility of the two partners’ opinions regarding the instruments of the framework of multilateral cooperation varied. Conflicting views on the CDM, and on the Financial Instruments of the Climate Change Fund, contrast with similar positions on the CPR, and on the creation of the AWG-LCA, providing examples of the irregular pattern of convergence of the EU-Brazil approaches. It is also remarkable that on the same round of negotiations the compatibility of their positions has varied according to the instrument being discussed, demonstrating complete lack of coordination of the EU and Brazil understanding on technical aspects of the establishment of the international climate change regime.

⁷²Interview n24, Brussels, 12 July 2011.

⁷³Interview n26, Brussels, 13 July 2011.

Lack of coordination, however, does not mean conflicting approaches. Even in the points in which the EU's and Brazil's positions do not converge, there is still room for dialogue and, eventually, for cooperation. Overall, the EU and Brazil have similar understandings and interests in multilateral climate regime and have shaped their external climate policies on the basis of similar principles and strategies. These aspects foment the prospects of enhanced EU-Brazil cooperation on climate change. Further, as argued above, the structure of the climate change regime facilitates the *spillover* of cooperation from the bilateral level to the multilateral level. However, in the case of climate change, there was no level-linkage. To unveil this puzzle and fully understand this process it is necessary to scrutinise the other two hypotheses of this thesis: the decision-making process, and the preference for partners.

3.5.3 Foreign Policy Decision-Making Processes

Drawing from the analytical perspective of the Bureaucratic Decision-Making Model, this thesis considers foreign policy agencies as “procedural organizations” with strong bureaucratic structures (Wilson 1989: 164). This thesis claims that the bureaucratic model of foreign policy-making that defines the EU and Brazil's approaches towards climate change negotiations is one of the determining factors shaping level-linkage. It argues that, in this process, foreign policy decision-making is influenced not only by a hierarchical structure of agents, but also in terms of the priority given to the different levels of cooperation.

In the case of climate change, foreign policy addressing multilateral cooperation prevails over EU-Brazil bilateral relations. This “top-down” approach characterises the foreign policies of both partners, and has direct implications for the agenda and the role of the agents engaged in their bilateral relations. First, dialogue at the bilateral level for cooperation at the multilateral arena (DBLCM) is based on the agenda of multilateral negotiations. But, rather than covering the broad range of topics from the international climate change regime, dialogue at the bilateral level is selective and restricted to the issues of greater interest of the partners. As the texts of the many joint bilateral declarations and documents providing the basis for EU-

Brazil cooperation on climate change suggest, their bilateral agenda addresses essentially points in which the two actors have *similar* approaches. Consequently, dialogues held at the bilateral level can potentially strengthen EU-Brazil cooperation on issues of convergence; however, they fail to lead to an agreement on matters in which the partners have adopted divergent positions at the multilateral level.

Even if the strengthening of EU-Brazil relations at the bilateral level has limited capacity to forge new joint positions, it contributes to reducing the chances of conflict when they interact at the multilateral level. The reason for that is the strong emphasis on the “exchanging of views” in the agenda of the meetings held at the bilateral level. Members of the staff from both the EU and the Brazilian governments interviewed stressed that bilateral level provides an opportunity to exchange information on each partner’s position on multilateral negotiations.⁷⁴⁷⁵ In anticipating their approaches, the EU and Brazil can identify points in which their external climate policies converge. Having this information prior to negotiation rounds facilitates cooperation between the two actors at the multilateral level even if an alliance has not being previously agreed. The reason is because each partner has more time to evaluate the possibility of siding with each other in a given multilateral summit. Moreover, even when the outcome of the Summit does not indicate enhanced coordination of the two players’ positions, “exchanging views” prior to negotiations benefits the EU and Brazil. Having the information on the probable position of a third party in a multilateral negotiation affects individual calculation of the best strategy to increase the prospects of gain from cooperation. In other words, enhanced DBLCM can contribute to the strengthening of EU-Brazil engagement at the multilateral international climate regime, even if with limitation.

The detachment of multilateral and bilateral policies translates into institutional frameworks that isolate agents engaging in the policy- making of the two levels. This structure poses several organisational and procedural obstacles for the agents that are part of EU-Brazil bilateral cooperation to influence policy-makers responsible for the parties’ positions at the multilateral level. Policy-makers directly responsible for the development of EU-Brazil DBLCM do not participate in

⁷⁴ Interview n24, Brussels, 12 July 2011.

⁷⁵ Interview n19, Brussels, 12 July 2011.

multilateral negotiations, and vice-versa. This “division of labour” is present in the decision-making processes of both partners; however, it is more accentuated in the case of the EU.

As explained earlier in this chapter, as an area of “shared competences”, the EU policy-making is characterised by a clear divide between bilateral and multilateral policies. Whereas the European Commission leads the development of bilateral cooperation with Brazil, multilateral climate policy is subjected to a more complex process of “multi-level governance” in which the Council of the European Union and the 28 EU member states play a strong role in forging EU’s approach to multilateral climate negotiations, in coordination with the European Commission. Yet, even within the European Commission, agents and divisions in charge of bilateral climate policy are not responsible for EU’s multilateral policy.

In the case of Brazil, competences are relatively more centralised. Always in coordination with other ministries, *Itamaraty* is the main responsible for forging bilateral cooperation with the EU on climate change, at least at the political level. Like the EU, Brazilian multilateral climate policy-making entails a plural number of actors, with the *Itamaraty* sharing competences with other bodies from the executive power that have been very active in defining Brazilian climate policy, but also representing Brazil in multilateral climate negotiations. As explained by a Brazilian diplomat, agents that take part in shaping bilateral cooperation with the EU are not the same engaged in multilateral negotiations. Although there is coordination between policies addressed to the two levels, as both the bilateral and the multilateral policy-making processes need to be shaped in accordance with the broad guidelines of Brazilian external climate policy.

To summarise, the policy-making processes of the EU and Brazil challenges level-linkage for two core reasons. The first is the hierarchy in terms of agenda. Bilateral policies are subjected to multilateral policies, therefore setting the policy-making process in the opposite direction of level-linkage analysed in this thesis. In other words, the priority the EU and Brazil give to their “multilateral” climate policy establishes a process in which policies addressing multilateral cooperation impact bilateral policies, and not the contrary. Adding to this picture, the second obstacle to level-linkage is the decentralisation, or fragmentation, of policy-making processes. In

neither the EU nor Brazil agents and agencies in charge of bilateral cooperation are the same responsible for multilateral climate policies. Consequently, there is limited coordination amongst policy-makers at the two levels, hindering the possibility of bureaucrats in charge of bilateral policies to influence the making of “multilateral” climate policies significantly enough to promote level-linkage. In light of this, this thesis argues that foreign policy-making of the EU and Brazil play against level-linkage on climate change.

3.5.4 Preferences for Partners

Multilateralism entails a large number of players. The calculation of the strategic gains from cooperation with a given partner at the multilateral level depends on the evaluation of the prospects of partnership with third parties. Hence, enhanced EU-Brazil bilateral cooperation at the multilateral level (BCML) requires a preference for this bilateral alliance when the two partners could opt to side with other actors, forming opposing negotiating coalitions. Ideally, decisions made at the bilateral level could best influence EU-Brazil cooperation at the multilateral arena if the strategic partnership is transposed to all levels, converting the two actors into great allies at climate negotiations. In a second ideal scenario, cooperation could be advanced indirectly, with each partner influencing their respective negotiating groups to coordinate their positions. The presence of a larger number of players at the multilateral level then poses a problem for a positive level-linkage when the EU and Brazil form *different coalitions with conflicting agendas*.

In principle, the EU and Brazil have different memberships in the three grouping compositions at the UN framework for cooperation on climate change defined according to annex list, geographical location and political affinity). Part of the Annex I of the UNFCCC, EU member states are distributed in three geographic groups of the UN, namely Asia group, Eastern European group, and Western European and Others group. Further, the 28 EU member states form a “political group” within negotiations in itself.

At the UNFCCC, Brazil features in the list of non-Annex I countries. Regarding the UN geographical criteria, it belongs to the Latin America and Caribbean States group (GRULAC), whereas at the political level Brazil traditionally negotiates in coordination with the G77/China and, recently, through the BASIC group; this latter is formed by Brazil, South Africa, India and China.

As the account of negotiations suggested, when opting for a partner, actors tend to engage with members with whom they share political affinity, rather than through alliances set up by geographical or annex-related factors. These political coalitions were formed as the outcome of the practice of negotiations, rather than formally being incorporated to the institutional design of the UN framework. In fact, throughout the negotiation rounds analysed here, Brazil revealed strong preference for aligning with other developing countries, especially the G77/China and the BASIC group. There were a few occasions on which Brazil opted for a unilateral approach.

This preference for coalitions contrasts with the strategies employed by the EU; configuring a political group in itself, the EU's positions within negotiations are the result of an alliance of forged among its 28 member states. This may explain why the EU has adopted an independent approach to negotiations, characterised by the combination of unilateral positions with alliances with either developed or developing countries.

The preferences for partners produce a double effect on level-linkage, undermining or fostering the prospects of enhanced EU-Brazil DBLCM to *spillover* to the multilateral arena. As demonstrated before, the pattern of engagement between the two partners at the multilateral level is very irregular. In the same negotiation round, the EU and Brazil adopt converging and opposing positions, depending on the issue at stake. Interestingly, as Brazil is very loyal to the G77/China and the BASIC group, in most of the opportunities in which the EU and Brazil sided with each other was due to the EU strategic choice in aligning with developing countries, not the other way around.

Empirical evidence of the Brazilian strategic choice for siding with developing countries can be found in abundance at the negotiation rounds assessed. With the exception of the CDF proposed unilaterally at COP3, and the

announcement of its voluntary commitments at COP15, Brazil's final positions in major political issues negotiated have taken into consideration the perspective of other developing countries. On a few occasions, Brazil has aligned with developed countries and not with its traditional partners. The converting of the CDF proposal into the CDM jointly presented with the US, and the campaigning with the EU and other parties on the ratification of the KP are two examples of that. However, even on these occasions Brazil's approach was never conflicting with that of the G77/China and the BASIC group.

Concerns over reconciling its perspective with that of developing countries are a determining factor shaping the Brazilian position on international climate change negotiation. Eventually, safeguarding its key partnerships has implied holding back ambitious commitments that Brazil would be ready to undertake. As Kathryn Hochstetler and Eduardo Viola contend, "the unified position of the BASIC countries in Copenhagen and Cancun understated Brazil's individual commitment to unilateral action" (Hochstetler and Viola 2011: 6). The choice for presenting a lower level of engagement that it would be individually willing to assume stemmed from a strategic cost-benefit analysis of joining the BASIC coalition. Arguably, in acting through BASIC, Brazil has contributed to enhancing the political weight of the group within multilateral negotiations, especially since the decisive role it played at COP15.

Against this background, it is plausible to affirm that enhanced EU-Brazil DBLCM has not favoured changing their preferences in terms of alliances when considering all players engaged in international climate negotiations. When questioned if the EU was *the* key partner for Brazil at multilateral climate negotiations, a Brazilian diplomat was categorical: "The G77/ China and the BASIC group are the priority for Brazil".⁷⁶

The EU is aware of Brazil's preferences. As reported by a member of the European Commission, "Brazil will never drop its coalition with the G77/China group to side with the EU".⁷⁷ Thus, from both sides, there is no expectation that enhanced DBLCM will be translated into a strategic partnership at the multilateral

⁷⁶ Interview n31, Brussels, 31 July 2011.

⁷⁷ Interview n19, Brussels, 11 July 2011.

level, with the EU and Brazil prioritizing their alliance above all other possible partners.

Like Brazil, the EU has not changed its foreign policy strategy as far as coalitions are concerned. Throughout all the period analysed, the EU's approach has combined unilateral actions with eventual coordination of positions with a plural range of partners. There is no linearity in the EU's choices; preferences for promoting its interest through alliances may take place in parallel with unilateral positions. Arguably, constituting a negotiating group *per se*, individual EU positions are the result of bargaining and negotiations among 28 parties of the UNFCCC and the KP, all EU member states. Hence, when acting unilaterally, the EU is representing the interest of a plurality of parties. Engaging with external partners is a second exercise of forming coalitions within the EU external climate policy-making. When negotiating partnerships with other players, the EU has to observe the position internally agreed upon among its member states. The preferences of EU external partners may vary according to the compatibility of these actors' approaches to negotiations with that of the EU. This argument explains, in part, EU's mixed pattern of choice for partners.

In the absence of a strong EU-Brazil bilateral alliance at the multilateral level, prospects for enhanced cooperation between the two partners at international climate negotiations depend on the coordination of the EU's position with that of coalitions Brazil belongs to. To a certain extent, the EU's independent approach facilitates this process. Having an autonomous agenda, the EU's positions are not conditioned to the perspective of other parties of the Annex I. In fact, in many situations, the EU has pushed for stronger commitments for developed economies; at the same time it has pressured developing countries to undertake further responsibilities in the regime. Thus, if an alliance with Brazil requires considering the perspective of other developing countries, it does not demand taking into account the agenda of the Annex I parties other than the EU member states.

One of the problems of the dynamics of EU's interactions with third parties is the lack of cohesion among EU member states on a common EU position. As climate change is an area of shared competences, internal coordination is an essential requirement for EU *actorness* within the international climate change regime. On

some occasions, the EU's inability to react swiftly in negotiations has hampered the prospects of its leadership in the international climate change regime. Nevertheless, in spite of the many difficulties, the EU's presence at the multilateral level has been able not only to deliver a coordinated position in many negotiation rounds, but also to undertake long-term commitments, contributing to shaping the international climate change regime on a more ambitious basis (Vogler 2011: 27-28).

The *unique* profile of the EU, as the only REIO that is part of the UNFCCC and the KP, has implications for its performance in the climate regime and its partnerships. Adopting pre-established and fixed positions in negotiations, the EU has only one card to play in the bargaining game of international cooperation. Alliances with third parties are more likely to be formed when the EU's original position is compatible with that of other players, like Brazil. Should this not be the case, another possibility of a coalition between the two partners is Brazil adapting its approach to the EU's.

In light of this, enhanced DBLCM could actually facilitate EU-Brazil BCML, since the "exchange of view" in bilateral dialogues could have an impact on the partners' positions prepared for the negotiations. Even if joint positions do not emerge from these bilateral meetings, the information shared assists the partners to adopt compatible approaches. Here, the hierarchy between the two levels of cooperation poses a problem. As argued above, level-linkage on EU-Brazil cooperation on climate change is characterised by a hierarchical and "top-down" approach, in which the bilateral level of cooperation is shaped according to the partners' policies at the multilateral level; never the other way around. As a result, the bilateral level has limited capacity to serve as a platform for strengthening EU-Brazil engagement at the international climate change regime.

3.6 Conclusion

This chapter explored the linkage between the bilateral level and the multilateral level of EU-Brazil cooperation in the field of climate change. The primary objective here was to assess whether or not a change in the pattern of cooperation at the first

level had an impact on the latter. Furthermore, it analysed the EU-Brazil strategy of setting the bilateral level as a platform to strengthen their engagement at the multilateral arena. After contextualizing the international climate regime, the chapter proceeded with the scrutiny of EU-Brazil cooperation, breaking down the analysis into the two levels. The final part assessed the process of level-linkage.

Overall, it can be concluded that DBLCM has changed in terms of scope and approach. Until the early 2000s, the bilateral agenda of EU-Brazil relations has addressed environmental issues under a *local* focus. Political discourse and projects funded were restricted to the regional dimension of environmental problems. Recently, however, elements of the multilateral agenda have been imported into the bilateral level of cooperation. Evolving at a progressive pace, EU-Brazil relations developed at the bilateral level currently address climate change under a *local* and *global* perspective. In terms of approach, there has been a change in the instruments adopted to promote cooperation in this realm. In addition to the “Country Strategy Paper,” the EU and Brazil have adopted new mechanisms to their framework of cooperation, such as sectoral dialogues, and the 2007 EU-Brazil Strategic Partnership, this later followed by two Joint Action Plans.

It is noteworthy that the aim of the partners was not to address global climate change bilaterally, replacing multilateralism with bilateralism. Hence, the political effort employed by the EU and Brazil has been successful in institutionalising new channels of dialogue on global climate governance at the bilateral level, eventually contributing to the strengthening of their engagement at multilateral arena, and in line with the objectives of the Strategic Partnership. In light of this, it can be argued that cooperation on climate change at the bilateral level has increased over the period analysed.

However, the analysis of EU-Brazil BCML has reached a different conclusion. In spite of the enhancement of the two partners’ engagement at the bilateral level, the pattern of EU-Brazil BCML has not been altered, remaining irregular throughout the ten negotiations rounds investigated. Since changes at the bilateral level have had no impact on the multilateral level, there was no level-linkage on climate change.

In order to explain this outcome, this thesis analysed the four hypotheses that might influence this process. Starting with the first primary hypothesis, the “*regime type*”, it concludes that, as a regime “under construction”, the international climate change regime is relatively open to influences from other levels of cooperation. Lacking a rigid institutional framework, and placing greater emphasis on the role of the parties, elements of the multilateral agenda can be transposed to the bilateral level and discussed at that level, as the EU and Brazil have done. But to move from discussion to the reaching of a common understanding, it is essential to have a shared approach on how to frame global climate governance. Exploring the “*compatibility of the two actors’ approaches*,” the first secondary hypothesis, it can be argued that, overall, the EU and Brazil have similar perspectives on the principles and norms that should constitute the basis for the international climate change regime. Furthermore, the two partners support the development of cooperation on a multilateral basis, both having strategic interests in that. But why there was no level-linkage?

The “*foreign policy decision-making processes*”(primary hypothesis) of the two actors pose a major problem to level-linkage. In case of both players, there is hierarchical structure that affects the agenda and the interaction among the agents. In a “top-down” approach, foreign policies prioritise multilateralism over bilateral relations. Consequently, the agenda and the positions taken at the bilateral level are subjected to those of the multilateral level. Regarding the agents, there is not only a hierarchy, but also a fragmentation in the decision-making process. Agents taking part in the development of DBLCM are not the same responsible for the setting of foreign policies addressing the multilateral level. This “division of labour” is even greater in the case of the EU, where decision-makers from each policy level belong to different EU institutions. Together, the hierarchical structure and the fragmented distribution of competences inhibit the prospects of decision-making at the bilateral level to influence the policy-making processes addressing multilateral cooperation.

Ideally, level-linkage would benefit from the prioritising of a EU-Brazil alliance at multilateral negotiations over all “*preferences for partners*”(secondary hypothesis). However, this has not been the case. Brazil’s engagement with the development of the international climate change regime has always been defined by the *siding* with its counterparts in the non-Annex I, especially the G77/China and the BASIC group. A preference that characterises Brazil’s approach towards

multilateralism in other areas, as the case studies on trade and human rights conducted in the next two chapters of this thesis demonstrate. The EU, on the other hand, has adopted a more independent approach, changing its partnerships between other parties from the Annex I or developing countries, when not acting unilaterally. Thus, even if a strong alliance between the two partners has not been forged, it did not obstruct all possibilities for their cooperation. The occasions on which the EU and Brazil have acted together were the coordination of the positions of the EU with that of negotiating groups Brazil belongs to. The different “preferences for partners” is an obstacle for a level-linkage only when the positions of the coalitions the two actors belong to are incompatible.

Comparing the four hypotheses, this chapter concludes that all the factors play a role in the process of level-linkage. Whereas the “*regime type*” and “*the compatibility of approaches*” facilitate a positive outcome in this process, the impact of the “*preference for partners*” may vary. Nonetheless, the “*foreign policy decision-making processes*” disfavours the prospects of enhanced dialogue at the bilateral level for cooperation at the multilateral arena to positively influence the pattern of engagement between two actors at the multilateral level. There was no level-linkage on EU-Brazil cooperation, arguably the “*foreign policy decision-making processes*” factor has a heavier weight in defining the outcome of level-linkage – at least in the case of climate change.

CHAPTER4

Level-Linkage in Trade

4.1 Introduction

The previous chapter (chapter three) revealed no level-linkage in EU-Brazil cooperation on climate change. Interestingly, throughout the period analysed there has been an increased dialogue at the bilateral level on issues associated with multilateral climate negotiations. Brazil and the EU have incorporated the multilateral climate agenda in their bilateral level of cooperation. However, as demonstrated, this has not sufficed to strengthen EU-Brazil engagement on multilateral climate negotiations. In other words, changes in the pattern of engagement at the bilateral level have not had a significant impact on bilateral cooperation at the multilateral level (BCML). Is this trend repeated in other issue-areas?

As this thesis argues, the outcome of level-linkage varies according to the issue in question; generalisations based on a single case-study cannot be made. Thus, this chapter sets out to understand the interaction between dialogue at the bilateral level with cooperation at the multilateral level in the case of trade. Addressing this issue, this chapter focuses on the latest, and still ongoing, round of negotiations under the WTO framework, the Doha Round. Furthermore, given the complexity and the constellation of issues that constitute the current international trade agenda, the analysis focuses primarily on negotiations on agriculture.

The choice of this sector is justified by the fact that agriculture is one of the central pillars of the Doha Agenda and arguably one of the most controversial issues under negotiation. It is also a core sector for EU-Brazil bilateral trade, as table 13

illustrates.⁷⁸

TABLE 13 EUROPEAN UNION (EU27) TRADE WITH BRAZIL (MILLION EURO)

Year	Imports		Exports	
	2008	2010	2008	2010
Total	35,855	33,238	26,302	31,466
Agricultural products* (% of total)	24,967 (69%)	23,509 (70,7%)	951 (7.9%)	1,266 (4%)

*Food and raw materials (incl. fish)

Source: European Commission 2012.

In addition to the relevance of agriculture to EU-Brazil trade, this sector is an interesting case in which to assess level-linkage, as developments at the multilateral level have clear implications for bilateral relations, since the outcome of multilateral negotiations directly impacts on bilateral trade between the partners. Therefore, there is a direct link between the two levels of cooperation that goes beyond any strategic or political choice of the partners. In terms of timeframe, the period analysed covers the early stages of the current negotiation of a multilateral agreement on agriculture, from the late 1990s until when negotiations came to a halt, in 2010.

This chapter is made up of four focal sections. The first part contextualises the process of level-linkage in the case of trade, presenting the main institutional features of the WTO and the characteristics of the foreign policy-making processes of the EU and Brazil. After establishing this framework, the second part of the chapter identifies whether, and if so how, the multilateral trade agenda has been addressed at the bilateral level of cooperation. Next, moving on to the multilateral level, the third part opens the “Pandora’s box” of the Doha Round, conducting a process-tracing of EU-Brazil engagement over ten years of negotiations on agriculture. The fourth and final section of the chapter crosses the outcome of the analysis of cooperation at the two levels and explains level-linkage on EU-Brazil relations in trade, revealing how each of the four hypotheses affect the outcome of this process. The main findings are summarised in the conclusion.

⁷⁸The EU is Brazil’s main global trade partner, whereas Brazil is the top supplier of agricultural goods to the EU. In 2011, EU’s imports from Brazil were dominated by primary goods, in particular agricultural products (41%) and fuels and mining products (31%) (European Commission 2012).

4.2 Setting the Scene: Contextualising the process of Level-Linkage

4.2.1 Explaining the “type of regime” in the case of trade

WTO: Historical background

“In the post-World-War-II era, the international trade regime has been characterized by significant and sustained attempts to cooperate over trade matters at a multilateral level through voluntary but explicit international trade agreements” (Staiger 2004: 1). In fact, the first attempt to set up a multilateral organisation on trade dates back to the 1944 Bretton Woods Conference, which created the International Trade Organization (ITO). Simultaneously, the same actors negotiating the establishment of the ITO engaged in the discussions of a multilateral agreement on tariff reductions. As a result, the General Agreement on Trade and Tariffs (GATT) was signed in 1947.

Originally conceived of as interim deal to cover a limited range of trade issues until the ITO came into force, the GATT lacked legal personality and institutional form. The weak framework of the GATT was largely justified by its temporary nature, but the failure to implement the ITO changed the original plan for the Agreement. The GATT became the core instrument with which to promote international cooperation on trade. For almost 47 years, the international trade regime was fundamentally restricted to the limited scope of the GATT (Narlikar 2005: 15-17).

Created in 1995, the World Trade Organization (WTO) built on the GATT and was set up under a well-defined institutional arrangement and a clear set of legally binding rules, but addresses a wider range of issues than its predecessor. As an international organisation, membership is open to all states or customs territories with “full autonomy in the conduct of its trade policies”. By August 2012, the WTO had 157 members, including the European Union and Brazil, both members since 1 January 1995 (WTO 2012).

Guiding Principles of the WTO

As stated in the Preamble to the treaty establishing the WTO, the motivation to create the organisation derived from the interest of the parties in engaging “into reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs and other barriers to trade and to the elimination of discriminatory treatment in international trade relations”. Thus, the ultimate objective of the WTO can be considered to be the promotion of norms and rules that aim at international trade liberalisation.

According to Bernard Hoekman, the rules and procedures of the WTO are structured around five core principles, most of them inherited from the GATT, namely: a) reciprocity; b) non-discrimination; c) binding and enforceable commitments; d) transparency; and e) safety valves (Hoekman 2002: 42-44). In terms of trade liberalisation, reciprocity means that concessions made in terms of internal market openings would be compensated for by increased external market access; in other words, reciprocity means “a balance of concessions”. The non-discrimination principle encompasses two elements: the concept of most-favoured nations (MFN), and the idea of national treatment. MFN implies that the same concessions granted to an international trade partner should apply to all other WTO members (with few exceptions). National treatment establishes that, after a foreign product or service has entered the internal market, it should receive the same treatment as domestic goods and services.

The third principle of binding and enforceable commitments determines that commitments made at the WTO level are legally binding. In terms of trade in goods, the WTO has a list of ceiling binding tariffs, and members are not allowed to exceed these rates without agreeing on compensations with their partners for an eventual loss of trade. To enforce these commitments, the WTO’s Dispute Settlement Mechanism allows members to question the legality of another actor’s trade policy decision and ask for compensation. In order to ensure compliance, the principle of transparency guarantees equal and fair treatment of all parties. To this end, WTO operations are restricted to its headquarters in Geneva, where several committees, negotiation groups and councils meet frequently, allowing for the engagement of

members with the activities of the organisation, and providing a forum for the exchange of information among members. The fifth principle, safety valves, regulates the cases in which governments are allowed to adopt trade measures considered to be protectionist on a limited or temporary basis. These special circumstances are associated with measures that promote economic or non-economic objectives, as well as matters of “fair competition” (Hoekman 2002: 42-44).⁷⁹

Structure and Functioning

The WTO constitutes a very complex institutional arrangement, made up of numerous committees, councils and working groups. The basic structure of the Organization consists of five bodies: at the first level there is the Ministerial Conference, followed by the General Council, the Dispute Settlement Body (DSB), the Trade Policy Review Body (TPRB), and the Trade Negotiations Committee (Article IV).

The Ministerial Conference is the highest WTO decision-making body. Composed of all member states, the parties agree on all issues addressing multilateral trade agreements during meetings that normally occur every two years. The General Council is mandated by the Ministerial Conference to ensure the daily functioning of the WTO in Geneva. The chairperson coordinates the activities of the Council, which includes representatives from all WTO members. The General Council also administers the Trade Review Body, in charge of periodical reviews on the trade policies of WTO members, and convenes to discharge the responsibilities of the Dispute Settlement Body, which has its own chairperson. Finally, also operating under the General Council, the Trade Negotiations Committee (TNC) is responsible for the process of negotiations of multilateral agreements, including the negotiations on agriculture under the Doha Round.

⁷⁹ For details on these exceptions, see Articles 5, 8, 11, 12, 18, 19, 20, 21, 23, and 28 of GATT.

TABLE 14 WTO MINISTERIAL CONFERENCES (1996-2011)

Conference	Location	Year
1st	Singapore	1996
2nd	Geneva, Switzerland	1998
3rd	Seattle, United States	1999
4th	Doha, Qatar	2001
5th	Cancun, Mexico	2003
6th	Hong Kong, China	2005
7th	Geneva, Switzerland	2009
8th	Geneva, Switzerland	2011

Source: WTO (2012b).

Within the WTO, the parties tend to form negotiation groups, presenting a common position and centralising their representation. These coalitions are established according to geographical criterion or affinities in agenda, thus being organised by issues. The composition and number of these formal groups have varied over time. In July 2012 the WTO identified 26 active groups (WTO 2012b). To a certain extent, these groups play a leading role in the bargaining game of cooperation within the WTO. Nonetheless, the process of negotiations among coalitions ultimately requires a general agreement between all parties. This is because decisions made at the Ministerial Conferences and the General Council are reached by consensus. In the event of not obtaining the assent of all parties, a voting system is put in practice, with each member being granted one vote (Article IX).⁸⁰

⁸⁰ For more on the legal and institutional framework of the WTO, see Barton *et. al.* (2006), De Meester and Wouters (2007), Footer (2006), Hoekman (2002) and Narlikar (2005b).

TABLE 15 WTO NEGOTIATION GROUPS: MEMBERSHIP OF THE EU AND BRAZIL
(2012)

Member	Group	Nature & Scope	Members (n)
Brazil	MERCOSUR	Customs union nature, general scope	4
	Cairns Group	Coalition of agriculture exporters	19
	G20	Coalition of developing countries on agriculture	23
	NAMA 11	Coalition of developing countries on NAMA	10
	Friends of Anti-Dumping Negotiations (FANS)	Coalition for more disciplines on the use of anti-dumping measures	15
	W52 Sponsors	Sponsors of the TN/C/W/52 proposal for modalities on intellectual property (TRIPS)	109
EU	EU	Customs union nature, general scope	27
	Friends of NAMA	Coalition for the maximising of tariff reduction on NAMA	35

Source: WTO (2012c).

Constituting a group in itself, the European Union is a member of three of the WTO 26 formal negotiation groups, whereas Brazil is part of six groups. They share membership of only one coalition, the W52 Sponsors, which has a very narrow focus on trade-related aspects of intellectual property rights (TRIPs). This picture provides some important insights into the EU's and Brazil's engagement with multilateral trade negotiations under the Doha Round. Yet, as the account of the roles of the two actors in negotiations on agriculture provided in section four reveals, formal membership is important, but not the determinant factor defining preferences for partners. The EU and Brazil can actually overcome these formal divisions and project their "strategic partnership" from the bilateral level to the multilateral arena.

However, as this thesis claims, in addition to the compatibility of approaches to multilateralism, another condition of this process is the coordination in the processes by which the two actors define their bilateral and multilateral trade policies. Thus, when setting the scene for the process of level-linkage, it is important to understand not only the structure of the international trade regime, but also the formal arrangements of the foreign policies of the EU and Brazil that establish the internal institutional structure for the development of trade cooperation at the two

levels.

4.2.2 Foreign Trade Policy-Making Processes

Brazil

Brazilian foreign trade policy-making is organised in a bureaucratic and hierarchical structure that encompasses different agencies of the executive power. As established in the 1999 constitution, the President is responsible for concluding international agreements and establishing diplomatic relations with third parties, including on trade issues. Yet, this role is rather formal. The *development* of bilateral and multilateral cooperation is a competence shared by the various Ministries of the federal government. Moreover, there is an internal division of labour between public agencies that subjects bilateral and multilateral trade policies to two different processes.

For Brazil, bilateral trade relations with the EU are primarily the competence of the Ministry of Foreign Affairs (*Ministério das Relações Exteriores* – MRE, also known as *Itamaraty*). As a Brazilian diplomat interviewed explained, there is a certain division of labour in the foreign policy-making on trade. Within *Itamaraty*, the Department of Europe (*Departamento da Europa – DEU*) is responsible for defining the major political guidelines for cooperation with the EU.⁸¹ Regarding trade, this capacity falls into the domain of the Economic Department (*Departamento Econômico – DEC*), which is sub-divided into six coordinations/divisions addressing the following issues: intellectual property; market access; safeguard and trade defence; contentious issues; agriculture; and economic organisations. This institutional arrangement also includes the Department of International Negotiations (*Departamento de Negociações Internacionais – DNC*), in charge of dealing with bilateral/regional trade agreements.

As in other areas, the activities of *Itamaraty* in forging and exercising bilateral and multilateral trade foreign policies directly engage other Ministries. In

⁸¹Interview n35, Brussels, 20 September 2012.

the case of bilateral trade relations with the EU, coordination among these institutions takes place in the *preparation for* and *during* bilateral meetings. Ahead of EU-Brazil meetings, each DEC sub-division consults the Ministries that have potential interests in the agenda. The list of governmental bodies involved in this process varies, but two permanent contributors are the Ministry of Agriculture, Livestock and Food Supply (*Ministério da Agricultura, Pecuária e Abastecimento – MAPA*) and the Ministry of Development, Industry and Foreign Trade (*Ministério do Desenvolvimento, Indústria e Comércio Exterior – MDIC*). In the case of general meetings, such as EU-Brazil Summits or Joint Committees, DEC forwards its proposal to DEU, which, in coordination with the Brazilian Mission in Brussels, agrees with the EU on the agenda for the meeting. In “trade issues” sessions, and the consultation mechanism on sanitary and phytosanitary (SPS) issues, the agents in charge of trade portfolios at both DEC and the Mission take the lead in organising meetings.

Coordination between *Itamaraty* and other Ministries is not restricted to agenda-setting; members of staff from various governmental institutions are invited to join the Brazilian delegation in bilateral meetings with the EU. Again, the participation of other Ministries varies according to the issue, as well as the location of the gathering. In any case, even when in Brussels, trade meetings tend to include representatives from MAPA and MDIC, always under the coordination of *Itamaraty*. In the case of SPS consultations, in addition to *Itamaraty* and MAPA, the Brazilian delegation often includes the National Health Surveillance Agency (*Agência Nacional de Vigilância Sanitária – Anvisa*), and, eventually, the Ministry of Fisheries and Aquaculture (*Ministério da Pesca e Aquicultura – MPA*).⁸²

Brazilian foreign trade policy at the multilateral level is also the outcome of interaction between various Ministries. Formal responsibility for coordinating this process is attributed to the Chamber of Foreign Trade (*Câmara de Comércio Exterior- CAMEX*). Established in 1995, CAMEX is an inter-Ministerial Council, part of the Government Council of the Presidency, formed of seven Ministries. These are: a) MDIC; b) Ministry of Finance; c) Ministry of Foreign

⁸²Interview n35, Brussels, 20 September 2012.

Affairs; d) Home Affairs Office; e) Ministry of Planning and Budget (*Ministério do Planejamento, Orçamento e Gestão* – MPOG); f) Ministry of Agriculture; and g) Ministry of Agrarian Development. Meeting monthly in Brasilia, the members of CAMEX deliberate on the definition, implementation and coordination of policies and activities. It is on the basis of these resolutions that *Itamaraty* and other Ministries should approach multilateral trade negotiations.

Formal arrangement, however, differs from practice. Even after the creation of CAMEX, *Itamaraty* still holds a central position in the forging of Brazilian foreign trade policy. As explained by a Brazilian diplomat in Brussels, the decision-making process concerning Brazil's standing in multilateral trade negotiations starts with the activities of DEC of *Itamaraty*, which coordinates an inter-Ministerial dialogue to forge a common position that considers the interests of the various sectors. Next, *Itamaraty*, MDIC and MPOG present their proposals to CAMEX. Assisted by external consultants, the seven Ministries gather at the monthly meeting of CAMEX to discuss Doha Round issues. Deliberating on the positions to be endorsed by Brazil at the multilateral level by consensus, the resolutions of CAMEX are subjected to the scrutiny of the Brazilian President. Upon obtaining presidential approval, the Ministry of Foreign Affairs takes the Brazilian position to the WTO.

Brazil has permanent representation in Geneva mandated to negotiate on its behalf at the WTO. Within the Doha Round, the role of chief negotiator is performed by the Ambassador who serves as Permanent Representative. In the case of technical meetings, the Brazilian negotiation team is formed of diplomats from the trade sections of *Itamaraty*, based both in Brasilia and Geneva, and normally also includes staff from other Ministries. Additionally, the Foreign Minister has always played a key role as the leading representative of Brazil, actively engaging in the WTO Ministerial Conferences as well as in the meetings of informal negotiation groups, such as the G20, G4 and G6.⁸³

⁸³Interview n35, Brussels, 20 September 2012.

European Union

As an area of exclusive competence, the EU's external trade policy (also known as Common Commercial Policy – CCP) has been conducted by the European Commission in conjunction with the Council.

Until the Lisbon Treaty entered into force, bilateral relations with Brazil fell almost exclusively under the domain of the European Commission. The DG for External Relations (DG RELEX), under the division for Latin America, was the agency competent for establishing the general terms of cooperation with Brazil. Trade relations are now a competence of the DG for Trade (DG Trade), part of the European Commission. Within DG Trade, bilateral relations with Brazil are in the portfolio of the Unit for Latin America (Unit C3). Given the multitude of issues that compose the EU-Brazil trade agenda, other DGs are directly involved in the framing of EU bilateral trade policy. In the case of agriculture, the DG for Agriculture and Rural Development (DG AGRI) and the DG for Health and Consumers (DG SANCO) are notably engaged in this process.

Similarly to the policy-making process of Brazil, the agendas of general bilateral meetings (High Level Summits and Joint Committees) were traditionally defined by DG RELEX (a competence now delegated to the European External Action Service –EEAS), in coordination with the EU delegation in Brasilia and based on the contributions of various DGs. In the case of “trade meetings” and SPS consultations, DG Trade, DG SANCO and DG AGRI lead the process of agenda setting. At these meetings, members of staff from these three DGs form the EU's delegation.

The European Commission has also played a pivotal role in the formulation and implementation of EU external trade policy at the multilateral level. Yet, even if it is an area of exclusive competence of the European Union, the Council is also engaged in this policy-making process, as Article 133 of the EC Treaty establishes:

Where agreements with one or more States or international organisations need to be negotiated, the Commission shall make recommendations to the Council, which shall authorise the Commission to open the necessary negotiations. The Council and the Commission shall be responsible for ensuring that the agreements negotiated are compatible with internal Community policies and rules (TEC Treaty).

The European Commission is the sole negotiator at the WTO, acting on behalf of the EU and its 28 member states, with a mandate subjected to the approval of the Council. In this process, the Commission first presents its general trade objectives to the Trade Policy Committee (formerly Article 133 Committee), which is comprised of member states and staff from the Commission. Next, the specific negotiation mandate is adopted by the Foreign Affairs Council. Additionally, the European Parliament must approve all trade and investment treaties, by simple majority (Woolcock 2011:7-8).

DG Trade is in charge of leading negotiations, coordinating activities of the EU's negotiation team under the authority of Chief Negotiator. In addition to officials from DG Trade responsible for a variety of portfolios, the EU delegation to negotiations also includes members of staff from other DGs, depending on the issues of the WTO agenda (European Commission 2012). In the case of agriculture, the EU Trade Commissioner has worked in close coordination with the EU Agriculture Commissioner, and, to a certain extent, with DG SANCO.

Prior to the Lisbon Treaty, the European Commission had a delegation in Geneva representing the EU at international organisations. In 2011, the Commission delegation was converted into two new European Union representations: a) the delegation to the UN and other international organisations in Geneva; and b) the Permanent Mission of the European Union to the World Trade Organization, both being associated with the EEAS.

Among its competences, the EU Mission to the WTO is responsible for:

Representing the interests of the European Union and its 27 Member States in the area of multilateral trade, and negotiating on their behalf at the World Trade Organisation (WTO); coordinating the positions of the European Union and its 27 Member States for multilateral trade negotiations; promoting the visibility and understanding of the European Union's trade policy through contacts, information activities and networking with other diplomatic missions and Geneva-based international organisations, bodies and agencies (European External Action Service 2012).

Thus, after the Lisbon Treaty, the Commission lost its exclusivity in the EU's external representation at the WTO. Yet, at the present date, these new institutional arrangements have still not revoked the pivotal role of the European Commission, and more specifically DG Trade, in leading negotiations on multilateral trade agreements.

As this section has demonstrated, both the EU and Brazil conduct fragmented policy-making processes that separate bilateral trade relations from multilateral trade policies. The impact of these institutional arrangements on the process of level-linkage is explored in the last section of this chapter.

After a brief description of the formal structure of the WTO and the processes through which the EU and Brazil define their foreign trade policies, the next two sections of this chapter explore EU-Brazil cooperation at the bilateral and the multilateral levels.

4.3 EU-Brazil Cooperation on Trade: The Bilateral Level

The first attempts to institutionalise cooperation on trade date back to the 1970s. In 1973, the two partners negotiated a three-year non-preferential agreement, predominantly concerning the trading of agricultural goods, in particular cocoa butter and soluble coffee. Complementing this framework, two other agreements on specific sectors were adopted, namely those on textiles (1978) and steel (1979). These first three agreements were characterised by a strong technical nature and exclusively addressed the bilateral dimensions of EC-Brazil trade activities in these sectors.

Breaking down this fragmented approach to the institutionalisation of EC-Brazil relations, the parties adopted the Framework Agreement on Trade and Economic Cooperation in 1980. Coming into force in 1982, with a lifespan of ten years, the 1980 Agreement represented the first attempt to project EU-Brazil cooperation onto a global context. For that purpose, and taking into account the activities of international organisations, the parties agreed to cooperate “*bilaterally* and *multilaterally* in the solution of commercial problems of common interest” (Article 2). However, the scope of cooperation was limited to an increased dialogue, without implying the formalisation of an EU-Brazil alliance at the multilateral level. Evidence for this claim is found in the preamble of the Agreement, which establishes that cooperation should be forged “between equal partners, but taking into account the fact that Brazil belongs to the G77” (Council of the European Communities 1982).

In addition to the brief reference to BCML, another important feature of the Accord was the establishment of the EC-Brazil Joint Committee. Formed by representatives of both governments, the Committee is in charge of following the development of bilateral cooperation on trade and economic issues, and other aspects of the implementation of the Agreement. As presented in Chapter two, since its creation in 1982, the Joint Committee has been the central forum of debate between the EU and Brazil, covering a broad range of bilateral and multilateral issues, including the Doha Round.

Overall, in analysing the content of the agreement and the activities of the first meetings of the Joint Committee, it can be concluded that cooperation on trade was dealt with through a pragmatic approach. The sole reason for considering EU-Brazil engagement at both the bilateral level and the multilateral level was to promote and diversify their bilateral trade flows in order to overcome trade barriers that obstruct the improvement of their commercial relations. This trend remained unchanged beyond the first decade of the Committee’s existence.

In 1992, the EU and Brazil agreed a new Framework Agreement of Cooperation. Providing the legal basis for EU-Brazil relations until the present day, the accord covers a broad range of issues, but does not mark any major

improvements in the terms of cooperation over multilateral trade issues. References to the matter appear in Article 5 (“Development of trade cooperation”), under which the EU and Brazil agree to hold consultations on trade disputes that may arise at the GATT level, as well as on tariffs, technical requirements and anti-dumping measures that may hinder their bilateral trade (Council of the European Union 1995). Thus, the association of the bilateral level of cooperation with the multilateral level remains limited to the impact of the activities of multilateral trade regimes on EU-Brazil relations.

The strengthening of multilateralism and the promotion of the international trade regime did not feature in the terms of EU-Brazil relations until the early 2000s. Since the new millennium a conjunction of domestic and international factors reshaped EU-Brazil relations.

One particularly important issue was the failure of negotiations of a EU-MERCOSUR agreement. As discussed in chapter two, the emergence of a regional integration process in the Southern Cone of Latin America in the late 1990s prompted the immediate interest of the EU in contributing to and benefiting from cooperation with MERCOSUR. From the opening of discussions on an Association Agreement between the two blocs in 2000, until the suspension of negotiations in 2004, the EU and Brazil placed great emphasis on the development of their “sub-regional level” of cooperation.⁸⁴

Despite being inconclusive, negotiations of a EU-MERCOSUR trade deal had implications for the bilateral and the multilateral levels of EU-Brazil relations. As established in the Treaty of Asunción, members of MERCOSUR must negotiate trade agreements with third parties as a bloc. Moreover, tariffs reductions granted by one of the five members to third partners must be extended to all of MERCOSUR. Thus, the creation of the bloc has constrained the scope of EU-Brazil bilateral trade relations, as the two partners cannot forge a bilateral agreement that includes tariff concessions.

⁸⁴Suspended in 2004, negotiations on the association agreement between the EU and MERCOSUR resumed in May 2010 and are still in course (European External Action Service 2013). Thus, the analysis of level-linkage on EU-Brazil trade cooperation conducted in this chapter largely covers this gap, in which there were no trade negotiations at the sub-regional level.

In terms of BCML, already anticipating a trade deal between the two blocs, the 1995 EC-MERCOSUR Interregional Framework Cooperation Agreement establishes that inter-regional cooperation must observe and respect multilateral trade rules, as Article 4 states:

the Parties shall undertake to forge closer relations with the aim of encouraging the increase and diversification of trade, preparing for subsequent gradual and reciprocal liberalization of trade and promoting conditions which are conducive to the establishment of the Interregional Association, taking into account, in conformity with WTO rules, the sensitivity of certain goods (Official Journal of the European Communities 1996).

Thus, the presence of a sub-regional level of cooperation reinforced the impact of multilateral issues on EU-Brazil relations. In this line of thought it can be claimed that the failure of EU-MERCOSUR negotiations on trade exposed the need for new channels of debate on the multilateral agenda. Adding to this factor, the emergence of Brazil as a rising power in the international scene, and the launch of the EU's quest to promote "effective multilateralism," introduced with the European Security Strategy (2003), prompted the enhancement of the importance attributed by the two players to their engagement at the multilateral level. This shift of approach was reflected in their instruments of bilateral cooperation.

The 2002-2006 Brazil Country Strategy Paper (CSP), compiled by the European Commission in consultation with the Brazilian government, can be considered the first (official) attempt to reinforce the presence of multilateral trade issues in the partners' bilateral agenda. Drafted in the same year that negotiations for a new WTO trade agreement were launched, the National Indicative Programme (NIP), part of the CSP, establishes that:

In the particular context of the 4th WTO Ministerial Conference (Doha Development Agenda) and the need of developing countries to effectively participate in and benefit from these multilateral negotiations, the European Community, taking into account the Brazilian situation, could support Brazil with technical assistance to enhance its capacity to participate in the WTO negotiations and fully implement the results (European Commission 2001).

The inception of BCML under the stronger narrative of the CSP remained marginal, but to a certain extent this new approach broke the restriction of addressing only multilateral issues that affect bilateral trade. Nonetheless, the “*offer to help*” indicates the EU’s appreciation of the unbalanced capability to perform at the multilateral level that exists between the two actors, a view that a Brazilian diplomat from the Brazilian Mission to the EU in Brussels attested to being considered “*patronizing and unrealistic*”.⁸⁵

As previously mentioned, in addition to bilateral dialogues held at a technical level on very specific issues of relevance to EU-Brazil bilateral trade, the debate on trade relations has always been broadly and comprehensively promoted by the Joint Committee. Traditionally, before the final general meeting of the Committee, trade experts from the two parties met on specific trade sessions. Among the many issues discussed, the agendas of these trade gatherings included multilateral negotiations. Nevertheless, considering the busy agenda of the WTO in the early 2000s, it is surprising to observe that there was no Joint Committee meeting between 2003 and 2006. Without these sessions, the EU and Brazil lost their main forum of discussions on multilateral issues. None of the interviewees could explain this interval, and, in fact, most of them seemed to be unaware of this gap when questioned. Perhaps not by coincidence, the Committee’s activities resumed after the launch of the EU-Brazil Strategic Partnership in 2007.

Framing bilateral relations under the term “strategic” was part of the EU’s new approach towards handling external relations with actors it considered to be “key global players”. In order to implement this strategy, the European Commission addressed a communication to the European Parliament and the Council, arguing in favour of a strategic partnership with Brazil, in 2006. Emphasising the important role played by Brazil in global governance, the Commission named multilateral regimes in which the partners could pursue further cooperation. Regarding trade, the communication stressed the *individual* commitment of the parties to the trade regime, but without explicit reference to the enhancement of EU-Brazil cooperation at the WTO, in clear contrast with its recommendations for other regimes. Nevertheless,

⁸⁵.Interview n25, Brussels, 12 July 2011.

the communication demonstrated a new European perception of the weight and capability of Brazil as an international actor.

The new approach was reflected in the 2007-2013 Brazil CSP. Suggesting an approach to bilateral relations with Brazil on equal terms, the European Commission replaced the unilateral proposal to assist Brazil on multilateral trade issues for the promotion of dialogue:

Since the EU is Brazil's leading trading partner and top investor, trade is, of course, a key aspect of EU-Brazil relations. At bilateral level the EU aims, through its existing dialogue, at overcoming bilateral trade irritants, at raising all relevant issues that could contribute to facilitating trade flows and investment, and at exchanging views ahead of major WTO events. These objectives will be pursued through a regular EC-Brazil dialogue on trade issues (European Commission 2007).

Against this backdrop, the EU-Brazil Strategic Partnership was launched in 2007, aimed at enhancing bilateral cooperation between the two partners on different levels and issues. The joint declaration of the first EU-Brazil Summit delineated the terms of the Partnership, naming the areas of global governance in which the parties agree to cooperate. Interestingly, multilateral trade does not feature among them. References to the WTO appear in the section entitled "expanding and deepening trade and economic relations," with the EU and Brazil simply "reaffirm[ing] their strong commitment to conclude promptly the Doha Development Round" (Council of the European Union 2007). Comments on the parties' engagement within the multilateral trade regime in the document are restricted to this sentence.

The lack of attention paid to multilateral trade was confirmed in the Joint Action Plan of the Strategic Partnership (JAP I). Setting up actions to promote the "strategic partnership", JAP I endorsed the "exchange of views" mechanism of the Joint Committee, with the parties agreeing to "keep up their contacts in the different domains of the WTO negotiation, so as to find solutions that promote the successful conclusion of the Round" (Council of the European Union 2008b).

The statements of subsequent EU-Brazil summits (2008, 2009, 2010 and 2011) have all expressed concern with the lack of progress in the conclusion of the Doha Development Round, but on no occasion did the EU and Brazil express an

interest in strengthening their bilateral cooperation in the multilateral arena, in clear contrast to the discourse adopted regarding cooperation on climate change and human rights (Council of the European Union 2008b, 2009, 2010, 2011).

Launched in 2011, the second Joint Action Plan (JAP II) stated that the EU and Brazil agreed to “work together on negotiations and implementation of the outcome of major international conferences and Summits as appropriate (...).” Again, there was no mention of bilateral cooperation at the WTO level, in contrast to detailed actions to be taken in other areas.

JAP II came into force in 2012 and should be reviewed in 2014 (Council of the European Union 2011). Unless an unexpected dramatic shift takes place, there is no indication of the parties’ willingness to improve the degree of their engagement within the multilateral trade regime.

With the EU-Brazil Strategic Partnership failing to promote new mechanisms for facilitating cooperation between the two partners within the multilateral trade regime, the Joint Committee remains the key bilateral instrument for reaching this goal. But how does the lack of a significant increase in dialogue at the bilateral level on multilateral issues relate to EU-Brazil bilateral cooperation at the multilateral level? In other words, how can level-linkage in trade be characterised?

Addressing these questions, the next section explores the engagement between the EU and Brazil within the multilateral trade regime, focusing on agriculture negotiations under the Doha Round.

4.4 EU-Brazil Cooperation on Trade: The Multilateral Level

4.4.1 Paving the Way to the Doha Round: The Long Road to Trade Liberalisation on Agriculture

For decades, the GATT's success in promoting trade liberalisation was restricted to industrialised products; agriculture was long subjected to protectionist practices that proved hard to eliminate. Negotiations on a multilateral agreement addressing agriculture were finally launched during the Uruguay Round in 1986. Concluded eight years later, the Agreement on Agriculture (AoA), together with all other GATT agreements, was incorporated in the World Trade Organization, created in 1995 as a replacement for the GATT.

The AoA was structured around three core pillars of trade liberalisation, namely, (i) domestic support; (ii) market access; and (iii) export subsidies. Establishing different responsibilities for its members, developed countries were constrained by strict commitments to push for liberalisation on these three fronts, whereas developing nations were subjected to moderate obligations and a less tight schedule. However, the terms of the Agreement reveal the resistance of developed countries to open their markets to the most sensitive agriculture products. As a result, the AoA contains an extensive list of products that are exempt from the new rules.

A clear example of the unbalanced distribution of power within GATT, the list overwhelmingly comprises those items considered sensitive to the US and Europe. Furthermore, and perhaps even more interestingly, the list resulted in a bilateral deal reached between the US and the EU, known as the "Blair House

Agreement”.⁸⁶ This political manoeuvre granted the two actors mechanisms with which to protect parts of their agriculture markets, albeit at a high cost for the multilateral system.

The inclusion of this list was widely criticised by the parties left out of the bilateral arrangement, and especially by developing countries including Brazil. Nevertheless, there was still a window of opportunity for advancing liberalisation, as Article 20 of the AoA establishes the commitment of the parties to pursue further negotiations (Clapp 2006: 3-4). On this basis, preparations for a new round of negotiations were launched during the WTO Ministerial Summit of November 1996.

The EU and Brazil entered this preliminary stage of discussions on a new multilateral agreement on opposite sides. Brazil acted from within a block, engaging with the WTO negotiation groups it formally belonged to: MERCOSUR and the Cairns group. The EU, on the other hand, adopted a more unilateral approach, despite its circumstantial alliance with the US.

In 1999, Brazil delivered a communication on behalf of MERCOSUR expressing its concerns with the prospects of adopting a “tariff-only regime” (WTO 1999). In the same year, Brazil joined the Cairns group in setting a new agenda for negotiations on agriculture. The group demanded the elimination of export subsidies, followed by the decrease of domestic support for producers. Additionally, the Cairns group asked for improvements in market access, the application of the same rules for industrial products and the guarantee that technical and phytosanitary requirements would constitute forms of non-tariff barriers (Vizentini 2006: 4).

⁸⁶ The Blair House Agreement is the result of intense negotiations between the EU and the US, a process initiated in 1986 and finally concluded on 20 November 1993. Addressing bilateral trade issues, the Accord also set out a framework for a multilateral agreement on agriculture. The two partners agreed on: “a 20% reduction in domestic support in terms of AMS [Aggregate Measure of Support], with 1986-88 as a base period; a 21% reduction in the volume of export subsidies; and a 36% reduction in the cash amount of export subsidies (...) and an exemption of income support to farmers from domestic support commitments” (Trebilcock and Howse 2005: 335). In addition, as the EU requested, the Accord includes a “peace clause” that exempts market support practices regulated by the agreement from being subjected to trade retaliation (Meunier 2005: 112). Even after the agreement was reached, there was no consensus among EU member states on supporting the deal; France was the prominent opposing party. For more on the EU’s internal negotiation leading to the accord, see Meunier (2005: 102-124).

In July 1999, the EU launched its own communication, positioning itself in favour of discussing reductions in export supports. The EU stressed the need to observe factors including food safety and quality, animal welfare, special treatment to developing countries, and the “multifunctional role of agriculture.” Simultaneously, the Cairns group requested an immediate lift on barriers to agriculture. The EU claimed that efforts to reduce obstacles to trade within the sector should be considered an “ongoing process resulting in fundamental reform, and not something which can be completed in the next round” (WTO 1999b).

Differences in the content of the rules and the pace for their implementation were an expected consequence of the divide between developing countries and developed economies in the negotiations; it was therefore not surprising that Brazil and the EU had contrasting positions. But what is interesting is the support granted by the US to the Cairns group’s proposal on the elimination of agriculture subsidies.

If at first sight the US move seemed to contradict its own interests, it was justified by a strategic approach to the negotiations. According to Vizontini (2006: 4), avoiding the negotiation of Trade-Related Investment Measures (TRIMs) was a US priority – hence the interest in inflating the debate on subsidies to ensure it would dominate the talks. Furthermore, being among the world’s top exporters of agricultural goods, the US was also motivated to increase the pressure for market liberalisation on major importers such as the EU (Vizontini 2006: 4).

The preparatory activities for negotiations on a new deal were concluded by the time the 3th WTO Ministerial Conference took place in Seattle, in 1999. Negotiations were formally launched in in 2000 and organised in the format of the so-called “special sessions” of the Agriculture Committee (WTO 2004).

At this stage, the parties already disagreed over relatively simple procedural questions. As Alan Swinbank attests to, quarrels began before the agenda of these meetings was set, as the parties could not agree as to the chairman of the Sessions. The Brazilian Ambassador had been appointed to the post, but the EU opposed his nomination, arguing that a member of the Cairns group could not play such an important role. The General Council had to interfere, nominating the Peruvian

Ambassador, Jorge Voto-Bernales, to lead the Agriculture Committee (Swinbank 2005:89).

4.4.2 Cards on the Table, Doha Begins

The period of negotiations that preceded Doha made clear the conflicting approaches of the EU and Brazil towards a multilateral agreement on agriculture; it was against this backdrop that the two players began their engagement at the Doha Round.

As reported by the BBC, Brazil entered negotiations siding with other members of the Cairns group. Together, they defended a prompt reduction of export subsidies applied by developed countries, until their complete elimination. Touching upon the “Achilles’ heel” of many European markets, the EU reacted. Declaring its willingness to compromise on subsidy reduction, the EU Trade Commissioner, Pascal Lamy, stated that the EU would call for the introduction of environmental and phytosanitary norms in exchange for this concession. Lamy’s declaration prompted an immediate response from Brazil, accentuating diplomatic tensions between the two actors. Arguing that developing countries had been expecting an agreement on agriculture for nearly five decades, and should not be expected to make concessions in return, the Brazilian Minister of Agriculture, Marcus Pratini, claimed that developing nations “deserved an apology” (BBC 2012).

Within this quarrelsome setting, talks on agriculture were conducted as part of the 4th WTO Round. The results of negotiations in all areas were included in a single final declaration. In addition, and most importantly, negotiations on agriculture were bound to agreements in other areas, since all issues addressed in Doha were subjected to a “single-undertaking clause.” This new condition implied that an agreement on agriculture would only come into force when talks in all other sectors were concluded, and vice-versa.

The agricultural text in the 2001 Doha Declaration stated that the parties agreed on the “fundamental reform encompassing strengthened rules and specific

commitments on support and protection in order to correct and prevent restrictions and distortions in world agricultural markets” (WTO 2001). In light of this goal, the parties concurred on improving market access, substantially reducing domestic support mechanisms that implied trade distortions, and diminishing export subsidies until their complete elimination (the three pillars of agriculture reform).⁸⁷ The first step to be taken was defining the modalities (also known as targets) of commitments, and for this task a very ambitious deadline was set: 31 March 2003 (WTO 2013).

The fact that the Doha Round put forward an agenda explicitly addressing the “three pillars” was an important achievement, especially when considering that negotiations had to overcome the opposition of some members, notoriously the EU. As John Odell points out, the EU entered Doha emphatically opposing any mention of exports subsidies in the final declaration, repeating the position it adopted in Seattle. This time, however, the EU had to succumb to strong requests by other members, shifting its position in the final hours of the last day of negotiations (Odell 2009).⁸⁸ In exchange for agreeing to phase out export subsidies, Pascal Lamy asked for the inclusion of environment and investment in the agenda, as he had anticipated. The request was accepted, in spite of the dissatisfaction of some members, including Brazil.

Following the launch of the Doha Round, negotiations on agriculture made progress, focusing on the issue of modalities. On 12 February 2003, the chair of the special session of the WTO Committee on Agriculture, Stuart Harbison, released a draft proposal. The US and Brazil, together with other members of the Cairns group, complained that the draft proposed small cuts in tariffs and trade-distorting practices, whereas the EU perceived the text to be unfairly in favour of exporting countries (ICTSD 2003: 2). Harbinson then prepared a revised version of the draft, circulated among the parties on 18 March 2003 (WTO 2003). The new document did not contain any major changes from the original, and divergences between the parties

⁸⁷ For an overview of the negotiations on agriculture under the Doha Round, see Anderson and Josling (2005), McMahon (2006) and Swinbank (2005).

⁸⁸ The decision was not consensual among EU members. France, for instance, threatened to leave negotiations (Odell 2009).

were not overcome; the 31 March 2003 deadline to agree on modalities was missed.

Parallel to negotiations on a multilateral agreement on agriculture, the EU was undergoing a critical internal process of reform of the Common Agricultural Policy (CAP). According to Carsten Daugbjerg and Alan Swinbank, the deadlock in negotiations triggered mounted pressure from large export countries on the EU to lower domestic subsidies and eliminate import barriers on agriculture (Daugbjerg and Swinbank 2007: 11-12). Concessions could only be made if the EU reformed its common policy. The Council of Agriculture Ministers approved the CAP reform on 26 June 2003. Considered as an important contribution by the EU to a multilateral agreement on agriculture, the EU Commissioner for Agriculture, Franz Fischler, declared:

This reform also sends a strong message to the world. Our new policy is trade friendly. We are saying goodbye to the old subsidy system which significantly distorts international trade and harms developing countries. Today's decision will give Europe a strong hand in the negotiations on the Doha Development Agenda. The EU has done its homework, now it's up to others to move to make the WTO trade talks a success. But let there be no mistake. At the Cancun Ministerial Meeting, the EU will be ready to use its increased negotiating capital only if we get something in exchange. Unilateral disarmament is not on. The ball is now in the camp of other countries, such as the US, whose agricultural policies continue to be highly trade-distorting and have even become increasingly so (European Commission 2003b).

The new CAP did not deliver the tariff reductions developing countries were asking for, and practically endorsed the EU's position on the modalities presented earlier in January 2003. Yet, the "Fischler reform" allowed the EU to overcome its isolation within the negotiation process, reflected in its cooperation with the United States (van Dijck and Faber 2006).

By mid-2003 there was a general understanding among WTO members that they were unlikely to forge a draft calendar on the implementation of modalities in time for Cancun. In an attempt to avoid missing this deadline, the EU joined the US in another bilateral alliance. Released on 13 August 2003, the so-called "Joint framework to re-launch agriculture negotiations", proposed the reduction of taxes and subsidies, but intentionally left out numbers. Praising the alliance with the US, Pascal Lamy declared: "the EC/US paper is just what is required to enable the WTO

negotiations to change gear and move into the final phase” (European Commission 2003c).

The text was welcomed by the WTO. The EU-US joint paper provided the basis for the draft text to be adopted in Cancun, as presented by the Chairperson of the WTO General Council, Perez del Castillo, on 24 August 2003. Regarding agriculture, the “Perez del Castillo text” basically replicated many provisions suggested by the EU-US joint proposal; developing countries received the text with stark criticism (Jank and Jales: 2005: 55).

Eager to preclude the adoption of the US-EU proposal in Cancun, developing countries decided to react as a block, with Brazil leading this opposition. The counterattack to EU-US predominance in negotiations had begun even before the two powers released their joint text. In June 2003, Brazil, India and South Africa agreed on the Brasilia Declaration, establishing an alliance of the South to counterbalance the North. When the EU-US proposal was launched, the movement emerging from the South took on unprecedented proportions, resulting in a coalition of 20 countries, the so-called G20.⁸⁹ As a result, the G20 presented its own proposal on agriculture on 3 September 2003 (WTO 2003b). Addressing the “three pillars” of agriculture, the G20 proposal advocated differentiated commitments by developing and developed countries, especially regarding market access.⁹⁰ The G20 also asked for significantly more ambitious cuts than suggested in the EU-US proposal.

More important than highlighting differences in the agenda of these two blocks, the emergence of the G20 challenged the dynamics of the international trade regime. Since GATT, developed countries had played an almost hegemonic role in defining the structure and norms of the multilateral trade agreements. From Cancun onwards this balance of power began to shift. It became clear that an agreement would no longer depend solely on the will of the US and the EU, but would require the accommodation of preferences and interests of other players (Baynes and

⁸⁹ See Dijk and Faber (2006), Gallagher (2000), Hoekman and Martin (2001), Narlikar (2003) Odell (2006) and, Thomas and Trachtman (2009), for a discussion on the role of developing countries at the WTO.

⁹⁰ Bouët (2005), Clapp (2006b), Hoda and Gulati (2007) analyse the agenda and the engagement of developing countries in the negotiations on agriculture under the Doha Agenda.

Woolcock 2011: 351).⁹¹

In terms of the agenda, the EU-US joint text and the G20 proposal fostered the debate in preparation for the 5th Ministerial Conference, in 2003, with the parties also contributing their proposals. Nevertheless, negotiations at Cancun were called to end before an agreement could be reached. This failure was largely attributed to an inability to progress in discussions of the Singapore issues. As agriculture was subjected to the single undertaking clause, an agreement in this area had to be postponed (Baldwin 2006: 690). Nonetheless, the new dynamics of negotiations that emerged in this period reinforced the rift between the EU and Brazil. The table below (table 16) summarises the positions taken by the two actors over the key issues discussed in the negotiations promoted between 1999 and 2003, showing there was no convergence of approaches.

TABLE 16 EU- BRAZIL IN MULTILATERAL NEGOTIATIONS ON AGRICULTURE

(1987- 2003)			
Issue	Brazil's Position	EU's Position	BR vs. EU
Agreement on Agriculture (1987)	Against list of exceptions	supporter of the list of exceptions	Divergence
Launch of negotiations on a new agreement (1999)	In favour of: immediate elimination of export subsidies; reduce domestic support; same treatment to agriculture as of industrial goods; use of technical requirements as non-trade barriers.	In favour of the gradual lift of export subsidies.	Divergence
Doha Agenda (2001)	In favour of the inclusion of prompt reduction of export subsidies granted by developed economies; against inclusion of environmental and investment issues.	Against the inclusion of prompt reduction of export subsidies granted by developed economies; in favour of the inclusion of environmental and investment issues.	Divergence
Proposal on Modalities (WTO text – Harbison) 12 February 2003	Considered the proposal poor in tariff cuts and trade-distorting practices	Considered the proposal unfair in favour of exporting countries	Divergence
Proposal on Modalities	G20 Proposal	“EU-US Joint Framework”	Divergence

⁹¹ Narlikar and Tussie (2004) discuss the G20 in Cancun.

4.4.3 Rescuing the Agreement, Recovering from the Cancun Backlash

On 11 January 2004, the US announced a new approach to the Singapore issues, suggesting that investments and competition should be withdrawn from the agenda. Removing these controversial and sensitive elements (for developing countries) had a positive impact on the reinvigoration of negotiations. A flurry of consultations took place in the first half of 2004. Nonetheless, the US' move did not replace the EU-US joint proposal on agriculture tabled by the two actors in the previous year. In fact, negotiations of an agreement in this sector continued to be discussed within the agenda proposed at Cancun.

Brazil and the EU engaged in this process on the same terms as before, with no signs of change in their pattern of cooperation, or lack thereof, at the multilateral level.

Still articulating its position through the G20, Brazil joined other members of the group in launching an official communication, considering the EU-US proposal as a disguised mechanism to maintain the current protectionist policy of the two developed economies (Khor 2004). The EU and the US countered this communication by affirming that they would not approve a tiered system as defended by the Cairns group and the G20.

The clash between the positions taken by the EU and Brazil was consolidated as the pattern of their interaction at the WTO but, from 2004, two new factors emerged which would impact on the interaction between the two players; namely the rearrangements of informal negotiating groups, and the changes in the EU's agenda.

Traditionally the EU and the US had always been the key leading players in multilateral negotiations. Part of their influence was shared with Japan and Canada (forming the "Quad") yet, over the next few years, new protagonists emerged. Brazil, India, and Australia joined the US and the EU as the most active WTO members in the Doha Round. Japan remained on the scene, but Canada lost its central role. Together, these six key actors formed exclusive negotiation groups with various

compositions. The EU and Brazil interacted within these selective forums, as both players were part of the so-called “new Quad”, the “Five interested parties (FIPs)”, the “Quint”, and the “G6” (WTO 2013b). Taking part in these groups, the EU and Brazil met in new forums of debate, enhancing the degree of and opportunities for their direct interaction, which might eventually facilitate closer coordination of their positions (ICTSD 2004).

In addition to the establishment of new avenues for dialogue, the shift in the EU’s position on agriculture contributed to a change in the dynamics of interaction between the EU and Brazil at the multilateral level.

Just as the US and the G20 had previously done, the EU issued a letter to all WTO trade ministers on 9 May 2004, detailing its perspective on an agreement on agriculture.⁹² Changing its approach dramatically, the EU announced its voluntary commitment to eliminate *all* its subsidies “if an acceptable outcome emerges on market access and domestic support.” The EU also recalled that it had already presented a limited list of products considered of interest to developing countries in Cancun, for which it agreed to cut subsidies (European Commission 2004).

The EU initiative was welcomed by a large number of parties, including Brazil, yet the EU’s move did not result in a change in position by the G20 (ICTSD 2004: 2).

The three letters issued in the first few months of 2004 provided the basis for informal and formal meetings between the key players of the Round. Meeting in Geneva, in 2004, the parties revealed more flexibility in their standings on negotiations. On that occasion, Brazil argued in favour of closer cooperation between developing countries, the EU and the US. It then suggested that all these parties should work together in drafting a new formula for market access in agriculture. In proposing a new dynamic for negotiations, Brazil explicitly mentioned that this new approach should replace the traditional strategy of the G20 or Cairns group by

⁹² The letter was first internally agreed upon among EU member states. On 7 May 2004, Lamy and Fischler presented a draft to be discussed with EU trade officials. The initiative was supported by Denmark, Finland, Germany, the UK, Sweden, and the Netherlands, but criticized by France, Ireland, Belgium, and Hungary, which questioned the legal capacity of the European Commission to negotiate a date for eliminating export subsidies (ICTSD 2004:2).

presenting a counter-proposal to the formula offered by the EU and the US.

Reinforcing its commitments, the EU signalled that it would only agree to cut subsidies if the US adopted the same responsibility. However, to the dissatisfaction of developing countries, the EU insisted that an agreement on the three pillars of agriculture should include non-trade issues as well (ICTSD 2004b: 3). The EU's new position, as taken since Cancun, was then consolidated as a more unilateral one, breaking with its traditional bilateral alliance with the US, but without implying a closer coordination with Brazil or other developing countries.

After another round of formal and informal consultations, the parties gathered again at another General Council meeting in Geneva in July 2004. This time, however, WTO members finally reached an agreement on a framework to move ahead with negotiations on the Doha Agenda: the "July Package" (WTO 2004).

The July Package was a deal essentially forged by the FIPs with Brazil and India in close coordination with others members of the G20. The process leading to the agreement showcased the common exclusion of the majority of parties from decision-making in Doha negotiations. Another problem with the "Package" was that it postponed important deadlines for the conclusion of the Doha Round. Moreover, the technical details of the accord regarding both domestic support and export subsidies, when calculated, reveal little trade liberalisation in numerical terms. The "Package" also contained the contentious statement that the degree of differentiated responsibilities applied to developing countries, on both agriculture and non-agricultural sectors, would take into account improvements in their markets in these areas, paving the way for further disagreement among the parties (Narlikar 2005: 118- 221).

Yet the success of the FIPs in striking a deal had direct implications for the dynamics of the interaction between the EU and Brazil at the WTO. Featuring among the protagonists, Brazil started to move from an exclusive "block approach" towards negotiations, simultaneously changing its perception of the prospect of more collaborative talks with the EU and the US, as the analysis of a Brazilian Diplomat, Braz Baracuhy, on the July Package illustrates:

The Framework Agreement of 1 August 2004 (known as the ‘July Framework’) represented an important substantive convergence of concepts and ambition. The G-20 positions and key issues of concern for developing countries were reflected in the draft framework for modalities in agriculture (Annex A). (...) The FIPs and its outreach combined with the multilateral discussions created a new paradigm of decision, beyond the US-EU top-down format. Just one year after the tabling of the EU-US joint proposal, conversations were now based on a text negotiated directly between developed and developing members. The July Framework marked the end of the duopoly in WTO decision-making (Baracuhy 2011: 8-9).

However, the Framework did not pave the way for a shift in the pattern of EU-Brazil BCML.

Gathering in October 2005 to discuss possible avenues for an agreement at the 6th Ministerial Conference in Hong Kong, the FIPs engaged in a “blame game.” The EU stressed the need for improvement in all areas, accusing developing countries, including Brazil, of not making concessions on market opening in industrial goods and services. The US blamed the EU, but also demanded that developing countries open their agricultural markets. Without forming coalitions, the US, Brazil and India all had similar views on the responsibilities of the EU.

In response to this criticism, the new EU Trade Commissioner Peter Mandelson declared that there was resistance from some EU member states, France in particular, to improve the EU’s offer of reducing agriculture tariffs, and insisted on the need to combine negotiations on agriculture with other areas. In light of these wide divergences, the FIPs could not reach an agreement, thus entering the 6th Ministerial Conference empty-handed (Khor 2005).

Nevertheless, the expectations were that an ambitious agreement would be reached in Hong Kong, in December 2005. The Conference addressed all three pillars of agriculture, leading to limited improvements on negotiations. The parties agreed to phase out all export subsidies by the end of 2013, a decision largely favoured by the EU’s and US’s previous commitments to cut their export-subsidy programmes. Yet, the EU offered a smaller average cut on bound rates and a wider list of exceptions than proposed by the US or the G20. There was no agreement on this issue either. The EU insisted it had made enough concessions on agriculture and pledged more market

liberalisation by developing countries on Non-Agricultural Market Access (NAMA) – a claim directly opposed by the Brazilian agenda.

Commenting on the issue, the Brazilian Foreign Minister, Celso Amorim, openly declared that there was a general consensus among the parties that the EU's offer was too poor, and was thus responsible for obstructing an agreement. Amorim added that “everyone needs to pay a little bit for the system, but developed countries should pay more. (...) This is an understanding that sometimes I believe to be hard for EU negotiators” (Gazeta Mercantil 2006).

Negotiations in preparation for and during Hong Kong revealed the fragility of the FIPs as a selective forum for discussions in the Doha Round, putting the spotlight on divergences between the EU's and Brazil's agendas for a multilateral deal on agriculture. At the same time, the dynamics of the FIPs have also stressed the importance of reaching an agreement between the two players in order to allow for the successful conclusion of the Round.

According to Dilip Das, in April 2006, the EU manifested its inclination to enhance market offers in agriculture if other developed economies – essentially the US – would undertake the same commitment. The EU position was welcomed by Brazil and other developed countries, encouraging the parties to engage in negotiations in the hope of agreeing on modalities by end of that month. However, the 30 April deadline was missed (Das 2008: 60-63).

The high-level meeting held in Geneva between 29 June and 2 July 2006 focused on modalities and on NAMA, the two core and inextricably linked issues of the Doha Round. Within the first days of negotiations, it was evident that no agreement would be reached. The US trade representative, Susan Schwab, declared:

While the United States was prepared to do more, [the] focus on the loopholes in market access, on the layers of loopholes, revealed that a number of developed and advanced developing countries were looking for ways to be less ambitious, to avoid making ambitious contributions (USDA 2013).

Criticising the US position, Brazilian Foreign Minister Celso Amorim, declared that “it is logically wrong and morally unfair to try to reverse this equation

and to try to put the burden on the developing countries. Let the developed countries do their bit (...), and we will correspond” (Gazeta Mercantil 2006).

Adopting a more conciliatory approach, the EU signalled that it would enhance its agriculture market access offer if the circumstances were appropriate.⁹³ The EU also joined Brazil and other developing countries in pressuring the US to increase its cuts on trade-distorting farm subsidies. Yet the EU insisted on developing countries opening their markets to industrialised goods in exchange for further concessions on agriculture, a demand that never pleased the G20, which insisted that this was a “development” Round (Das 2008: 65).

Getting the negotiations back on track was the objective of several Ministerial meetings of the G6 (Australia, Brazil, EU, India, Japan and the US) during June and, especially, July of 2006. Chairing a G6 meeting in Geneva, on 23 July 2006, Pascal Lamy concluded the impossibility of an agreement, informing the parties that he would propose the suspension of the Doha talks to all WTO Members. The formal decision to suspend the Doha Round indeterminately was endorsed by the General Council on 27 July (ICTSD 2006b: 1-2).

Following the decision, key actors started another finger-pointing exercise, trying to blame each other for the halt in negotiations.

In the press conference called right after the announcement of the informal decision taken to stop the process of negotiations, the EU Trade Commissioner Peter Mandelson was incisive in attributing the responsibility of the decision to the US’ failure to demonstrate flexibility, especially with regards to farm subsidies.⁹⁴

As expected, the open EU attack did not please the US. The US trade representation in Geneva issued a statement condemning the EU’s claim, warning that the blaming exercise could lead to the complete jeopardising of negotiations (ICTSD 2006b: 10). But as much as the US tried to justify its position, criticism of

93 This time, the criticism to the EU’s announcement came from some of its member states. France and Austria judged that the EU could not improve its offer without harming its internal market

94 According to Mandelson, the problem emerged when discussions reached the question of domestic support, as US commitment was crucial. Claiming that no market access offer was on the table, the US was not prepared to offer flexibility in their offers on domestic supports (WTO 2006).

its stand point also came from other parties, including Brazil.

In a more moderate tone than his European counterpart from the G6, the Brazilian Foreign Minister, Celso Amorim declared:

I have to recognize though there was movement on the part of the European Union on the last few months to get closer to the G20 proposal. (...) it would be more likely to get an agreement if the European Union moved to a true G20 proposal, not something that is near G20, but not exactly a G20. (...) for instance, everybody knows that the cuts in the higher bands by the European Union are much smaller than the ones proposed by the G20, and they come to a similar average by means of different products that are not of great interest for many of the participants (Gazeta Mercantil 2006).

Despite the fact that negotiations on the Doha Round were closer than ever to breaking point, this period marked a slight improvement in EU-BrazilBCML. In part, this movement was facilitated by the US' stubbornness towards enhancing its offers, facing the criticism of both the EU and Brazil.

Overall, in the period between 2004 and 2006, the positions of the two actors converged on certain matters, in contrast to the complete divergence of their approaches that marked the preceding years. Nevertheless, as table 17 illustrates, the EU and Brazil disagreed on most of the issues being negotiated, failing to affirm a partnership at the multilateral level.

TABLE 17 EU- BRAZIL IN MULTILATERAL NEGOTIATIONS ON AGRICULTURE
(2004-2006)

Issue	Brazil's Position	EU's Position	BR vs. EU
Agenda for the July Package	G20 Communication against the EU-US Joint Framework	Response to the G20 opposing to tiered system defended by the Cairns Group and the G20	Divergence
Elimination of Subsidies	In favour of the EU's new commitment; keeping previous position on tariff reduction	Voluntary Commitment to eliminate all subsidies (letter issued on May 2004)	Convergence
WTO GC Meeting May 2004	Proposed closer cooperation with the US-EU to draft a new formula for market access	Asked the US to negotiate on the US export credit scheme and on the US food aid programme; defended the inclusion of non-trade issues	Divergence
FIPs Meeting (October 2005)	Agreement on Agriculture should come before progress in other areas	Criticised the lack of concessions on market opening on industrial goods and services	Divergence
Phase out export subsidies by 2013 (Hong Kong Conference)	In favour	In favour	Convergence
Caps for maximum tariffs (Hong Kong Conference)	High cuts on bound rates; restricted list of exceptions	Average cuts on bound rates; wide list of exceptions	Divergence
High-level meeting (Geneva June/July 2006)	Against distorting farm subsidies applied by the US	Against distorting farm subsidies applied by the US	Convergence
	Against opening NAMA market	Pressuring for opening of developing countries' NAMA market	Divergence
Suspension of Negotiations (July 2006)	Blamed the lack of flexibility; welcomed the change in the EU's position, but criticised specific points on the EU's agenda.	Blamed the US for the failure of negotiations	Divergence

4.4. 5 Old and New Alliances, and Doha's Fate at Stake Again

Breaking eight months of silence, the G4 and the G6 gathered in Delhi on 11-12 April 2007.⁹⁵ On this occasion, Brazil and the EU were relatively flexible in their approaches to negotiations, aiming at moving closer to an agreement. Yet, again, the US refused to make further concessions on agricultural domestic support, whilst asking other parties for greater offers on NAMA. Without any agreement, the G4 was close to collapsing (Khor 2007).

After a series of unsuccessful talks, the final G4 meeting to discuss modalities was scheduled for 19-23 June 2007 in Potsdam. Negotiations broke down when the G4 split into two colliding alliances, with Brazil and India on one side, and the EU and US on the other. Again, the problem was the issue-linkage between agriculture and industrial products. Siding with the US, the EU asked developing countries to favourably consider their proposal for tariff cuts in NAMA. Brazil considered the EU's offer unfair, with Celso Amorim, declaring: "In a way, we are having sort of a Cancun Act II in which the two developed countries or entities found common levels of comfort for them ... but keeping, of course, a very high ambition [in NAMA] for us." (ICTSD 2007: 1-2).

Negotiations broke down in acrimony on 21 June 2007. In spite of this G4 setback, the activities of the negotiating groups on agriculture and NAMA continued. After consultations with members, the chairperson of the agriculture group, Crawford Falconer, presented a draft text on modalities on 17 July 2007 (Grethe 2007: 199-200).

Gathering at what was considered a "make-or-break" summit, trade negotiators met in Geneva on 21-29 July 2008. Once again, negotiations collapsed.

⁹⁵ Following the increased relevance of developing countries in the WTO after the negotiations of Cancun in 2003, WTO decision-making was rearranged, reflecting its new dynamics of power. The "old quad" (Canada, EU, Japan and the US), became the "new quad", with Brazil and India replacing Canada and Japan. Moreover, new groups emerged. Australia, Brazil, the EU, India, Japan and the US form the so-called G6 that, with the addition of China, is also known as G7 (Narlikar 2010: 719).

This time, a deadlock was reached when discussing the Special Safeguard Mechanism (SSM)⁹⁶ for agriculture products, although expectations were for further impasse when negotiations reached the other agricultural issues, NAMA and intellectual property rights (Fergusson 2008: 7).

During the meeting, talks initially focused on the proposal presented by the WTO Director-General Pascal Lamy, on 25 July 2008. The US and India led opposition to the proposal, followed by the G33 and China. Brazil and the EU were more inclined to accept it.⁹⁷ Without consensus among the parties, and in a second attempt to push for an agreement, Lamy circulated a new proposal, this time without any figures. However, whilst the G33 was in favour of the text, the US positioned itself against it.

To overcome the impasse, the EU tabled the proposal of a “tiered approach,” granting developing countries the right to adopt different duties according to the level of import surges. The proposal was then discussed at the “green room” meeting convened between Pascal Lamy and the G7. This time Brazil backed the EU, together with Australia, and broke its alliance with India which, like China, had some reservations to the EU’s proposal. But the main problem was, once more, the US’ opposition (ICTSD 2008: 5-6).

In light of this major setback, another G7 meeting was convened in Brussels in September 2008. Discussions broke down over the first issue of the agenda, as the parties could not agree on the SSM. The EU acted alone, reviewing the offer presented in July. Brazil joined other exporting countries, namely Australia and the US, in proposing a “growth factor” to calculate the trigger. Again, China and India

⁹⁶ In a nutshell, the Special Safeguard Mechanism (SSM) can be understood as an instrument that allows developing countries to temporarily increase their tariffs on agricultural goods when there is a prompt drop in international prices or a sudden increase in imports. Therefore, if at a first glance SSM may look like a technical issue, it is a very contentious and politicised matter within negotiations. Developing countries have proven to be very keen on ensuring the inclusion of the clause in an agreement, while the rules of the international trade regime still allow developed countries to apply protectionist measures, largely presented as domestic support and market access.

⁹⁷ The G33, also known as “Friends of Special Products”, is a coalition that defends limited market opening in agriculture for under-developed economies. Membership expanded from original 33 members to 42 states and includes: Antigua and Barbuda, Barbados, Belize, Benin, Botswana, China, Cote d’Ivoire, Congo, Cuba, Dominican Republic, Grenada, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Kenya, Korea, Mauritius, Mongolia, Montserrat, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, The Philippines, Peru, Saint Kitts, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sri Lanka, Suriname, Tanzania, Trinidad and Tobago, Turkey, Uganda, Venezuela, Zambia, and Zimbabwe (IBON 2008).

were very reluctant to sign up for an agreement, and, in spite of the various contributions, no deal was reached (Khor 2007). A shift in the US position that now accepted a deal was not sufficient. The G7 meeting was suspended days before schedule, with India refusing to sign an agreement on SSM (ICTSD 2008b).

Despite some signs of improvement in the course of negotiations, the WTO Director General announced the suspension of the meeting, in a last-minute decision taken at the mini-ministerial meeting in December 2008. In justifying his position, Pascal Lamy stated that the costs of a second failure would be too high; it was preferable to take small steps and minimise risks (ICTSD 2008: 1).

Pressure for reaching an agreement increased as failed negotiations were accumulating. The meetings of the G8 and G20, held early in 2009, both endorsed the support of key governments to the conclusion of the Doha Round and pushed for the end of 2010 as the deadline. But political declarations, confronted with protectionist domestic practices, were further undermining the chances of a multilateral accord to promote trade liberalisation.

The EU and the US were leading the increase in trade-distorting policies. In early 2009 the EU decided to introduce domestic support to eggs, frozen poultry and some dairy products. A few months later, the US announced the reintroduction of export subsidies to dairy products. These two events represented major setbacks for negotiations and prompted an immediate reaction from the Cairns group and the G20, Brazil included. Issuing public statements, these two groups repeated the commitments undertaken by the US and the EU in previous negotiation rounds to “completely eliminate export subsidies by 2013 as part of an overall trade deal” (ICTSD 2009: 2).

So far, despite Brazil and the EU having closer positions on modalities, with Brazil even supporting the EU proposal back in July 2008, disagreement over export subsidies still hindered any possibility of an EU-Brazil alliance at the multilateral level. The EU decision to increase its protectionist practices only contributed to the widening gap between the two players.

The crisis engendered by the new protectionist measures adopted by the EU

and the US did not preclude negotiations from continuing. As reported by the Bridges Weekly, trade negotiators engaged in a series of meetings in Geneva in July 2009 to discuss technical aspects that were obstructing an accord in the so-called “process of scheduling commitments.” (ICTSD 2009b: 3-4). Reporting to the informal meeting of the Trade Negotiation Committee on 24 July 2009, Pascal Lamy expressed satisfaction with the course of talks, affirming that it would be possible to conclude the Round by the end of 2010 (WTO 2009b).

4.4.6 Hitting the Wall with Still No Sign of an Agreement

The optimism in Lamy’s evaluation of the course of negotiations did not seem to reflect much of the reality: there was no political momentum to indicate a dramatic shift in the parties’ position that might lead to a successful deal on the Doha Development Agenda (DDA), as Rodrieck Abbott points out:

In July it came to be tacitly recognized that nothing would be achieved until after the US Presidential election, followed by similar democratic exercises in 2009 in India and in Germany, a new European Parliament and a new Commission. This was closely followed by the realization that the global economy was entering an unprecedented deep recession and that the financial sector worldwide was in need of major surgery and repair. Except for a few voices in Australia and Brazil, no serious negotiator expected progress in 2009; and even some of them have been quieter after the WTO estimated that world trade would fall by 10% this year (by 14% in developed countries) (Abbott 2009: 2).

With a blend of scepticism and motivation, the 7th WTO Ministerial Conference was (finally) held in Geneva, between 30 November and 2 December 2009. As ICTSD reported, after four years of deadlock since Hong Kong, the 7th Conference excluded from its official agenda the most relevant issue in the WTO: the DDA. Nevertheless, the meeting was seen as an opportunity for the parties to reaffirm their commitment to the Round. In this spirit, the G20 and the Cairns group issued their own statements affirming their interest in concluding the Round in 2010 (ICTSD

2009b: 1).

Expression of views on Doha also came through the speeches of individual WTO members at the Plenary Session, with the EU and Brazil approaching these occasions very differently. Speaking on behalf of the EU, Catherine Ashton manifested dissatisfaction with the slow pace of negotiations. Announcing it was her last day in the post as EU Trade Commissioner, Ashton declared that “Europe (...) is against any downgrading in the ambitious pro development package which is within sight” (Ashton 2009).

Brazil, on the other hand, expected significant progress in negotiations. Speaking at the General Plenary of the first day of the 7th Conference, Celso Amorim called for the conclusion of negotiations by the end of 2010. Aiming to contribute to an agreement, Brazil advanced its proposal for agriculture, as Amorim announced: “by mid-2010, Brazil will grant duty-free-quota-free access for products from LDCs covering 80% of all tariff lines. This will increase over four years to cover all tariff lines. We can only hope that the developed countries will follow suit” (WTO 2009).

Brazil’s efforts to advance negotiations were not echoed by all key players: with a lack of political will, there was no significant improvement in Geneva. The Conference was restricted to mild talks, delivering only the unanimous call by all the parties for the conclusion of the Doha Round by the end of 2010.

In 2010 the parties held meetings at many different levels, all of which failed to significantly contribute to a DDA closure.⁹⁸ Gathering in Seoul, in November 2010, leaders of the G20 declared that 2011 was “a critical window of opportunity, albeit narrow to reach a final agreement” (G20: 2010). Negotiations continued to take place throughout the years that followed. Up to the present date, the Doha Round remains unfinished business.

⁹⁸ To a certain extent, the new dynamics of the negotiation process was a response to Pascal Lamy’s call for the adoption of a ‘cocktail approach’, which consisted of a combination of bilateral meetings, multilateral processes, group consultations, in addition to the establishment of new channels for discussions. Even if this new format of discussions did not lead to concrete improvements within negotiations, it restored certain optimism among members, arguably enhancing the prospects of their reaching an agreement (ICTSD 2010: 2).

The last two phases covered by this analysis revealed the irregular compatibility of approaches between the EU and Brazil. The obstacles posed by the US' positions created room for cooperation between the two partners. As shown in table 18, from 2006 to 2008, the EU and Brazil supported proposals that were important to defining the terms of an agreement, revealing a certain convergence of approaches. Nevertheless, the eventual prospects of the strengthening of coordination between the EU and Brazil in multilateral negotiations on agriculture that emerged on these occasions never materialised. From 2009 onwards, the two actors (once more) took predominantly divergent stand points on negotiations.

TABLE 18 EU- BRAZIL IN MULTILATERAL NEGOTIATIONS ON AGRICULTURE
(2007-2010)

Issue	Brazil's Position	EU's Position	BR vs. EU
G4 & G6 Meeting (April 2007)	Flexible approach; keen to promote an agreement.	Flexible approach; keen to promote an agreement.	Convergence
G4 Meeting (June 2007)	In favour of high concessions on agriculture and restricted commitment on NAMA.	In favour of average concessions on agriculture and ambitious commitment on NAMA.	Divergence
WTO Director General's Proposal (July 2008)	In favour	In favour	Convergence
EU's proposal of "tiered approach" (Sep 2008)	In favour	Proponent (in favour)	Convergence
Special Safeguard Mechanism (SSM) (Sept 2008)	Adoption of "growth factor" to calculate the trigger	Against the adoption of "growth factor" to calculate the trigger	Divergence
7th Ministerial Conference (Geneva 2009)	Pushing for the conclusion of the Doha Round by the end of 2010	Not proposing a specific date for the conclusion of the Doha Round	Divergence
2009- 2010	No significant progress in negotiations, no relevant issue of the agenda on agriculture discussed		

The conclusion of this section is that there was no change in the overall pattern of EU-Brazil BCML. A partnership between the two actors never materialised and the compatibility of their positions varied according to the issue at stake and the period of time, with no signs of a long-term EU-Brazil alliance emerging at the multilateral level – at least as far as the negotiations on an agreement on agriculture are concerned.

4.5 Assessing Level-Linkage

During the entire period analysed, there has not been any significant shift in the agenda or in the institutionalisation of EU-Brazil bilateral dialogues on trade. Revealing a rather conventional outlook on bilateral trade matters, the agenda of bilateral cooperation places little emphasis on multilateral issues, and has not evolved from an “exchange of views” approach. In terms of institutionalisation, the framework for cooperation remains structured around the Joint Committee created in 1982. Furthermore, there is no specific bilateral forum in which to address multilateral trade issues, and these matters have been included in the broad agenda of the “trade experts” meeting, part of the Joint Committee. Given the lack of progress in enhancing cooperation on multilateral issues, the bilateral level could not be considered as a platform from which to eventually foster EU-Brazil coordination at the multilateral level.

Interestingly, the analysis of EU-Brazil engagement over more than ten years of negotiations on a multilateral agreement on agriculture reveals a contrasting outcome. If at the dialogue at the bilateral level for cooperation at the multilateral arena has been continuously low, at the multilateral level it displays a rather irregular pattern. Having clearly differentiated interests, the EU and Brazil entered the process of negotiations on agriculture with diverging approaches. Openly criticising each other’s positions, the two players had conflicting agendas that hindered any prospect of BCML.

Moreover, as the previous section outlined, the period in which the EU and Brazil adopted their most divergent approaches in multilateral negotiations extended until 2004. Paradoxically, this period coincides with the negotiations of an EU-MERCOSUR trade agreement that was subject to WTO rules and the outcome of the Doha Round. The disagreements between the EU and Brazil on negotiations of an international deal on agriculture may suggest that, although linked, there was poor coordination between the sub-regional and multilateral levels of EU-Brazil cooperation.

As negotiations evolved, the trend of EU-Brazil cooperation in multilateral negotiations shifted towards a rather mixed pattern that combined both the convergence and divergence of positions, varying according to the issue at stake. If these changes have not converted the EU and Brazil into partners at the multilateral level, they have potentially enhanced prospects for closer coordination between the two actors – an opportunity that has not been taken at the bilateral level. Thus, crossing the analysis of the two levels, it is evident that development in EU-Brazil engagement at the multilateral level has no correlation to their engagement at the bilateral level; *there was no level-linkage in EU-Brazil cooperation on trade*.

To explain this outcome, the third part of this chapter assesses the process of level-linkage, exploring how each of the four hypotheses accounts for this result.

4.5.1 The Regime Type

As stated at the outset of the chapter, this thesis works with the hypothesis that the process of level-linkage is shaped by the “type of regime” in which cooperation takes place. Arguably, the more open to influences from other levels of cooperation a regime is, the greater the prospects for level-linkage to occur.

The international trade regime today embodies the development of a process of international cooperation initiated in the post-World War II era. The first offspring of this process was the GATT, with a scope limited to industrial goods and a cumbersome institutional framework. Nonetheless, the Agreement was important in promoting trade liberalisation, establishing as it did a rule-based regime towards this end. Inheriting the structure of the GATT, the WTO advanced the scope of the regime and embraced further responsibilities, in addition to enhancing its rule-making authority. In other words, the WTO became “a fully-fledged international organisation rather than merely an international secretariat (like the GATT)” (Gilpin 2001: 218-219).

As a member-driven organisation, the parties are responsible for providing political guidance to the institution. Nevertheless, the WTO is anchored in a complex institutional arrangement formed by several working groups, committees and councils. Thus, despite political guidance being provided by the members of the organisation, the WTO administrative bodies have competences over compliance and enforcement. As the process-tracing of negotiations on agriculture has demonstrated, the Director General and the Trade Negotiation Committee have made a great contribution to the negotiations, not just coordinating the activities of the parties, but also tabling proposals on behalf of the WTO, albeit without any voting rights. Subsequently, the outcome of negotiations depends not only on the interactions between WTO members, but is also influenced by the role and the engagement of the parties with the high-level staff that take part in the negotiations. This feature attaches the bulk of negotiations to the WTO framework, diminishing the possibility of agreements being forged outside of this multilateral institutional setting, since they will go on to be transposed into the WTO domain.

Another aspect that characterises the dynamics of the negotiation process at the multilateral level is that decision-making among member states operates by consensus. Under this rule, the promotion of a certain agenda by a particular international actor requires it to persuade all other parties to support the same position, which is not a simple process. As John Barton (2006: 18) explains:

Reaching an agreement about rules and principles that will apply to nearly 150 countries is not a trivial task. It requires understanding the structure of each constituent national political economy, and, in many cases, detailed information about its laws and regulatory structures. The continuous presence of negotiators from many WTO member countries in a single location (Geneva) greatly reduces the costs of obtaining that information (Barton 2006:18).

In this exercise, the bilateral level could facilitate the process of multilateral cooperation in at least two ways. Firstly, by taking the multilateral agenda to the bilateral level, two actors could engage in a process of bargaining and trade-offs, discussing the contentious issues that may have jeopardised their BCML. In the best scenario, these discussions could lead to the adoption of a common position. In any case, this process would facilitate the engagement of the parties at the multilateral

level. Another possibility would be their forging an alliance at the bilateral level and putting in place a strategy to coordinate an eventual EU-Brazil position within the agenda of other WTO parties. Thus, the two partners would be increasing their chances to successfully promote their interests at the multilateral level. However, the presence of a permanent delegation of the parties at the WTO invested with a relatively high degree of autonomy reinforces the perception of the multilateral negotiation process as largely detached from other levels. In light of this, the international trade regime is not favourable to positive level-linkage.

Either way, the adoption of these strategies would require the identifying of a certain degree of compatibility of approaches towards multilateral negotiations, institutional capability in terms of foreign policy-making and a certain preference for a EU-Brazil partnership at the WTO. These three other criteria are analysed in the discussion of the other three hypotheses of the thesis that follows.

4.5.2 The Compatibility of the Two Actors' Approaches

The "Council conclusions on [the] EU's approach to trade, growth and development in the next decade" approved by the Council of the European Union on 16 March 2012 endorsed the EU's commitment to multilateralism. Emphasising the need to strengthen the WTO, the document stressed "the importance of the multilateral approach as the most important avenue to fight protectionism and resolve outstanding issues on the international trade agenda". Furthermore, the Council recognised the EU's critical role as the world's largest trading power, and, on this basis, adopted a series of actions to be taken to promote a multilateral agenda for trade and development (Council of the European Union 2012).

According to Sophie Meunier, in the first years of the Doha Round, the EU's approach to the negotiations was subjected to the "managed globalization" doctrine that dictated the guidelines for European external trade policy. From this perspective, the positions taken at the multilateral level represented the balance between trade and non-trade objectives. When Peter Mandelson replaced Pascal Lamy as EU Trade

Commissioner in 2004, there was a shift in the EU's approach towards prioritising trade objectives (Meunier 2007: 906). Addressing multilateralism in a more pragmatic way, however, did not exclude the prospects of employing trade policy as an instrument of power. As Sophie Meunier and Kalypso Nicolaïdis assert, "trade stands perhaps as the most effective mode of action" when considering the EU's "soft power." The EU's objective is to go beyond trade gains, disseminating values associated with global governance, the rule of law and democracy. Being grounded in a process of market liberalisation, the export of a single market model is at the core of the EU's strategy to enhance its power through the dissemination of its values, principles and model of governance. In this sense, the EU has chosen the multilateral level as its prioritised arena in which to exercise its trade power. In projecting its own model when addressing multilateral trade regimes, the EU has a clear agenda for trade liberalisation consisting of promoting the European model of market opening (Meunier and Nicolaïdis 2006: 912-915).

However, the EU's support of multilateralism embraced at the discourse level, even if grounded in an argument of expressing its "soft power", is not as unconditional as it may seem. The European Union has several bilateral trade agreements with third parties. As listed in the website of DG Enterprise and Industry, the EU has concluded bilateral *free trade* agreements (FTAs) with four countries (Chile, Mexico, South Africa and South Korea), and is currently engaged in formal bilateral FTAs with Canada, India, Malaysia, Singapore and Ukraine. In addition, negotiations of regional FTAs are also in progress with ASEAN, Andean Community, Gulf Co-operation Council (GCC), and MERCOSUR (European External Action Service 2012b). Moreover, in June 2013, the Council of the European Union adopted a directive on a trade and investment agreement with the United States, paving the way for the beginning of negotiations with the US (European External Action Service 2013). These are just a few examples demonstrating that the EU may have a preference for multilateralism but does not give this modality of cooperation exclusivity.

Brazil proclaims to be "a steadfast supporter of an equitable, rules based, market-oriented multilateral trading system" considering that "the WTO is a linchpin of our integration into the world economy", according to Celso Amorim (WTO

2003c). Thus, the WTO is considered as “the best arena to achieve power through joint-actions, allowing the country to deliver its competences in the defence of national interests” (Lafer 2000). Brazil has long prioritised multilateralism in international trade, reflecting a preference for multilateralism as a tool of global governance, and, at the same time, for multilateral negotiations. Brazilian diplomatic history has a long tradition of engagement with the multilateral trade regime, albeit with a rather defensive approach.

As is clear from the process-tracing of negotiations conducted in the previous section, Brazil has always been very critical of the distribution of power within the trade regime and has often questioned the rules and norms of multilateral trade agreements, arguing that they favour developed economies. Therefore, Brazil is a supporter of a particular model of multilateralism. As Cornelia Huelsz points out, according to Brazil, the multilateral trade regime should better integrate the demands of developing countries into its agenda. This objective has long been endorsed by the country, but the strategies to promote it have varied according to the historical context and the issue at stake. Over the past few decades, Brazil has abandoned a strictly defensive stand point, adopting a mixed pattern of engagement in negotiations. Since Doha, Brazil has been very keen to promote trade liberalisation on agriculture, at the same time resisting market opening in services and industrial goods. In defending this “offensive-defensive” approach, Brazilian policy-makers maintain that this strategy promoted a balance between developed economies and developing countries, correcting the unfairness of the regime (Huelsz 2009: 127-128).

Comparing the two approaches, it can be said that the EU and Brazil jointly support the multilateral trade regime and have framed their external trade policies around the promotion of multilateralism. Moreover, in both cases, the interest in reinforcing a multilateral model of global governance on trade is grounded in a combination of ideational factors and material gains. For Brazil and the EU, multilateralism is a view of the world; a model with which to order international relations, but also an instrument to increase their absolute power and trade benefits.

From this perspective, the compatibility of the two actors' approaches to the trade regime has a mixed impact on level-linkage. On the one hand, the strong interest of the parties in strengthening the multilateral trade regime could lead the EU and Brazil to perceive each other as allies in order to achieve this goal, fostering their bilateral cooperation. In fact, the Strategic Partnership and its Joint Action Plans are the result of their endorsement of such a strategy, as the two partners have agreed to jointly promote effective multilateralism, addressing the trade regime, amongst others. On the other hand, this congruence of interests in multilateralism is limited by the compatibility of those models of multilateral trade regime that the players want to disseminate. With Brazil envisioning a regime that, arguably, represents an equal balancing of the interests of all parties but which would see the compensation of developing countries, and the EU advocating a model that follows the rules of its single market, it is difficult for the parties to find common ground. If Brazil and the EU are really committed to forging a bilateral alliance in order to promote multilateralism in trade, they would need to work together on the development of a common model to pursue. As this chapter has demonstrated, so far this discussion has not featured in their bilateral agenda. Thus, the incompatibility of their approaches towards multilateralism broadly constitutes an obstacle to level-linkage.

In addition to their approaches towards multilateralism, the engagement of the parties within the international trade regime is defined by the agenda adopted during negotiations. Whereas the concept of the "model of multilateralism" has not been subjected to significant changes over the past decades, the agenda of the parties during negotiations have changed considerably.

As became clear in this chapter, the EU and Brazil have different agendas for negotiations on agriculture, but there have been more elements of convergence in their negotiating positions in the past few years. In addition to differences in terms of economic development, Brazil and the EU are both extremely relevant actors in trade in agriculture, but for paradoxical reasons. Whereas Brazil is a large supplier of agricultural goods, the EU is the world's top importer of them. These material conditions not only set the initial boundaries for the engagement of the parties, but also underpin their positions within the entire negotiation process.

Brazil's agenda combines the emphasis on the "development" aspect of the Doha Round with an interest in increased gains from trade liberalisation for agriculture exporting countries. At the same time, Brazil has always resisted an ambitious agreement on NAMA, rejecting trade-offs among different issue areas being negotiated. For Brazil, the Doha Round is the opportunity to correct trade-distorting practices against the interest of developing countries, as legitimised by the WTO. The Brazilian position in negotiations has remained relatively unchanged throughout the long process of the Round and is in stark contrast with the core positions adopted by the EU.

Overall, the EU has adopted defensive stances in multilateral negotiations whenever agriculture is concerned. So far, the EU has succeeded in safeguarding its internal market from the risks of international trade liberalisation; the fact that the AoA negotiated in the GATT is still in force until the conclusion of the Doha Round is evidence of that. The EU entered the Doha Round with the same "defensive" approach on agriculture, but with an ambitious agenda on NAMA –the exact opposite of Brazil's position. As negotiations evolved, the EU re-framed its positions on agriculture, improving offers in the access to its internal market. The reforms of the CAP promoted during the 2000s allowed the EU to shift its standing in negotiations, albeit not completely. As evidenced, the EU's concessions on agriculture are still below the expectations of agriculture exporting countries, including Brazil. To some extent, the structure of the EU's domestic market, as sponsored by the CAP, limits the rational bargaining of the EU at the Doha Round and constrains the prospects of its cooperation with Brazil. Nevertheless, as stressed by a high-level official in the Brazilian government, Brazil accepts the current European offers as a starting point for negotiations, and recognises the efforts employed by the EU to unlock the negotiation process. In his view, the main stumbling block for an agreement is no longer the EU's insistence on protecting its agriculture market, but the lack of cooperation demonstrated by the US.⁹⁹

⁹⁹Interview n31, Brussels, 27 July 2012.

As an analysis of this statement clarifies, the fact that Brazil agrees to negotiate on the basis of the EU's proposal is not sufficient to classify the two actors' approaches as convergent. The WTO parties are still not satisfied with the offers tabled by some members, and an agreement on agriculture still requires a long and intense exercise of bargaining and trade-offs, not solely between the EU and Brazil, but also between a large number of players with conflicting interests. With negotiations progressing at a worryingly slow pace, however, the current discussions on Doha have centred on the future of the Round. Thus, the shared interest of the EU and Brazil in the successful conclusion of an agreement constitutes an important point of convergence in their agendas at the current stage of negotiations. There is a window of opportunity for the process of level-linkage, as the bilateral level of EU-Brazil cooperation could provide the partners with an arena in which to forge a joint strategy for strengthening current processes of multilateral negotiations. Nevertheless, once negotiations resumed, the differences in their agendas would hinder the prospects of further cooperation. As a result, overall, the "compatibility of the two actors's approaches" (or rather the lack of it) limits the chances of level-linkage on trade.

4.5.3 Foreign Trade Policy-Making Processes

As the instruments of EU-Brazil cooperation addressed in this chapter reveal, multilateral rules set up under the GATT/WTO framework provide the basis for the engagement between the two partners at the bilateral level. Interestingly then, even when multilateral trade rules have a direct impact on bilateral trade activities, multilateral and bilateral trade policies are two relatively independent processes for both the EU and Brazil. This detachment has several implications for the agenda and the engagement of the agents involved in the development of EU-Brazil relations at the bilateral and the multilateral levels and consequently impacts on the prospects for level-linkage on trade.

The first evidence of their divergence of agendas is the poor emphasis on multilateral trade issues in the documents supporting EU-Brazil bilateral relations. In contrast to other areas in which there have been significant and progressive improvements in the incorporation of multilateral matters into bilateral dialogue, the focus on trade is almost entirely restricted to bilateral and/or regional issues. It would be hard to imagine the Doha Round being omitted from the global concerns addressed by the Strategic Partnership and its two Joint Action Plans. Yet references to trade are almost exclusively restricted to affirming the *individual* interests and concerns of the parties in the conclusion of the Round. Thus, the strategy of setting the bilateral level of cooperation as a platform for the promotion of enhanced collaboration between the EU and Brazil over multilateral trade issues is not mentioned.

Without enhancing the attention paid to the international trade regime in the EU-Brazil bilateral agenda, the forums for discussions on multilateral trade issues have been limited to the institutional arrangements created before the establishment of the Strategic Partnership in 2007. The multilateral trade agenda has been addressed at the bilateral level through the meetings of the “trade sessions”, held in preparation for the Joint Committee. Within these sessions, WTO issues are raised in a brief “exchange of views” that generally precedes detailed discussions on around 20 points of bilateral trade, conducted by trade experts from both sides. Additionally, since 2010, specific questions concerning the multilateral agenda of negotiations on agriculture have also been addressed by the consultation mechanism on SPS issues. The consensus between the parties on the fragmentation of the agendas of bilateral and multilateral trade policies can be credited to the “division of labour” that characterises the policy-making processes of the two actors.

According to officials from both the Brazilian government and the European Commission, the technical nature of SPS allows this specific sectoral bilateral dialogue to promote more detailed discussions over multilateral trade practices concerning this field. In contrast, the interviewees recognised the feeble approach to the international trade regime provided for by the “trade sessions”, claiming that the

bilateral level is not the appropriate instance either to forge new positions or discuss the political dimension of multilateral trade policies.¹⁰⁰¹⁰¹

The institutional framework of Brazilian trade foreign policy-making denotes a clear distribution of competences among its agents and governmental bodies, divided in terms of bilateral and multilateral policies. *Itamaraty* occupies the central role in the shaping and implementation of policies addressing both levels, but coordination within the Ministry is limited. Agents engaged in bilateral relations with the EU are not the same ones taking part in the decision-making process concerning multilateral trade policy.

As a Brazilian Diplomat explained, within *Itamaraty*, the DEU is responsible for defining the major political guidelines for cooperation with the EU.¹⁰² Regarding trade, this capacity falls into the domain of the DEC. Furthermore, this institutional arrangement includes the Department of International Negotiations (*Departamento de Negociações Internacionais* – DNC), which is in charge of dealing with bilateral/regional trade agreements.

As in other areas, the activities of *Itamaraty* in forging and exercising bilateral and multilateral trade foreign policies directly engage other Ministries. In the case of bilateral trade relations with the EU, coordination among these institutions takes place in the *preparation for* and *during* bilateral meetings. Ahead of EU-Brazil meetings, each DEC sub-division consults the Ministries that have potential interests in the agenda. Coordination between *Itamaraty* and other Ministries is not restricted to agenda-setting; members of staff from various governmental institutions are invited to join the Brazilian delegation in bilateral meetings with the EU.

When it comes to defining Brazil's position in international negotiations, decisions are taken primarily by CAMEX, an inter-Ministerial Council that engages six Ministries and is coordinated by MDIC. The decision-making process of Brazil's

¹⁰⁰Interview n35, Brussels, 12 July 2011.

¹⁰¹Interview n 21, Brussels, 11 July 2011.

¹⁰²Interview n35, Brussels, 20 September 2012.

standing in multilateral trade negotiations starts with the activities of *Itamaraty* (DEC) in coordinating an inter-Ministerial dialogue. Brazil has permanent representation in Geneva mandated to negotiate at the WTO. Within the Doha Round, the role of chief negotiator is performed by the Ambassador who serves as Permanent Representative. Additionally, the Foreign Minister has always played a key role, as the leading representative of Brazil, actively engaging in the WTO Ministerial Conferences as well as in the meetings of informal negotiation groups, such as the G20, G4 and G6.

Yet, as a Brazilian diplomat stressed, there is an advanced communication mechanism within *Itamaraty*, allowing for decisions made within each division to be shared with other departments. This way, information regarding bilateral relations is always shared with all agents responsible for multilateral trade policy, and vice-versa. Nevertheless, in spite of this internal coordination of *Itamaraty*, the multitude of players involved in the policy-making of both levels reinforces the claim that bilateral and multilateral trade foreign policies are two independent processes.¹⁰³

Overall, the policy-making processes of the EU's bilateral trade relations and multilateral trade policy both converge on the competences of the Commission. Furthermore, the fact that the Common Commercial Policy is recognised as a matter of exclusive competence reinforces the legitimacy of the Commission in these processes. All these factors foment a certain degree of coherence between EU trade policy addressing the bilateral level and policies addressing the multilateral arena. Nonetheless, as in the case of Brazil, policy-making for these levels is the result of two separate processes.

With the exception of bilateral trade agreements, the Council and the Parliament are not directly involved in the handling of EU trade relations with Brazil, in contrast to their engagement with EU policy on multilateral trade. Moreover, even when considering the activities within the Commission, there is also an internal "division of labour" among staff. As a *fonctionnaire* from DG Trade explained, there is some coordination between the two levels, as bilateral policies are guided by

¹⁰³Interview n25, Brussels, 12 July 2011.

multilateral policies. However, policy-makers responsible for bilateral relations do not interfere in the process of EU trade policy formation for the WTO, and vice-versa.¹⁰⁴

In light of the policy-making processes and institutional arrangements of Brazil and the EU, it is clear that bilateral and multilateral trade policies are two fragmented processes. The degree of coordination between the two levels is not sufficient to facilitate closer coordination of these processes in order that the bilateral agenda of EU-Brazil relations could have an impact on the framing of the partners' policies towards the WTO.

4.5.4 Preferences for Partners

The analysis of the EU's and Brazil's engagement with negotiations on agriculture has suggested that such a choice is unrealistic, for both material and cognitive reasons. Firstly, as previously mentioned, conflicting interests in liberalisation on agriculture limit the potential for enhancing cooperation between the EU and Brazil in the Doha Round. Becoming strong allies at the multilateral level would require the two players to radically rearrange their own agendas for negotiations, thus allowing for a wide range of common positions to be taken. But, since external trade policies are bound to domestic policies and interests, the degree of flexibility of negotiators to adjust their positions is limited. Thus far, it would be difficult to consider the possibility of such a high level of compatibility between the agendas of the EU and Brazil in the Doha Round.

Secondly, the choice for partners is also associated with the identity an actor would like to project in the international arena. As Amrita Narlikar attests to, based on a constructivist approach, it can be considered that "the identification of like-minded states with each other underlies coalition formation". This is because "states

¹⁰⁴Interview n23, Brussels, 12 July 2011.

sharing similar internal features are likely to bear great trust mutually, as they find it harder to anticipate aggressive intentions towards them from an inherently ‘good’, that is similar, state” (Narlikar 2003:27).

Perhaps more so than other issue areas, the international trade regime is characterised by a bipolar system, with a clear (and thick) line dividing developed and developing economies. Within this distribution of power, the EU and Brazil sit at opposite ends of the spectrum. In this context, Brazil has built up its identity as an international trade actor of the developing world and has been able to make strategic use of its externally recognised power, providing an opportunity for the country’s positioning as a key WTO member.

The EU, on the other hand, does not make such political use of the North-South divide. At least in the official EU discourse highlighted in this chapter, there is no suggestion that the EU is “speaking on the behalf of the developed world,” or of its role as a leader or interlocutor of wealthy nations, in stark contrast to the discourse of Brazilian leaders/negotiators. The occasions on which the EU has publically stressed the differences between WTO members in terms of their economic conditions were those addressing specific issues of the Doha Agenda. In these instances, sentiments such as “developing countries should make concessions” were recurrent in the EU’s rhetoric. Thus, it could be claimed that, whereas for Brazil the divide between developed and developing economies has both a pragmatic and ideational utility, the EU makes more pragmatic use of this distinction.

The division of the parties in economic terms dictates part of the context for their engagement within the multilateral trade regime. Yet, this clear-cut division contrasts with the complexity of the WTO’s formal grouping arrangements. In fact, as previously discussed in this chapter, within the WTO domain, coalitions are formed according to regional and issue-based criteria. Thus, many are groups constituted of developed and developing countries, united by a shared agenda. In the case of agriculture, the Cairns group is an example of a “mixed” coalition, as agriculture exporters with different degrees of economic development form the group, with Brazil sharing membership with Australia, among others.

In light of this, problems posed by the economic divide that sets Brazil and the EU apart might be overcome if they both belonged to the same WTO group. The relevant point is, however, that the two players do not share membership of any of the formal coalitions within the Organization. In the specific case of agriculture negotiations, the EU is considered as a group in itself, not having formal membership of any other coalition. Brazil, on the other hand, has taken part in agriculture negotiations by engaging with the Cairns group, the G20, and, to a lesser extent, MERCOSUR.

Formal membership of a group does not generate an obligation to operate through that specific coalition; the parties are free to break their bounds and opt for alternative partnerships or unilateral positions. Until the mid-2000s, the US was the EU's regular choice when opting for a partner. Common were the occasions on which these two partners tabled joint-proposals, usually provoking strong reactions from other WTO members, including Brazil. Nevertheless, with the EU being a major agriculture importer and the US a large exporter, conflicts of interests between these two actors limited the extent of their collaboration. Their differences were especially accentuated after the two major reforms of the CAP (2003, 2006), upon which the EU's positions revealed an increased degree of flexibility, whilst the US went in the opposite direction, becoming a stumbling-block for negotiations.

This divergence in approaches has had a direct impact on EU-US bilateral cooperation. Since 2006, the two players have not tabled any joint proposals. Changes in the pattern of cooperation between the two players have been reflected in the EU's discourse, which has become very critical of the US position on agriculture negotiations. All these elements point to a dramatic shift in the EU's preference for partners at the multilateral level; eventually this shift created a window of opportunity to enhance Brazil's profile as an EU partner.

Drifting away from the US has not meant that the EU has been compelled to find a replacement for its former ally. Since 2006, the EU has essentially operated on a unilateral basis, tabling its own proposals. As the process-tracing of negotiations has highlighted, there was a slight increase in Brazil's support of very specific elements of the EU's positions, but only because they had some level of convergence

with Brazil's agenda. Nevertheless, these occasions were not wholly representative and could *not* be classified as *alliances between preferential partners*.

If for the EU coalitions and partnerships are approached in a rather circumstantial way, for Brazil they are at the core of the country's strategy to addressing multilateral agriculture negotiations. In the very early stages of negotiations, Brazil acted through the Cairns group, and, to a lesser extent, MERCOSUR. Later, in leading the G20, Brazil has not sought to draw its approach from the combination of the two groups' agendas, but rather has always observed its own interests. Thus, in terms of preferential partners within the agricultural regime, Brazil opts for groups rather than individual WTO members. As confirmed by a senior Brazilian diplomat, the G20 is Brazil's top priority.¹⁰⁵

Given Brazil's mounting trade and economic growth over the past decade, Brazil has been able to consolidate itself as an important international trade actor, beyond the leading role the country has played in the three formal WTO groups it belongs to. In recognition of this, Brazil has occupied a central position in the most selective and prominent informal negotiations forums, including the "new Quad," FIPs, G4, G5 and G6, among others.

Sharing membership of all these informal groups, Brazil and the EU are bound to negotiate their positions whilst among a very small number of other players. These occasions provide the EU and Brazil with opportunities to further interact with each other, without the same interference they encounter in larger negotiation groups. Having more chances to engage in bargaining and trade-off activities enhances the prospects of the EU and Brazil overcoming their divergences in negotiations on agriculture, at least partially. Ultimately, this process could lead to enhanced prospects for the EU and Brazil becoming closer partners at the multilateral level. Yet again, an eventual EU-Brazil alliance would be restricted to the compatibility of their agendas.

The informal meetings of these small groups analysed by this thesis were forums of intense debate, in which Brazil and the EU compared their positions.

¹⁰⁵Interview n3', Brussels, 27 July 2012.

Rather than incorporating differences into a proposal that accommodates the diverse interests of the parties, the most common result of these gatherings was the deepening of conflict between the key players. Thus, despite prospects for the participation of the EU and Brazil in these “exclusive clubs” facilitating their increased cooperation in multilateral agriculture negotiations, such an outcome has not materialised.

Overall, the constellation of factors indicated in this section has contributed to a decline in divergences between the EU and Brazil’s approaches. Yet, this change has not sufficed to alter their preferences for partners. More than ten years after negotiations on an agreement on agriculture were launched; Brazil and the EU still are not allies at the multilateral level.

4.6 Conclusion

This chapter addressed level-linkage in EU-Brazil cooperation on trade, with particular emphasis on the multilateral negotiations on agriculture still taking place under the Doha Round. The analysis conducted aimed to assess whether emerging changes in the pattern of cooperation on multilateral issues at the bilateral level have had any impact on the degree of EU-Brazil engagement in multilateral negotiations.

As the chapter demonstrated, in spite of the direct impact a multilateral agreement on agriculture would have on EU-Brazil bilateral trade, multilateral trade issues have always been dealt with rather superficially, restricted to “exchanges of views”. The bilateral level is not conceived of as an arena in which to promote policy coordination on WTO-related matters. This pattern of cooperation reveals a clear-cut distinction between the two levels of EU-Brazil relations on trade, which are well-grounded in an institutional framework that isolates the agenda and policy-making processes of the bilateral level from that of the multilateral level, leading inevitably to *no level-linkage on trade*.

Arguably, with the lack of strong political will to make the bilateral level of EU-Brazil relations a platform from which to enhance cooperation between the two

partners in the multilateral arena, the poor emphasis on multilateral trade issues in their bilateral agenda could be considered a reflection of the low degree of engagement between the two parties in the Doha Round. However, analysis of the performances of the EU and Brazil over more than ten years of negotiations for a multilateral agreement on agriculture pointed to intense interactions between the two actors at the WTO. Furthermore, throughout the period covered, the pattern of engagement between the EU and Brazil at the multilateral level has changed. Initially, Brazil and the EU adopted extremely divergent approaches to negotiations. However, since 2004, the degree of compatibility and cooperation between the two actors has been rather irregular. Depending on the issue at stake, positions have converged or diverged, opening up new avenues for closer coordination. Eventually, these opportunities could have been addressed at the bilateral level, enhancing the presence of multilateral issues in the bilateral agenda of EU-Brazil cooperation, yet this has not been the case.

In order to understand this neutral outcome, the third part of this chapter explored each of the four hypotheses the thesis claims impact the process of level-linkage. Assessing *“the type of regime”*, it is clear that trade is a highly institutionalised, as well as consolidated regime, reflecting the specific dynamics of bargaining and trade-offs in multilateral negotiations. Adding to this picture the fact that the Doha Round endorses the *“single-undertaking clause”*, which binds negotiations of an agreement on agriculture to those of other sectors, enhances the complexity of the agenda of negotiations. This scenario does not favour the transposing of part of the multilateral agenda to the bilateral level of cooperation.

In terms of the *“compatibility of approaches,”* with Brazil being a large agricultural exporter and the EU the top global importer, there is an inevitable difference in terms of their interests and agendas. Nonetheless, the joint interest of the parties in the successful conclusion of an agreement has led the EU and Brazil to adopt more flexible negotiation strategies, while simultaneously pushing both partners to play an active role in maintaining negotiations. Arguably, even if conflicts of interest limit the potential of EU-Brazil BCML, the two actors could still increase their coordination at the WTO on the basis of their shared interest in the conclusion of an agreement.

The “*foreign trade policy-making processes*” of the two actors are characterised by a fragmented approach that divides bilateral trade relations from multilateral trade cooperation. Moreover, even when the same governmental body is involved in the process of bilateral trade policy and multilateral trade policy, the agents taking part in the policy-making process are not the same and do not work in coordination. Finally, there is a hierarchical structure in terms of the agenda, as bilateral trade relations are subjected to multilateral trade policies. Thus, the “*foreign trade policy-making processes*” play against level-linkage, as there is little margin for coordination and integration between policy-makers and institutions through which one level could influence the policy outcome of the other level.

The fourth hypothesis analysed, “*preferences for partners*”, also does not benefit level-linkage. The EU and Brazil have never been preferential partners in the multilateral arena, even when they adopted converging positions. Traditionally, Brazil has sided with other agriculture exporting countries, namely those of the Cairns group, but has also acted through MERCOSUR. Furthermore, in spearheading the formation of the G20, Brazil has come to be known as an interlocutor of developing economies, though it has spoken more independently over the past few years. The EU, on the other hand, allied itself with the US on many occasions during the early years of negotiations, in addition to taking unilateral positions. Later on, the EU distanced itself from the US, adopting a unilateral approach to negotiations. The accession of Brazil into “the Quad” and the establishment of “the FIPs”, G4, G5 and G6, all placed the EU and Brazil within the same informal negotiation groups. Theoretically, sharing membership in these “selective small clubs” could facilitate the articulation of an alliance between the two actors that goes beyond circumstantial collaborations, but this scenario has not materialised.

In conclusion, the four hypotheses proposed by this thesis have proven to impact on the outcome of level-linkage in EU-Brazil cooperation on trade, but to different degrees. The “*compatibility of approaches*” and the “*preferences for partners*” both allow for some margin of coordination between the two levels of cooperation, albeit limited. However, “*the type of regime*” and the “*foreign trade policy-making processes*” undermine the prospects of level-linkage, consequently having greater influence on the outcome of level-linkage in the case of trade.

CHAPTER 5

Level-Linkage in Human Rights

5.1 Introduction

The previous chapter (chapter five) revealed no level-linkage in EU-Brazil trade cooperation; the same result of the assessment of level-linkage in climate change (chapter four). Yet, in comparing the two cases previously analysed, it is feasible to claim that the degree of interaction between the bilateral level and the multilateral level varies according to the issue-area of EU-Brazil cooperation. Multilateral climate issues enhanced the profile of the bilateral agenda of EU-Brazil relations over the period, yet a similar trend was not identified in the case of trade. At the multilateral level, the pattern of EU-Brazil engagement did not alter on climate change, having always been very irregular. In the case of trade, however, the EU and Brazil entered the Doha Round taking completely opposite standpoints. During the course of negotiations, the two partners shifted their approaches, creating more opportunity for dialogue. Nevertheless, the pattern of EU-Brazil cooperation remained unchanged; they were never allies in the multilateral negotiation on agriculture. Despite differences in terms of the characteristics and processes of the two cases, the outcome of level-linkage in both climate change and trade was the same. Is this result to be repeated in the case of human rights?

In order to address this question, this chapter investigates EU-Brazil cooperation on human rights, focusing on the workings of the United Nations Human Rights Council (HRC). Following the same structure as the previous two case-studies, the chapter is organised into four sections. Setting the scene, the first section briefly presents the structure and functioning of the HRC and the foreign policy-making processes of the EU and Brazil. The second part examines their DBLCM, in order to accommodate for the subsequent analysis, in the third section, of engagement between the EU and Brazil at the multilateral level. The fourth section of the chapter compares the analyses of cooperation at the two levels and

defines the outcome of level linkage in EU-Brazil relations on human rights. To identify the elements that impact on the outcome of this process in the case of human rights, each of the four hypotheses that this thesis claims relate to level-linkage are explored. The conclusion outlines the main findings of the chapter.

5.2 Setting the Scene: Contextualising Level-Linkage in Human Rights

5.2.1 The Human Rights Council

Background

Created in 2006, the HRC is modeled on its predecessor, the Commission on Human Rights (CHR). Established by Article 68 of the 1946 UN Charter, the CHR was a subsidiary body of the Economic and Social Council (ECOSOC) responsible for forging cooperation on human rights under the UN umbrella, a task it shared with the Third Committee of the General Assembly.¹⁰⁶ Originally existing as a small group of 18 members elected by ECOSOC, the CHR underwent a number of changes in terms of its scope and membership over the next six decades. Yet, despite some cases of success, the Commission's credibility became increasingly contested due to (what was considered) its politicised approach to country-specific issues, and to the North-South divide that characterised the internal dynamics of engagement between its members (Alston 2006: 2-3; Oberleitner 2007: 41-48; Spohr 2010: 171-174; Rosa 2013).¹⁰⁷

Criticism came from outside and inside the UN.¹⁰⁸ In 2006, the UN General Assembly (UNGA) adopted a resolution (60/251) creating the HRC. Upgrading the

¹⁰⁶ Gerd Oberleitner, (2007) provides a general description of human rights institutions within the UN system.
¹⁰⁷ See Buergethal (1997), Donnelly (2013) and Dunér (2002) for more on the evolution of the human rights regime.

¹⁰⁸ Leading the internal debate in March 2005, former UN Secretary General Kofi Annan published a report titled "In Larger Freedom: towards development, security and human rights for all", calling for the replacement of the CHR by a Council (United Nations 2005).

status of the human rights body from a *Commission* to a *Council*, the new UN organ maintained the same *subsidiary* nature of the CHR, being designated as a body of the General Assembly. Assuming all the responsibilities of the former Commission, the Council was responsible for promoting “universal respect for the protection of all human rights and fundamental freedoms for all”, in addition to addressing “situations of violations of human rights” (UNGA, A/RES/60/251).¹⁰⁹

Structure and Functioning

Like its predecessor, the Commission, the HRC is a selective club; membership is limited to 47 States. Members are elected individually, by an absolute majority of votes at the UNGA, for a three-year term, with the possibility of enjoying one consecutive re-election. Seats are allocated to each region. In principle, all UN member states can be candidates for the HRC, however, the General Assembly can veto the participation of states with a record of systematic human rights violations (HRC A/RES/5/1).

The restriction of fully-fledged membership to states (as opposed to regional organisations) sets different conditions for Brazil’s and the EU’s participation at the HRC. Brazil joined the former CHR for the first time in 1978, extending its mandate almost uninterruptedly until 2006, when the Council replaced the CHR (OHCHR 2013).¹¹⁰ Elected by the General Assembly as one of the representatives of the Group of Latin American and Caribbean States (GRULAC), Brazil was in the first composition of the HRC, in 2006, and was re-elected in 2008 and 2012.

The EU holds a different status. As an international organisation, the EU is officially an observer at the HRC, entitled to take part in meetings and deliver statements, but without the power to directly propose resolutions or vote. Additionally, in contrast to trade, for example, there is no treaty provision stipulating the EU’s general competences on human rights, either internally or

¹⁰⁹ The HRC is not spared from criticism, see Alston (2006).

¹¹⁰ Brazil was a member of the CHR from 1978 to 1998, and then again from 2000 to 2006 (OHCHR 2013).

externally (Besson 2011: 45-46). Given these constraints, the EU acts through those of its member states which are part of the HRC. Nevertheless, EU member states have the autonomy to act individually within the human rights regime, not being bound to a common EU position. Yet, as will be demonstrated later, the EU has often been rather successful in reaching internal consensus on a common position, and ultimately expressing singular sentiments at the HRC.

In addition to issues of membership, another difference in the formal engagement of the EU and Brazil with the HRC regards the institutional framework of the organisation. Unlike international organisations, states contribute directly to the framework of the Council, which is made up of a bureau, an advisory committee, a secretariat, and several working groups (UNGA A/RES/5/1). The institutional design of the HRC observes the principle of equitable geographical distribution (table 19), and not only inevitably places Brazil and EU member states in different formal groups, but distributes the EU's representation across three groups; namely Asia, Eastern Europe, and Western Europe and Others.

TABLE 19 GEOGRAPHICAL REPRESENTATION WITHIN THE UN HUMAN RIGHTS COUNCIL
(N. OF SEATS)

Group	Council	Presidency	Advisory Committee	WG on Communication	WG on situations
African States	13	1	5	1	1
Asian States	13	1	5	1	1
Eastern European States	6	1	2	1	1
Latin American & Caribbean States	8	1	3	1	1
Western European States & others	7	1	3	1	1
Total	47	5	18	5	5

Source: UNGA/RES/5-1

Based at the UN's headquarters in Geneva, the activities of the HRC are developed on a regular basis. Major political guidelines are defined during the high-level meetings of the Council, which should meet at least three times a year, with

each session lasting no less than ten weeks.¹¹¹ Additionally, members of the Council can request special sessions, held when supported by two-thirds of the membership (UNGA, A/RES/60/251).¹¹²

Regular sessions are structured around a permanent agenda of ten items, established by the HRC resolution 5/1 of 18 June 2007:

TABLE 20 HUMAN RIGHTS COUNCIL- AGENDA

Item 1	Organizational and procedural matters
Item 2	Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
Item 3	Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development
Item 4	Human rights situations that require the Council's attention
Item 5	Human rights bodies and mechanisms
Item 6	Universal Periodic Review
Item 7	Human rights situation in Palestine and other occupied Arab territories
Item 8	Follow-up and implementation of the Vienna Declaration and Programme of Action
Item 9	Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action
Item 10	Technical assistance and capacity-building

Source: HRC RES/ 5/1

5.2.2 Foreign Policy-Making Processes

An understanding of the organisation of the HRC provides important information on the external “rules of the game” for level-linkage. Yet, before empirically analysing the development of EU-Brazil cooperation at the bilateral and multilateral levels, it is important to understand the “internal” institutional “rules” for the pursuit of the EU’s and Brazil’s external human rights policy.

¹¹¹ From 2006 to 2012, the UNHRC held 22 regular sessions and 19 special sessions (Office of the High Commissioner for Human Rights 2013).

¹¹² Ramcharan (2011) presents a comprehensive overview of the institutional framework of the HRC.

Brazil

The Brazilian institutional framework for human rights foreign policy is significantly more centralised than the EU's. According to Brazilian Diplomats interviewed in Brussels and Brasilia, the Ministry of foreign affairs (*Itamaraty*) is the central agency responsible for bilateral and multilateral cooperation on human rights.¹¹³¹¹⁴ Within this institution, however, there is a division of labour. The internal units in charge of bilateral relations with the EU in Brasilia do not deal with the HRC. Adding to this picture, bilateral cooperation engages agents and agencies from multiple institutions of the Brazilian government, particularly when it comes to the development of projects. Multilateral policy-making, on the other hand, is essentially restricted to *Itamaraty* and is the result of a process of coordination between agents in Brasilia and the Brazilian Mission to the UN.

In Brasilia, the policy-making of Brazil's external human rights policy takes place within the same department responsible for bilateral relations with the EU; the General Sub-secretary Policy I (*Subsecretaria-Geral Política I - SGAP I*). However, different units are in charge of bilateral and multilateral policies. As explained in the previous case-studies, political bilateral dialogue with the EU is a competence of the Department of Europe (*Departamento da Europa- DEU*). Brazil's external human rights policies are the responsibility of two different Divisions of SGAP I. General human rights policies are developed by the Human Rights Division (*Divisão de Direitos Humanos - DDH*) of the Department of Human Rights and Social Themes (*Departamento de Direitos Humanos e Temas Sociais - DHS*). Multilateral policies specifically addressed to the United Nations lie within the remit of the UN Division (*Divisão das Nações Unidas - DNU*) part of the Department of International Organisations (*Departamento de Organismos Internacionais- DOI*).¹¹⁵

¹¹³Interview n7, Brasilia, 23 June 2010.

¹¹⁴Interview n27, Brussels, 15 July 2011.

¹¹⁵See annex I.

As with climate change and trade policy, other bodies of the executive engage in the making of Brazil's external human rights policy. Thus, the Secretary of Human Rights of the Presidency, in particular its Department of International Cooperation, is involved in political decisions concerning matters addressed at the HRC that relate to Brazilian human rights issues. The Secretary is also involved in bilateral cooperation with the EU, when it comes to the execution of specific bilateral projects.

Brazil also has a Delegation in Geneva which represents the country's interest at the UN bodies. Leading the Brazilian delegation to the HRC, diplomats based in Geneva follow the daily activities of the Council and deliberate on the Brazilian official position, working in coordination with other units of the *Itamaraty*. According to Brazilian diplomats interviewed in Brussels and Brasilia, being empowered by their great autonomy, the activities of Brazilian diplomats in Geneva focus on the multilateral agenda of human rights; the agenda of bilateral cooperation does not interfere in the establishment of the Brazilian approach to the HRC.¹¹⁶¹¹⁷ Arguably, this feature of Brazilian policy-making could represent its internal hierarchy, as opposed to mere fragmentation. Yet, even if bilateral policies do take into account the broad guidelines of Brazilian foreign policy presented at the HRC, there is no internal mechanism of formal consultation that would suggest a coordination of the two processes.

European Union

Whereas on climate change and trade the European Union has clear competences - be they shared or exclusive - the same does not apply to human rights. The responsibilities invested in the European Commission (and now also in the EEAS)

¹¹⁶Interview n7, Brasilia, 23 June 2010.

¹¹⁷Interview n27, Brussels, 15 July 2011.

do not have a well-defined legal basis, but have been defined in practice.¹¹⁸ This deficiency in the EU's institutional framework reflects the poor boundaries that exist in the distribution of competences addressing internal human rights policy between the EU and its member states. The founding treaties of European integration do not mention the development of human rights policies, in contrast to other issues. Gradually, human rights issues emerged in the declarations and statements of the European institutions. Yet, it was only in the 1990s that the issue was associated with a common policy; specifically with the discussion to establish a Common Foreign and Security Policy (CFSP).¹¹⁹

The Maastricht Treaty of the European Union came into force in 1993 and placed the CFSP alongside other areas of shared competences of the EU (such as the environment). The development and the strengthening of “democracy and rule of law as well as monitoring human rights and basic liberties” are identified in Article 11 as among the primary objectives of the CFSP. Nevertheless, a definition of the general competences of the EU relating to human rights remains absent from any EU treaty.¹²⁰

The competences and procedures of the EU's external human rights policy have been defined in practice. As it constitutes a “sensitive policy area”, the Council of the European Union plays a strong part in the policy-making of the CFSP agenda. Yet, until the entry into force of the Lisbon Treaty, the European Commission laid claim to a large share of the competences over the EU's foreign policy, a role now taken on by the EEAS.

Within the European Commission, human rights were one of the primary responsibilities of DG RELEX. Within the DG, there was a clear division of labour separating bilateral policies from multilateral policies. Directorate “B” was responsible for “multilateral relations and human rights”, whilst cooperation with

¹¹⁸ The discussion of the EU's competences and policies on human rights should not be confused with the European human rights regime, institutionalised with the establishment of The European Convention on Human Rights (ECHR), in 1950. It is worth clarifying that the ECHR and its European Court of Human Rights (ECtHR) are not part of the European Union. For more on the European Human Rights Regime and the ECHR, see Moravcsik (2000).

¹¹⁹ See Ahmed and de Jesus Butler (2006) for more on the EU, Human Rights and International law.

¹²⁰ Defeis (2012) discusses the presence of human rights in EU treaties, from Maastricht to Lisbon, whilst Douglas-Scott (2011) assesses human rights after the Lisbon treaty.

the UN fell under the competences of “Unit B2”. Bilateral relations with Brazil were in the portfolio of Latin America (Directorate “G”), specifically in the unit “G4”, which dealt with the countries of MERCOSUR.¹²¹

Since the establishment of the EEAS, bilateral relations with Brazil are conducted by the unit ‘V.A.4’ of the Managing Directorate (MD) V (“Americas”). MD VI is responsible for “Global and Multilateral issues” and unit ‘VI.A.1’ follows “human rights policy guidelines and multilateral cooperation”.¹²²

Even before human rights were introduced into the legal framework of the EU by the Maastricht Treaty, the Council of the European Union has been conducting policy-making in this realm. To this end, in 1987 the Council created the Human Rights Working Group (COHOM) to assist the Council (in its “foreign policy” composition) in keeping track of human rights issues in the EU’s external relations. “COHOM promotes the systematic inclusion of human rights issues in the agenda of expert’s meetings on thematic issues and at summits between the EU and third countries”. Its composition includes the European Commission and experts from EU member states (European External Action Service 2013b).¹²³ A spokesperson for the High Representative of the Union for Foreign Affairs chairs these meetings (Council of the European Union 2013).

As established in its mandate, COHOM’s main responsibilities include: a) coordination of the positions of EU members over human rights issues discussed at the international level; b) reporting on human rights situations overseas; c) providing recommendations on common strategies employed to address external human rights issues and d) reporting to the Council on the human rights policies of EU member states. COHOM’s mandate also determines that the working group should meet (at least) before scheduled sessions of the CHR (now the HRC) and the

¹²¹ See Annex II

¹²² See Annex III

¹²³ In 2003, the mandate of COHOM was extended “to include first pillar issues so as to have under purview all human rights aspects of the external relations of the EU. First pillar issues may be addressed only within the limits of the powers conferred upon the European Community by the EC Treaty and of the objectives assigned to it therein” (Council of the European Union 2013).

UNGA, on a date internally coordinated at its meetings Extraordinary meetings could be called upon request (Council of the European Union 2013b).

In the distribution of competences of EU external human rights policy, there is a certain amount of coordination between EU institutions. As a member of staff from the EEAS engaged in bilateral cooperation with Brazil explained; the EEAS attends the COHOM meetings, taking the place of the European Commission.¹²⁴ Moreover, when forging the EU's bilateral policies aimed at cooperation on human rights, the EEAS acts based upon the position of EU member states (EUMS) on matters related to this issue-area. The Council is also kept informed of the progress of bilateral relations with the EU's partners. However, since there is no binding obligation forcing the 28 EU states to comply with the EU's policy, it would be hard to expect that the EU's bilateral cooperation with Brazil would hold much significance in the policy-making of the EU member states' approach to the HRC.

Nevertheless, as Karen Smith points out, the European Commission played a minor role in the definition of the EU's engagement with the UN body.¹²⁵ In Brussels, the preparatory activities take place in the COHOM, whilst, it is in Geneva that the bulk of negotiations on a common EU position occur (Smith 2011:12). Prior to the entry into force of the Lisbon Treaty, the EU had two representations in Geneva: the EU Commission's Delegation and the EU Council's liaison office. The Presidency of the Council long played a leading role in promoting coordination between member states, but also spoke on behalf of the EU in the international sphere. After the changes implemented by the Treaty, these two bodies have been merged into one single organ, embodied by the EU Delegation.¹²⁶ According to the EEAS (2013b), the Delegation should represent the EU at the UN and other international bodies in Geneva, raising awareness of the EU's policies, but also facilitating coordination between its member states.

¹²⁴ Interview n.18, Brussels 8 July 2011.

¹²⁵ The European Commission has delivered statements at the UNHRC, briefing the Council on initiatives taken at the Community level in the field of human rights. It has also drafted joint texts to be presented at the UNHRC on behalf of the EU, when requested by the European Council (Smith 2011:12).

¹²⁶ For a discussion on the EU's representation at the HRC, see Smith (2006).

5.3 EU-Brazil Cooperation on Human Rights at the Bilateral Level

Human rights debuted in the official agenda of EU-Brazil bilateral relations 32 years after the partners first established their diplomatic ties in 1960. The long silence was broken when the European Community and Brazil explicitly endorsed the respect for human rights and democratic principles as the basis and “essential component” of their 1992 Framework Agreement for Cooperation. Nevertheless, of the 19 areas listed in the Agreement in which the two players agree to cooperate, none refers to human rights (Official Journal of the European Communities 1995).

The fact that it took the partners more than three decades to formally identify human rights and democracy as shared values suggests that these are sensitive issues within the framework of EU-Brazil relations. Arguably, the inception of a clause on human rights in the 1992 Agreement could be attributed to domestic changes within Brazil, combined with a new EU approach to the framing of its external relations.

After more than two decades of a military regime (1964-1985) with severe records of human rights violations, Brazil was a democracy once more. This major shift has manifested itself in Brazilian foreign policy on human rights, both in terms of its engagement with multilateral regimes and its bilateral relations. The inclusion of Article 1 in the Framework Agreement could as such be considered a statement of Brazil’s commitment to democracy and human rights at the domestic level and its openness to addressing the issue internationally, but also as a mark of the EU’s recognition of Brazil’s new political reality.

The EU officially classified the 1992 Accord with Brazil as a “third generation agreement”, defined as such due to its being “based on the observance of democratic principles and human rights, it contains both a future developments clause and a review clause” (Treaties Office Database 2010). As Karen Smith explains (1998: 253-254), these agreements with “political conditionality” emerged from a broadly applied approach to the framing of EU relations with third parties, which linked aid and cooperation to certain political requirements (namely the

protection of human rights and the consolidation of democracy). The celebration of an agreement with Brazil that includes a clause on human rights and democracy featured in this context of European foreign policy-making and should not be considered particularly characteristic of the EU's relations with Brazil.

Since the 1992 Agreement, a shared support for the promotion and protection of human rights has often been evoked in political discourses and in official documents related to EU-Brazil relations. Nonetheless, partnership in this field has remained marginal. In fact, the first instrument to establish an attempted framework for cooperation on human rights was the 2001-2006 Country Strategy Paper (CSP I). Drafted by the European Commission in consultation with the Brazilian government, the CSP I identifies areas suitable for the development of projects in Brazil, to be financed by the EU.

As an instrument of European foreign policy, the first part of the CSP provides a short account of Brazil's political and economic scenario. In spite of its direct criticism of severe violations of human rights in Brazil, however, when detailing the implementation of cooperation, the CSP I limits its scope to *certain* human rights, incorporating these issues within "social development," the second priority area included in the National Indicative Programme (NIP) of the CSP I. Projects financed in this area focus on gender equality; race issues and indigenous people's concerns; good governance and sustainable social and economic development. Finally, the CSP I also draws attention to a Memorandum of Understanding (MoU) on Human Rights Support to the Brazilian Police (European Commission 2002).

Despite the mention of human rights in the 2001-2006 CSP I, there was no continuity in the EU's approach to cooperation in the issue-area through this specific instrument of cooperation. Human rights were not included among the priorities of the 2007-2013 Country Strategy Paper (CSP II). The text recalls various EU documents that reinforce the EU's commitment to the promotion of human rights through its external policies. In the briefing section on Brazil, the CSP II defines the country as a "stable democracy", but acknowledges issues that undermine human rights, such as violence, corruption, the lack of specific

legislations, abuses of power and the complexity of the judiciary system, among others. However, when identifying the priority areas to receive funding from the NIP, neither social development nor issues related to human rights were indicated. In contrast to the previous CSP, the CSP II is restricted to the development of projects addressing (a) the strengthening of bilateral relations, and (b) the promotion of environmental dimensions of sustainable development.

Rather than collaborating with the government, since the CSP II, the EU has opted for developing projects directly with civil society. Projects with strong social scope shifted from the domain of the CSP and were pursued through other EU instruments, including the Programme for the Environment, 7th Framework Programme for Research and Technological Development, Non State Actors Programme, Programme for the Promotion of Democracy and Human Rights and other thematic budgets.

The use of new policy instruments suggests that human rights remain part of the EU's external policy towards Brazil, but suffer a diminishing profile in the framework of its cooperation with the *Brazilian government*. Arguably, one of the reasons for this shift in approach is excessive bureaucracy. This argument is supported by the explicit mention in the CSP II of regulatory barriers that hampered the implementation of projects identified in the CSP I (European Commission 2007). These problems were also raised in an interview with an official from the EU delegation in Brasilia in charge of coordinating bilateral projects with Brazil. According to the EU member of staff,¹²⁷ in addition to dealing with the bureaucratic machinery of the Brazilian government, the EU has also encountered a problem of accountability and has given preference to developing partnerships directly with civil society and NGOs. Nevertheless, another argument was presented by a member of staff the European EEAS working in Brussels.¹²⁸ When questioned as to why human rights did not have a strong presence in EU-Brazil relations, the EU official said that the EU acknowledges Brazil as being a stable democracy that has made significant progress in human rights. In his opinion, there

¹²⁷ Interview n.18, Brussels 8 July 2011.

¹²⁸ Interview n.41 Brussels, 05 March 2013.

is no need for the EU to act on this front.

From the Brazilian perspective, the decrease in emphasis given to human rights in the framework of its cooperation with the EU responds to the country's understanding that internal problems in this area are essentially domestic affairs. This was explained as such by a Secretary in charge of political and social affairs at the Brazilian Mission to the EU in Brussels.¹²⁹ Elaborating further, the diplomat argued that a discussion on these issues at the international level would have to go both ways; that is to say, a bilateral dialogue would have to include human rights problems within Europe as well. Since that has not been the case, dialogue has focused on the few issues in which there is reciprocal interest, and that are directly related to EU-Brazil relations, such as migration.¹³⁰

Whilst human rights were suppressed from the priorities of the CSP II, the Joint Declaration of the 2007 EU-Brazil Summit recognises the need for common strategies to address global issues, explicitly mentioning human rights. Yet, reference to human rights does not re-occur after the preamble of the document (Council of the European Union 2007). A significant step towards further cooperation on human rights came with the first Joint Action Plan for the EU-Brazil Strategic Partnership, adopted in 2008. "Promoting peace and comprehensive security through an effective multilateral system" is identified as the first component of the Plan, and, within that broad thematic, "the promotion of human rights and democracy, and upholding international justice" is the first of eight focal areas to be addressed. Detailing actions to be implemented within this domain, Brazil and the EU agreed to hold regular consultations on bilateral and global human rights issues, and to establish a high-level dialogue. In addition to consultations, the Action Plan calls for cooperation in reinforcing the role of the International Criminal Court (ICC), partnerships on bilateral projects and the facilitation of civil society initiatives, as well as on the pursuit of triangular

¹²⁹ Interview n.13, Brasilia 24 June 2010.

¹³⁰ Here it is important to recall that the political agenda of bilateral cooperation on human rights is agreed upon by agents and institutions representing both partners.

cooperation to assist developing countries address human rights issues.¹³¹ Reference is also made to an intention to further coordinate their positions at the multilateral level, without naming any international organisation, or mention of joint positions or alliances within the realm (Council of the European Union 2008b).

Following the 2008 Action Plan, the first informal gathering of the High Level Dialogue on Human Rights took place in Brasilia in June 2009, with the first formal meeting held in Geneva, in September of the same year. The second formal session was convened in Brasilia, in May 2011. In addition to consultations on global issues, the actual agenda for cooperation on human rights focused on domestic issues. Furthermore, the first EU-Brazil human rights civil society seminar, promoted in Brasilia in July 2010, addressed very specific issues, namely human rights defenders; lesbian, gay, bisexual, and transgender rights and public security. The objective was to facilitate interaction with and among civil society actors, creating a network that would engage with the projects developed under the framework of the High Level Dialogue and funded by a specific fund allocated to that end.

Yet, the Dialogue still lacks official institutionalisation, as there is no agreement or even a memorandum establishing it. Without formalisation of this instrument, there is no official definition of the role of the actors engaged in this process; the EEAS and the EU Delegation in Brasilia, together with the Secretary for Human Rights of the Brazilian Presidency are those that have taken the lead in developing the activities of this instrument in practice (Calzado Del Llano & Oranje 2011: 19-21).

In the meantime, the joint declarations of all EU-Brazil Summits held since 2007 continued to evoke human rights as a shared value and principle, indicating slow but steady progress in terms of cooperation in this realm. The Joint

¹³¹ “Triangular cooperation entails that the two partners implement complementary projects around issues of common interest, in agreement with the recipient country (...)Brazil has already signed a number of triangular cooperation agreements with a range of partners, notably Japan, as well as with the European Commission, Germany, Spain and the UK, launching common projects in different Africanand Latin American countries” (Gratius 2013: 3).

Declaration of the 2011 Summit devoted significantly more attention to human rights. In addition to general statements, the Declaration named specific international issues, with the EU and Brazil expressing their concerns with human rights situations in Libya and Syria and calling on multilateral institutions to address these matters. For the first time, the HRC is mentioned, with the partners confirming that they had discussed measures for strengthening their coordination within the HRC and other multilateral forums. Additionally, the EU and Brazil manifested interest in jointly assisting third countries with the implementation of the Universal Periodic Review. Finally, the Second Joint Action Plan, adopted at the 2011 Summit, essentially echoed the same actions outlined in the first plan, with the EU and Brazil agreeing to maintain the framework of cooperation adopted in 2008 (Council of the European Union 2011).

In summary, being absent from the agenda of EU-Brazil relations for more than three decades, cooperation on human rights at the bilateral level has been addressed with prudence and selectiveness. Issues raised are cautiously selected, reflecting matters that Brazil is open to discussing, and on which the EU interested in cooperating. Shifts in the terms of the framework have not been significant within the bilateral agenda, which addresses both domestic-related issues and global concerns. Interestingly, even if the adoption of new instruments has positioned the EU and Brazil as “equal partners,” there is an unequal distribution regarding domestic affairs, which focuses heavily on questions related to Brazil. Domestic, internal EU problems do not feature in the agenda. As far as global issues are concerned, the two Joint Action plans adopted up until the present time do not set up clear strategies for fostering BCML.

Paradoxically, whilst sources analysed here might provide little evidence of a strengthened partnership between the two actors at the multilateral level, the joint declaration of the 2013 EU-Brazil Summit suggests otherwise. The document states that the partners “welcomed the progress made in implementing their mutual commitment to further strengthening cooperation within the UN Human Rights Council. In particular, they hailed the joint organisation of a side-event to its 20th session on ‘Women Human Rights Defenders’” (Council of the European Union 2013). But have the EU and Brazil actually consolidated their Strategic Partnership

at the multilateral level or is their collaboration essentially circumstantial?

The next section answers this question, providing an account of the engagement of the two actors during the first six years of HRC activity (2006-2011).

5.4 EU-Brazil Cooperation on Human Rights at the Multilateral Level

The agenda of the HRC covers a constellation of issues and both the regular and special sessions of the institution traditionally address this wide variety of topics. Thus, this section focuses on the first 17 regular sessions and nine special sessions of the HRC held between 2006 and 2011, comparing the voting patterns of the two actors in all resolutions and decisions that were subjected to a vote.¹³² I also look¹³³ at all side events the EU and Brazil organised during this section, looking for information that might suggest cooperation between the two actors on a more informal level. As the ultimate objective here is to identify a pattern and any eventual shifts in the degree of EU-Brazil cooperation at the HRC, the analysis that follows is rather quantitative. Consequently, this simple, but original, account intentionally leaves out the explanation of the voting preferences of the two players, as it would fall beyond the immediate scope of this chapter. Nevertheless, the result reveals that the compatibility of approaches of the two actors varies over time and according to the issue on the agenda. Crucial information for the assessment of level-linkage in EU-Brazil cooperation on human rights is gathered on the fourth and last part of the chapter.

As pointed out in the first section, the EU is not a member of the HRC on the same level as nation states, in clear contrast to its membership of the WTO and

¹³² In this period a total of 17 special sessions were held, however as this chapter is comparing the voting position of the EU and Brazil in the sessions of the HRC, it only analyses the nine special sessions in which decisions were adopted by vote.

¹³³As pointed out in the first section, the EU is not a member of the HRC on the same level as nation states, in clear contrast to its membership of the WTO and the UNFCCC. At the Council, the EU's representation occurs in two forms, directly as an international organization, and indirectly through the EU member states that hold membership in the HRC.

the UNFCCC. At the Council, the EU's representation manifests itself in two forms; directly, as an international organisation, and indirectly through the EU member states that are members of the HRC.

5.4.1 Year One: Getting Started –2006

In 2006, the HRC held its first three regular sessions and three special sessions. The agenda of its meetings addressed matters related to the institutional building of the organisation, horizontal themes (such as racism, economic policies and human rights), but also country-specific issues, including Darfur and Israel/Palestine.

In this initial phase, Brazil and the EU both debuted in the HRC as active players, but driving in different directions. Elected in the first batch of members of the HRC, Brazil delivered numerous statements in all meetings. In the first session, Brazil spoke on several occasions on behalf of the GRULAC group, whilst, in the second and third regular sessions, Brazil only made unilateral statements. Furthermore, in 2006, Brazil voted in favour of all resolutions adopted in the three regular sessions, except for one abstention regarding the amendment to a draft decision on Darfur proposed by Canada and the EU (represented by Finland).

The EU entered this first year of HRC activity holding observer status, but also represented by seven of its 25 member states, namely, Czech Republic, Finland, France, Germany, Netherlands, Poland, and the UK. The EU made its voice heard on all items of the agenda of these three sessions, with Finland always acting as the interlocutor of the EU. Furthermore, in addition to delivering a message on behalf of the EU member states, Finland also spoke, on some occasions, for countries defined in the HRC's documents as acceding countries (Bulgaria and Romania), candidate countries (Croatia, Macedonia, and Turkey), and countries in the process of stabilisation and association process as well as potential candidates (Albania, Bosnia & Herzegovina, Montenegro and Serbia, Moldova, and Ukraine). Although the EU member states that were Council members voted together in all decisions, their positions varied. From the twelve texts voted on in the three sessions, EUMS were in favour of only three, including a

joint proposal with Canada, a Declaration on the Rights of Indigenous Peoples, and a resolution on Israeli Settlements in the Occupied Palestinian Territory (OPT).

Regarding the three special sessions, during which decisions were made by vote, the two actors adopted a similar approach to that of regular sessions. Brazil approved the three country resolutions adopted, whereas the EU opposed them all. What is interesting is that, whereas the EU was in favour of a resolution on the OPT adopted at the regular session, its EU member states voted against another resolution on the same issue adopted at the third special session, potentially suggesting some inconsistency in the EU's position on the matter.

TABLE 21 EU'S AND BRAZIL'S VOTING POSITIONS
HRC REGULAR & SPECIAL SESSIONS 2006

		Resolution	Brazil	EU MS	BR x EU	
REGULAR SESSIONS	1 st	UN Declaration on the Rights of Indigenous Peoples	Favour	Favour	Convergence	
		HR in Palestine and other occupied Arab Territories	Favour	Against	Divergence	
		Incitement to racial and religious hatred and promotion of tolerance	Favour	Against	Divergence	
	2 nd	Amendment to draft decision L.44	Abstention	Favour	Divergence	
		Darfur	Favour	Against	Divergence	
		Effects of economic reform policies and foreign debt on all human rights	Favour	Against	Divergence	
		Israeli settlements in the OPT	Favour	Favour	Convergence	
		HR in the Occupied Syrian Golan	Favour	Abstention	Divergence	
		Intergovernmental working group on the Review of Mandates	Favour	Against	Divergence	
	3 rd	Elimination of racism, xenophobia and related intolerance & the Durban Declaration	Favour	Against	Divergence	
		Preparations for the Durban Review Conference	Favour	Against	Divergence	
		HR situation in the OPT	Favour	Abstention	Divergence	
	SPECIAL SESSIONS	1 st	Human rights situation in the Occupied Palestinian Territory	Favour	Against	Divergence
		2 nd	The grave situation of HR in Lebanon caused by Israeli military operations	Favour	Against	Divergence
		3 rd	HR violations emanating from Israeli military incursions in the OPT, including the recent one in northern Gaza and the assault on Beit Hanoun.	Favour	Against	Divergence

Data from the Human Rights Council Extranet (2013).

As table 21 illustrates, in the first year of the HRC, there was no sign of cooperation between the EU and Brazil. Rather, the two actors adopted divergent approaches in all three regular sessions, with their only compatibility in votes registered being on the first resolution adopted on indigenous peoples. No convergence with votes was registered in the case of the special sessions.

Against this non-collaborative backdrop, it would be interesting to observe whether or not the agreement of the EU-Brazil Strategic Partnership in 2007 had any correlation to an eventual shift in the pattern of BCML.

5.4.2 Year Two: 2007

In 2007, Brazil voted in favour of all resolutions, apart from a proposal of the African Group on racism, racial intolerance and xenophobia adopted at the sixth regular session. More pro-actively, the EU submitted a joint proposal (through Germany) with Algeria (on behalf of the African group) as a follow-up to a Council's decision on Darfur, passed without a vote in the 4th session. Yet, EUMS were against all decisions taken to vote, with the exception of an abstention in the resolution of religious and cultural rights tabled by Palestine in the sixth regular session.

Upon crossing the EU's and Brazil's approaches, it is evident that, in spite of their discourse on promoting human rights as a shared value and in the interests of the parties in strengthening an "effective multilateralism". Endorsed at the bilateral level, the engagement of the two actors at the multilateral level could not be more divergent; Brazil and the EUMS (part of the HRC) voted differently in all ten decisions of the 4th, 5th and 6th regular sessions and in the resolution adopted at the 6th special session.

TABLE 22

EU'S AND BRAZIL'S VOTING POSITIONS

HRC REGULAR & SECTION SESSIONS 2007

		Resolution Voted	Brazil	EU MS	BR x EU	
REGULAR SESSIONS	4 th	Globalization and its impact on the full enjoyment of all HR	Favour	Against	Divergence	
		Strengthening of the Office of the UN High Commissioner for Human Rights	Favour	Against	Divergence	
		Combating defamation of religions	Favour	Against	Divergence	
	5 th Regular Session – No decision adopted by voting					
	6 th	Elimination of intolerance based on religion or belief	Favour	Against	Divergence	
		A global call for concrete action against racism, xenophobia and intolerance	Abstention	Against	Divergence	
		Preparations for the Durban Review Conference	Favour	Against	Divergence	
		International complementary standards to the international convention on the elimination of all forms of racial discrimination	Favour	Against	Divergence	
		HR and unilateral coercive measures	Favour	Against	Divergence	
		HR and international solidarity	Favour	Against	Divergence	
			Religious and cultural rights in the OPT	Favour	Abstention	Divergence
	SPECIAL	6 th	HR violations emanating from Israeli military attacks and incursions in the OPT, particularly in the Gaza Strip	Favour	Against	Divergence

Data from the Human Rights Council Extranet (2013).

5.4.3 Year Three: 2008

From 2008 onwards, the number of HRC resolutions adopted by vote increased significantly, denoting a shift in terms of the decision-making process of the organisation. With a larger number of cases analysed, there were more occasions on which the EU and Brazil converged, yet, during all sessions held in 2008, divergence prevailed in the two actors' engagement at the multilateral level.

Brazil continued to be a very active member of the HRC, acting unilaterally for the most part, except for a few occasions on which the country spoke on behalf of the GRULAC. Being in favour of the largest majority of decisions, Brazil was

against an amendment to the draft resolution L. 24 on the “Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression”, submitted by Egypt, Pakistan and Palestine at the 7th session, and abstained from voting on the resolution on “combating defamation of religions”, as proposed by Pakistan at the 8th session. A bit more proactive than in the previous year, Brazil presented two draft resolutions itself at the 9th session, one on human rights voluntary goals, and another on alternative care for children. Both were adopted, without a vote.

Having been successful at ensuring coherence amongst its member states that were part of the HRC, the EU drafted five resolutions that were adopted in 2008. Together with Japan, Slovenia represented the EU in proposing a text on the human rights situation in North Korea, adopted by a tight majority of votes during the 7th regular session. Slovenia also presented a proposal on human rights in Myanmar on behalf of the EU; adopted without a vote at the 8th regular session. The other contributions of the EU during 2008 were made at the 9th regular session; one resolution concerning Sudan, and two addressing technical assistance and consultative services to Burundi and Liberia.¹³⁴ All three proposals passed without a vote, and were tabled by France in the name of the EU.

Crossing the voting patterns of the two players (table 23), there were four cases of convergence by the EU and Brazil. Three of them are resolutions on which both actors voted favourably (i.e. Israel; North Korea and good governance), with another case being one of shared opposition (the amendment to resolution L.24). Interestingly, at the 7th session, the EU and Brazil co-organised a side event for the first time. On 20 March 2008, the EU and GRULAC promoted a public event entitled “European Union and GRULAC open-ended consultations on Rights of the Child”. Five days later, the two groups gathered again and organised another public event; “Open-ended consultations on the draft resolution: “Missing Persons”. On both occasions, the partnership between Brazil and the EU was indirect, taking place *via* GRULAC.

¹³⁴ The joint proposals are important to level-linkage as they suggest an eventual preference for partners, as explored in details later on this chapter in the assessment of hypotheses 3.

TABLE 23

EU'S AND BRAZIL'S VOTING POSITIONS

HRC REGULAR& SPECIAL SESSIONS 2008

		Resolution Voted	Brazil	EU MS	BR x EU
REGULAR SESSIONS	7 th	HR violations from Israeli military attacks and incursions in the OPT	Favour	Abstention	Divergence
		HR in the Occupied Syrian Golan	Favour	Abstention	Divergence
		Israeli settlements in the OPT	Favour	Favour	Convergence
		Mandate of the working group on the use of mercenaries	Favour	Against	Divergence
		Composition of the OHCHR	Favour	Against	Divergence
		The effects of foreign debt and other related international financial obligations HR	Favour	Against	Divergence
		HR and international solidarity	Favour	Against	Divergence
		From Rhetoric to Reality: a global call for concrete action against racism, xenophobia and intolerance	Favour	Abstention	Divergence
		Combating defamation of religions	Abstention	Against	Divergence
		The right to freedom of opinion and expression	Favour	Abstention	Divergence
		Situation of HR in North Korea	Favour	Favour	Convergence
		Good governance and HR	Favour	Favour	Convergence
		Amendment to draft res. L.24	Against	Against	Convergence
		8 th	Democratic and equitable international order	Favour	Against
The right of peoples to peace	Favour		Against	Divergence	
9 th	HR and international solidarity	Favour	Against	Divergence	
	HR violations from Israeli military incursions in the OPT	Favour	Against	Divergence	
	HR and unilateral coercive measures	Favour	Against	Divergence	
SPECIAL SESSIONS	9 th	Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip	Favour	Against	Divergence
	10 th	The impact of the global economic and financial crises on HR	Favour	Against	Divergence
	11 th	Assistance to Sri Lanka in the promotion and protection of HR	Favour	Against	Divergence
	12 th	The human rights situation in the OPT, including East Jerusalem	Favour	Divided	Divergence

Data from the Human Rights Council Extranet (2013).

5.4.4 Year Four: 10th-12th Regular Sessions (2009)

Paradoxically, although there was no evidence of their substantial cooperation at the HRC from 2006 to 2008, at the bilateral level, the EU and Brazil employed political capital to reinforce their commitment to strengthening their engagement within the international human rights regime, at least at the discourse level. Moreover, in addition to the 2008 Joint Action Plan, the first EU-Brazil High Level Dialogue on human rights, promoted in 2009, is evidence of the fact that new instruments of political cooperation were adopted at the bilateral level, aimed at enhancing it. But did the progress made at that level have any correlation with the manner in which the EU and Brazil cooperated at the HRC from 2009 onwards?

To answer shortly: *no*. In spite of some improvements, EU-Brazil engagement at the multilateral level remained very weak. In terms of individual approaches, the Brazilian performance remained characterised by broad support for most resolutions, with the exception of four abstentions, but without any record of its opposition to any decisions made. A shift was evident in the EU's approach to the HRC. For the first time, EU member states voted in favour of more resolutions than they opposed. Nevertheless, the EU faced a problem of cohesion, with EU member states splitting their positions on resolutions adopted at the 10th regular session that condemned the human rights violations ensuing from Israeli attacks in the OPT. Yet, in all other cases, the EU acted as a cohesive, single block; and, interestingly, EUMS voted alike in other resolutions that related to Israel. No special session in which vote was requested to the adoption of a resolution was held in that year.

TABLE 24

EU'S AND BRAZIL'S VOTING POSITIONS

HRC REGULAR SESSIONS 2009

		Resolution	Brazil	EU MS	BR x EU
REGULAR SESSIONS	10 th	Technical cooperation in Congo	Favour	Against	Divergence
		Defamation of religions	Abstention	Against	Divergence
		HR in Congo	Favour	Abstention	Divergence
		HR in the Occupied Syrian Golan	Favour	Abstention	Divergence
		Israeli settlements in the OPT	Favour	Favour	Convergence
		Israeli attacks in the OPT	Favour	Divided	n/a
		Convention on the Elimination of Racial Discrimination	Favour	Against	Divergence
		Composition of the staff of the OHCHR	Favour	Against	Divergence
		The use of mercenaries	Favour	Against	Convergence
		HR in DPR of Korea	Abstention	Favour	Divergence
		Protection of HR while countering terrorism	Favour	Favour	Convergence
		Torture and inhuman treatment or punishment: The role of health personnel	Favour	Favour	Convergence
		Reports of the Sub-Commission on HR	Abstention	Favour	Divergence
		Discrimination based on and its impact on the enjoyment of economic, social and cultural rights	Favour	Favour	Convergence
		HR violations in the OPT	Favour	Abstention	Divergence
	11 ^h	The right of peoples to peace	Favour	Against	Divergence
		The effects of foreign debt and other international financial obligations of States on HR	Favour	Against	Divergence
		HR in Sudan	Favour	Favour	Convergence
		Amendment to the text of resolution on Sudan	Favour	Favour	Convergence
	12 th	HRs and international solidarity	Favour	Against	Divergence
		Promoting HRs and traditional values of humankind	Abstention	Against	Divergence
		HR and unilateral coercive measures	Favour	Against	Divergence
		The right to development	Favour	Against	Divergence
		The effect of foreign debt on HR	Favour	Against	Divergence

Data from the Human Rights Council Extranet (2013).

5.4.5 Year Five: 13th-15th Regular Sessions (2010)

Whilst the Strategic Partnership evolved at the bilateral level, there continued to be no relevant signs of a change in the pattern of EU-Brazil cooperation at the HRC. In 2010 the two actors did not present a single joint-proposal nor co-sponsored a side-event in any of the three regular sessions of the HRC. Casting even more shadow on the prospects of an eventual improvement on pattern of EU-Brazil engagement at the multilateral level, they continue adopting very different approaches to the resolutions voted. Not counting resolutions adopted by consensus, the positions of the EU and Brazil diverged on 12 of the 19 resolutions voted on in the three regular sessions held in 2010. Once more, in 2010, no special session took place at which a vote was requested.

In terms of individual approaches, both actors delivered several statements on many of the points of the agenda of the meetings. The EU contributed with a draft proposal on Myanmar, presented by Spain, adopted without a vote at the 13th session. Brazil formed two unusual alliances at that session. Firstly, with Nigeria, which represented the African Union, Brazil tabled a text on sports and racism. Secondly, Brazil joined Bosnia and Herzegovina, Egypt, Germany, Nigeria, and the Philippines in tabling a resolution on the trafficking of persons; both proposals were adopted without a vote. Yet, the most interesting feature of the 13th session, with regards to this thesis, was the first sign of (indirect) engagement between the EU and Brazil in suggesting resolutions. Spain, on behalf of the EU, joined Uruguay, which acted for the GRULAC, in jointly proposing a resolution on fighting sexual violence against children. With Brazil being part of the GRULAC, this could be considered to be the first proposal drafted by the two actors. Moreover, at the 13th regular session, the EU and GRULAC co-organised a side event, this time being “open-ended informal consultations on draft resolution on the rights of the child.”

The EU also joined Japan in tabling a text on Korea, and presented a proposal unilaterally, again through Spain, addressing the human rights situation in

Myanmar; both texts were adopted without a vote. Nevertheless, confirming that the incident of non-cohesion seen in 2009 was not isolated, the EUMS part of the HRC failed to reach a consensus on two resolutions voted on in 2010 that related to Israel.

TABLE 25 EU'S AND BRAZIL'S VOTING POSITIONS
HRC REGULAR SESSIONS 2010

		Resolution	Brazil	EU MS	Br x EU
REGULAR SESSIONS	13 th	Combating defamation of Religions (A/HRC/13/L.1)	Abstention	Against	Divergence
		HR in the occupied Syrian Golan	Favour	Against	Divergence
		Situation of HRs in Korea	Favour	Favour	Convergence
		Composition of staff of the OHCHR	Favour	Against	Divergence
		Right of the Palestinian people to self-determination	Favour	Favour	Convergence
		Israeli settlements in the OPT	Favour	Favour	Convergence
		HR violations by Israel in the OPT	Favour	Against	Divergence
	14 th	Follow-up to the report of the UN the Gaza Conflict	Favour	Divided	n/a
		Attacks by Israeli Forces Against the Humanitarian Boat Convoy	Favour	Divided	n/a
		The right of peoples to peace	Favour	Against	Divergence
	15 th	The effects of foreign debt on HR	Favour	Against	Divergence
		HR and unilateral coercive measures	Favour	Against	Divergence
		The right to development	Favour	Favour	Convergence
		Working group on private military and security companies	Favour	Against	Divergence
		The use of mercenaries as a means of violating HR	Favour	Against	Divergence
		HRs and international solidarity	Favour	Against	Divergence
		Follow-up resolution to the report of the Fact Finding Mission	Favour	Abstention	Divergence
		Follow up to the report on HR Law	Favour	Abstention	Divergence
	Amendments to Resolution A/HRC/15/L.3 (on Sudan)	Favour	Favour	Convergence	

Data from the Human Rights Council Extranet (2013).

5.4.6 Year Six: 16th-17th Regular Sessions (2011)

Brazil participated in the first two regular sessions and the 16th special session held in 2011, after which its membership expired. In much the same pattern of engagement that defined Brazil's participation during the five previous years, the country delivered statements in the meetings, unilaterally on the most part, and did not object to any of the resolutions adopted. Moreover, Brazil's contribution of direct proposals was restricted to one resolution, on human rights in the context of HIV/AIDS, which was presented unilaterally and adopted without a vote at the 16th regular session.

On the other hand, 2011 was the year in which the EU contributed the most to the HRC. Always being represented by Hungary, the EU proposed five of the resolutions adopted in the regular sessions, three of which were tabled in alliance with other members of the HRC. Together with Japan, the EU was responsible for a text on Korea; whilst, with GRULAC/Uruguay, the EU drafted a proposal on the rights of children. Joining Canada and the US, the EU tabled a text on the cooperation between Tunisia and the Office of the High Commissioner for Human Rights (OHCHR). The EU put forward an independent text on Myanmar, and another on freedom of religion or belief. All of these five resolutions were adopted at the 16th regular session without a vote, except for the text on Korea, which was subjected to a vote. Nevertheless, the EU still faced a problem of internal cohesion, with EUMS not agreeing on a common position regarding the incident of the humanitarian flotilla.

The 16th regular session was, however, the period during which the EU and Brazil engaged more closely. Despite the fact that they did not present any joint proposals, cooperation occurred within a less formal context; during the side events. The EU and GRULAC co-organised four events. Three meetings were private, informal consultations, whereas one was "informal consultations on draft resolution on the rights of the child". Again, Brazil was represented by GRULAC, thus, its cooperation with the EU remained indirect.

At the 17th regular session, Brazil demonstrated the same approach, this time contributing one resolution, on physical and mental health, tabled along with India, Egypt, and South Africa, and adopted without a vote. The EU also only proposed one text, a document on the human rights situation in Belarus that was appraised as a recommendation rather than a resolution.

In 2011, the two partners adopted the same position for the first - and only - time, over a resolution adopted at the special session of the HRC. Nevertheless, the same pattern of EU-Brazil engagement (or lack thereof) registered in previous years also repeated itself during 2011. In the year during which cooperation at the HRC was finally made explicit, in the joint declaration of a EU-Brazil Summit, the two actors could actually only agree on three resolutions that were touched upon: the Israeli-Palestinian conflict; the human rights in Syria and the right to development (Table 26). Brazil then left the HRC, no longer able to be considered a partner of the EU at the HRC.

TABLE 26

EU'S AND BRAZIL'S VOTING POSITIONS

HRC REGULAR SESSIONS 2011

		Resolution	Brazil	EUMS	BR x EU	
REGULAR SESSION	16 th	HRs in the occupied Syrian Golan	Favour	Abstention	Divergence	
		Situation of HRs in the DPR of Korea	Favour	Favour	Convergence	
		Follow-up to the report on the incident of the humanitarian flotilla	Favour	Divided	n/a	
		Promoting HR through the understanding of traditional values	Abstention	Against	Divergence	
		Right to Development	Favour	Favour	Convergence	
		The effects of foreign debt on HR	Favour	Against	Divergence	
		Composition of staff of the OHCHR	Favour	Against	Divergence	
		HR in Iran	Favour	Favour	Divergence	
		Violations by Israel in the OPT	Favour	Abstention	Divergence	
		Right of the Palestinian people to self-determination	Favour	Favour	Convergence	
		Israeli settlements in the OPT	Favour	Favour	Convergence	
		Follow-up to the report of the UN on the Gaza Conflict	Favour	Abstention	Divergence	
		The mandate of the Independent expert on HR	Favour	Against	Divergence	
	17 th	Independent Expert on HR and international solidarity	Favour	Against	Divergence	
		Effects of financial obligations on HR	Favour	Against	Divergence	
		Incident on the humanitarian Flotilla	Favour	Divided	n/a	
		HR, sexual orientation and gender identity	Favour	Favour	Convergence	
		Non-repatriation of funds of illicit origin	Favour	Abstention	Divergence	
		HR in Belarus	Favour	Favour	Convergence	
		Migrants and asylum seekers from North Africa	Favour	Against	Divergence	
		The right of peoples to peace	Favour	Against	Divergence	
	SPECIAL	16 th	The current HR situation in the Syrian Arab Republic in the context of recent events	Favour	Favour	Convergence

Data from the Human Rights Council Extranet (2013).

5.4.7 EU & Brazil: Partners at the HRC?

In spite of the several official statements issued and the instruments adopted at the bilateral level over the past decade, all reinforcing the mutual understanding of the promotion of human rights not only as a shared value, but also as one of the principles underpinning EU-Brazil cooperation, this section has provided empirical evidence that the discourse does not match practice, as there was no evidence of enhanced cooperation at the HRC. As far as the first six years of HRC activity are concerned, Brazil and the EU could not be considered partners in the international human rights regime.

From the 113 resolutions voted on in the 17 regular sessions and nine special sessions analysed here, Brazil and the EU adopted the same position just 25 times, voting differently on 85 resolutions. Brazil's total voting over the period accounted for 103 votes in favour, 1 against and 9 abstentions, whereas the EU racked up 30 votes in favour, 62 against and 16 abstentions, whilst failing to achieve cohesion amongst its member states on five occasions. Upon crossing the two positions, as table 27 summarises, the number of divergences in EUMS-Brazil voting is superior to that of similar votes for almost all of the regular and special sessions that took place.

TABLE 27

EU'S AND BRAZIL'S VOTING POSITIONS

HRC 1ST-17TH REGULAR SESSIONS (2006-2011)

Regular Session	N. of Resolutions Voted	Convergence	Divergence	N/a
1 st	3	1	2	0
2 nd	6	1	5	0
3 rd	3	0	3	0
4 th	3	0	3	0
5 th	-	-	-	0
6 th	7	0	7	0
7 th	13	4	9	0
8 th	2	0	2	0
9 th	3	0	3	0
10 th	15	5	9	1
11 th	4	2	2	0
12 th	5	0	5	0
13 th	8	3	4	1
14 th	3	0	2	1
15 th	8	2	6	0
16 th	13	4	8	1
17 th	8	2	5	1
Total	104	24	75	5
Special Session	N. of Resolutions Voted	Convergence	Divergence	N/a
1 st	1	0	1	0
2 nd	1	0	1	0
3 rd	1	0	1	0
6 th	1	0	1	0
9 th	1	0	1	0
10 th	1	0	1	0
11 th	1	0	1	0
12 th	1	0	0	1
16 th	1	1	0	0
Total	9	1	8	0
Total (R+S)	113	25	82	6

Interestingly, when comparing the resolutions on which the two actors adopted similar positions, it becomes clear that occasions of convergence cannot be attributed to a particular scope of the resolutions. Cases of convergence and divergence were registered in decisions that addressed institutional matters, horizontal themes and country-specific issues. In any case, *a convergence of votes is interpreted as a compatibility of approaches, rather than the product of cooperation between the two players. Thus, real evidence of a partnership at the multilateral level would be their submission of joint proposals. Yet, over the period analysed, the EU and Brazil did not present a single draft resolution together, and the closest the two actors got to an alliance was when the EU and GRULAC (represented by Uruguay) tabled a text conjointly. Moreover, in addition to being very heterogeneous in terms of areas of engagement, the irregularity in the compatibility of the two actors' positions is also evident over the period analysed.*

The same irregular pattern of EU-GRULAC cooperation was identified when analysing the side events that took place in parallel to the regular sessions of the HRC. Despite the fact that these informal meetings take place every day of the three weeks of each regular session, there were only seven occasions on which GRULAC and the EU jointly promoted these events:

TABLE 28

SIDE-EVENTS: 1-17 HRC REGULAR SESSIONS

(2006-2011)

Regular Session	Date	Organisers	Subject	Type
1 st	20 Mar 2008	Uruguay, the European Union and GRULAC	European Union and GRULAC open-ended consultations on Rights of the Child	Public
	25 Mar 2008	Uruguay (on behalf of GRULAC) and Slovenia (on behalf of the European Union)	Open-ended consultations on the draft resolution : "Missing Persons"	Public
12 th	12 Mar 2010	Uruguay (on behalf of GRULAC) and the European Union	Open-ended informal consultations on draft resolution on the rights of the child	Public
16 th	10 Mar 2011	European Union and GRULAC	Informal consultations	Private
	11 Mar 2011	European Union and GRULAC	Co-sponsor meeting	Private
	14 Mar 2011	European Union and GRULAC	Co-sponsor meeting	Private
	16 Mar 2011	European Union and GRULAC	Informal consultations on draft resolution on the rights of the child	Public

Data from the Human Rights Council Extranet (2013).

These events do reveal a certain level of cooperation between the EU and Brazil of a more informal nature, but very limitedly, due to three core reasons. Firstly, despite the relevance of these events in introducing and enhancing the debate on certain issues within the agenda of the HRC, by no means do they hold the same political and legal weight as resolutions. Secondly, the participation of Brazil in these co-sponsored events was always indirect. One could justify this fact with the argument that Brazil tends to promote side events through GRULAC. Yet, when looking at the agendas of these events, I found out that GRULAC joined other parties in promoting events on only nine occasions, including the seven events organised with the EU. GRULAC met alone 38 times. In addition to these events, Brazil alone organised 45 events, and acted with other parties six times (excluding GRULAC and/or EU). This evidence shows that, in addition to regularly acting through GRULAC, Brazil is also a unilateral player. Interestingly, the EU adopted a similar approach, promoting 129 side events alone and only eight in coordination with other parties (including GRULAC). The third reason why the events co-organised by the EU-GRULAC are a limited indicator of EU-Brazil

cooperation at the HRC is that they were never directly organised by Brazil, despite the fact that the country has a good record of promoting events without the support of GRULAC. For this reason, these informal meetings are more an indication of partnership between the two regional groups, than between the EU and Brazil.

Within this context, it can be concluded that the EU and Brazil cannot be considered partners at the HRC, but also that the efforts made at the bilateral level to foment cooperation in the multilateral arena have not been reflected by any concrete change in the degree of their engagement at the Council. In light of this, this thesis claims that *there was no level-linkage in EU-Brazil cooperation on human rights*.

In order to explain this outcome, the next section assesses the process of level-linkage, breaking up its analysis into the four hypotheses that underpin the concept of level-linkage proposed by the thesis.

5.5 Assessing Level-Linkage in Human Rights

5.5.1 The Regime Type

A *spillover* from DBLCM to the multilateral level depends on the degree to which the international human rights regime is open to influences from other levels of cooperation. The type of regime is the first variable this thesis claims impacts on the outcome of level-linkage in human rights.

Grounded in the 1946 UN Declaration of Human Rights (Buerghenthal 1997: 704), the human rights regime that exists under the UN umbrella can be considered well-established. Constituted by a range of charter-based bodies that address cooperation within this issue-area, the regime is also highly institutionalised and polarised. The HRC is one of the primary platforms for EU-Brazil interaction at the multilateral level, but not the only one. The development

of multilateral cooperation on human rights is not centralised within the remit of one core institution. This dynamic forces the HRC to operate with a certain amount of flexibility and openness.

The structure of the HRC promotes the direct engagement of its members, not only in terms of decision-making but also through the participation of representatives of states in the composition of the different bodies that form the bureaucratic organisation of the Council. Holding significant power over the framing of multilateral cooperation, these international actors have more incentives and capacity for the implementation of strategies that combine approaches to cooperation at different levels, as there are few institutional constraints to an actor's ability to transpose its preferences at the bilateral level to the multilateral level.

The decision-making of the sessions of the HRC is mixed, as resolutions are adopted by a simple majority of votes, or are not subjected to voting at all. Another characteristic of this process is the fact that, whereas proposals can be tabled on the initiative of a single party, they require the support of a majority of members in order to be included in the agenda of the session. This structure has a twofold impact on the behaviour of the HRC, as members have relative freedom to act unilaterally, but are also forced to forge alliances with other parties in order to promote their own agenda and interests. This exercise of policy coordination with third parties can be eased if initiated at other levels, as actors would arrive at the multilateral arena with a certain number of allies, enhancing the prospects of gains from multilateral cooperation. In strengthening a relationship at the bilateral level, two actors willing to cooperate at the HRC would have to transpose this alliance to the multilateral level, rather than forging a multilateral partnership from scratch. Despite the existence of constraints to this *spillover*, there are certainly incentives for positive level-linkage.

An alliance at the bilateral level that would address issues dealt with at the HRC would depend on whether or not the multilateral agenda could be exported to other levels of cooperation. Addressing a wide variety of issues, the HRC covers issues ranging from those that are country-specific, to cross-national global

problems, to institutional matters. At the organisation, these topics are dealt with under a political approach, as the text of the resolutions and the reports of the regular sessions reveal. In spite of evident references to international law and UN procedures, the complexity of these discussions is relatively low in respect to technical/institutional details. Thus, the agenda of the HRC can be more easily exported to other levels, as it does not require agents to have a sophisticated understanding of so-called technical/institutional aspects in order for them to discuss multilateral human rights issues. This stands in contrast with the very technical agenda of WTO negotiations, for instance.

Another aspect of the international human rights regime that favours positive level-linkage is actually one of its weaknesses: the lack of power of enforcement. As Jack Donnelly defines, the human rights regime is:

a relatively promotional regime, composed of widely accepted substantive norms, largely internationalized standard-setting procedures, some general promotional activity, but very limited international implementation, which rarely goes beyond information exchange and voluntarily accepted international assistance for the national implementation of international norms (Donnelly 1986: 613-614).

The inability of the HRC to enforce the resolutions it adopts places, once again, a significant share of responsibility to promote the international human rights regime in the hands of states, as well as regional organisations like the EU. If “international action to increase domestic protection for human rights succeeds only when they alter the domestic calculations of governments” (Moravcsik 1995:160), DBLCM creates more incentives for compliance with multilateral commitments. The reasons for that are manifold. Firstly, the bilateral agendas are generally based on international agreements signed at the UN level; if these principles and responsibilities undertaken at the UN are observed at other levels, there is an increase in the legitimacy of the regime. Secondly, assuming that bilateral cooperation aims at improving human rights situations within the jurisdiction of the two partners, it would contribute to the promotion of human rights by default, assisting the multilateral regime to meet its primary goal. Finally, enhancing the profile of human rights in a bilateral context increases the visibility

and the exposure of domestic human rights. National governments are subjected to greater peer pressure to be held accountable for these “internal” problems. In agreeing to discuss domestic issues bilaterally, actors are more prone to accept these discussions at the multilateral level too, leading to the increased domestic protection of human rights.

Overall, all the elements analysed here suggest that the international human rights regime favours positive level-linkage as the institutional framework, the normative content and the agenda of the HRC all facilitate a projection of negotiations from the multilateral level to the bilateral level, simultaneously creating the conditions for DBLCM to successfully influence that undertaken at the multilateral level. Nevertheless, the “regime type” variable alone does not suffice to promote a positive outcome for level-linkage in EU-Brazil cooperation on human rights, as the analysis of the chapter claimed a neutral result for this process. Explanations for neutral level-linkage may be found in the last three hypotheses of the thesis.

5.5.2 The Compatibility of Approaches

Since the inception of human rights in the framework of EU-Brazil relations in 1992, the recognition of democracy and human rights as shared values between the two partners has been stressed in nearly all political documents and declarations that provide the basis for their bilateral cooperation. Furthermore, the emphasis on BCML has increased as the EU-Brazil Strategic Partnership evolves, as the two partners have recently committed to work jointly for the strengthening of the HRC. Nevertheless, the EU and Brazil have never defined a common approach to the international human rights regime. Consequently, their engagement at the HRC remains limited to the extent to which their foreign policies at the multilateral level converge. Exploring this compatibility of approaches allows for understanding the limits to and potential for enhanced DBLCM having a positive impact on BCML, thus influencing the outcome of level-linkage.

The EU's approach to the HRC is defined by its interest in asserting its role as an international actor highly committed to and actively engaged with the promotion of universal human rights, as suggested by Article 21 of the TEU:

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

In light of this, the EU supports a strong multilateral human rights regime that makes states accountable for their human rights violations, with impartiality and autonomy. Accordingly, the EU claims to pursue the development of bilateral and multilateral partnerships with third countries and organisations that share its values, particularly at the level of the UN. Yet, as this chapter has shown, the level of success guaranteed by this strategy can be contested.

Like the EU, Brazil's intrinsic interest in affirming its identity as an international actor committed to human rights is also grounded in a legal basis, as Article 4 of the 1988 Federal Constitution establishes the respect of human rights as one of the core principles that governs Brazilian international relations. Thus, it can be claimed that the EU and Brazil both consider the promotion of human rights and democracy to be central objectives of their foreign policies. Consequently, the engagement of the two partners with the HRC is grounded in a solid basis, and is part of a long-term strategy rather than an occasional, punctual motivation, a fact which favours the prospects of an EU-Brazil alliance at the HRC. Nevertheless, believing in the importance of a strong multilateral system to promote human rights globally does not imply a common understanding on the rules and norms that define multilateral cooperation. Having a compatible agenda is another crucial aspect that allows bilateral cooperation to take place in practice at the HRC. Here, however, the convergence between the two actors' approaches is more limited, as will be demonstrated.

As Karen Smith notes, when supporting the creation of the Council, the EU advocated in favour of incorporating human rights situations as one of the items on

the Council's permanent agenda (Smith 2010: 227-237). This position derived from its support of "country-resolutions", which was in clear contrast with the reluctance of developing countries (including Brazil) on the adoption of such an instrument. Additionally, the EU has a relatively selective approach to country-specific issues, which has cost the EU isolation and criticism.

But, as was revealed in the previous section, even if EUMS have almost always acted on the basis of what could be considered a common EU agenda, this has not precluded its attempts to engage with other actors. Karen Smith observes that the EU's strategy has focused on a "consensus-building approach", which has proved to be effective on several occasions. Risking compromising the promotion of its model of regime for the sake of reaching an agreement, the EU has supported measures that have high chances of approval by other parties. Moreover, the EU has avoided submitting its proposals to voting and carefully tailors the texts of its draft resolutions to contemplate the demands of all members (Smith 2010: 232).

The analysis of the EU's positions in the resolutions voted on at the HRC sessions analysed here reinforces the argument of the EU's strategic selectiveness when contributing proposals. In addition to the resolutions drafted by the EU that passed with no vote or by consensus, the small number of EU proposals that were subjected to the voting of member states was approved, granting the EU a full success rate. Yet, there seems to be no reciprocity in terms of support at the HRC. The evidence being that EUMS voted against the majority of the 113 resolutions (62 votes against) adopted at the sessions analysed. By adopting a discriminatory approach to proposals taken to the HRC, the EU has risked distancing itself from other members, which has contributed to the perception of the EU as an actor that obstructs the activities of the HRC.

Brazil, on the other hand, adopted the opposite position. Voting in favour of most resolutions (85), however, does not imply unconditional support of an incisive approach to the enforcement of human rights. On the contrary, as Paulo Sergio Pinheiro (2000: 30-32) contends, Brazil acknowledges the universality of these rights but argues that they should be dealt with parsimony, observing the context of each country. Critical of a "North-South" divide in the agenda of

multilateral organisations, which has led to a politicisation of the international human rights regime, Brazil advocates that the most appropriate instrument for enforcing the promotion of human rights in domestic spheres is open dialogue with the parties involved (Pineiro 2000: 30-32). In this same line of thought, Celso Amorim argues that Brazil defends a position of “non-indifference”, but respects the principles of non-intervention and the sovereignty of states. This approach is summarised as a “positive agenda” (Amorim 2009), an expression incorporated in the Brazilian diplomatic discourse which usually refers to a non-confrontational approach to cooperation on human rights.

Scrutiny of Brazil’s position at the HRC suggests that this “positive agenda” has been practically translated as an approach that avoids obstructing the activities of the HRC, but that is also very careful about making direct accusations when not backed by the majority of members. Furthermore, the country has a poor record of proposing resolutions, either alone or in conjunction with other parties, suggesting that the prioritisation of the principle of non-interference limits Brazil’s interest in contributing more effectively to the HRC as far as identifying violations by individual states is concerned.

To summarise, it can be said that the two actors adopt similar approaches to the HRC, but strongly diverge in terms of their choice of strategies. Both the EU and Brazil have largely been unilateral players at the HRC, and have not consolidated any strong alliances with other members. Also, the two actors have clearly defined principles that underpin their external policies on human rights. Yet, although both players have revealed genuine interest in the strengthening of the multilateral human rights regime, they diverge in terms of the principles that should provide the basis for international cooperation in this realm. As a result, their strategies diverge, with the EU being more incisive in promoting its agenda and revealing its preferences, whilst Brazil has been less prone to taking sides within the HRC. Due to these different perspectives on how to engage with the HRC, and their lack of a common agenda, cooperation between Brazil and the EU is limited to those issues which they consider able to be legitimately addressed at the multilateral level, but is also restricted to the occasions on which their strategies converge. This limitation is exemplified not only by the lack of joint EU-

Brazil proposals of resolutions, but also by the very poor record of side-events they co-sponsored. In the light of this, the “compatibility of approaches” variable strongly impacts on level-linkage.

5.5.3 Foreign Policy-Making Processes

This thesis claims that the prospects of a connection between the bilateral and the multilateral levels of EU-Brazil cooperation depend on the processes and structures through which they develop their external human rights policies. Arguably, the more integrated the policy-making of the two levels, the more likely level-linkage is to occur. To assess this hypothesis, I analyse the bureaucratic organisations of the EU and Brazil, focusing on two of their defining elements: distribution of competences and hierarchy.

The first element identified is the decentralised structure of the foreign policy-making processes of the two actors. As on climate change and trade, the institutional arrangements of the EU and Brazil are both grounded in a division of labour that allocates competences over bilateral and multilateral human rights policies to different agents and agencies. In the case of Brazil, these competences are relatively well centralised in the *Itamaraty*, but distributed across its units in Brasilia, Brussels and Geneva. Communication between these different agencies ensures certain internal coordination, yet there is a clear division of labour in Brazilian policy-making, as those engaged in the process of forming bilateral policies do not take part in the development of the Brazilian approach at the HRC.

In the case of the EU, the conditions are even less favourable for level-linkage. The first obstacle is the lack of definition on the legal competences of the EU over external human rights policy. As a result, the Council of the European Union has shared the human rights agenda, firstly with European Commission, and now with the EEAS. Between these two agencies there is a division of labour. Whereas the Council, predominantly through the COHOM, defines the core guidelines for a European approach to human rights, the EEAS is in charge of

incorporating these “policies” into the EU’s external relations. Until the entry into force of the Lisbon treaty, DG RELEX conducted EU bilateral cooperation with Brazil, both in Brasilia and Brussels. Currently, these tasks have been taken on by the EEAS offices in both capitals. The EU’s representation in Geneva was shared by the Council and the European Commission but, since Lisbon, it has been centralised by the EEAS delegation. Within this institutional framework, there is more internal coordination in the making of the EU’s external human rights policy addressing both the bilateral and the multilateral levels. More centralisation did not, however, bring about a change in its hierarchical nature. As a staff member from the EEAS in explained, EU bureaucrats dealing with bilateral relations hold meetings with representatives from the Council of the European Union and report to the EU delegation in Geneva on their activities; however, they do not have influence in the making of multilateral policies.¹³⁵

The negative impact of the fragmented EU on level-linkage is enhanced when one considers that a EU policy is subject to the political will of all EU members. Whereas the EU has relatively autonomy with which to pursue bilateral cooperation with Brazil, at the HRC the capacity of the EU to engage with Brazil depends on the individual preferences of each its member states. As demonstrated in the previous section, the EU has a high record of internal cohesion on a “EU position” at the HRC. Yet, considering the fragmentation and hierarchical structure of EU’s foreign policy-making, projecting bilateral cooperation onto the multilateral level is especially challenging in the case of human rights. This is because conditioning a (multilateral) policy that is the outcome of bargaining and negotiations of EUMS to a bilateral policy, over which the EU institutions have more competence and autonomy to pursue would imply not only changing the hierarchical structure that currently conditions the bilateral level to the multilateral level, but also delegating the EU more responsibility over external human rights policy, consequently reducing the power of EUMS over this agenda.

The decentralised and hierarchical characteristics of the foreign policy-making of the EU and Brazil are reflected in the agenda of their policy-makers.

¹³⁵ Interview n.08 July 2011.

Scrutiny of the EU-Brazil bilateral agenda on human rights suggested that few multilateral issues were raised at the bilateral level, though it is almost inevitable that the topics discussed bilaterally broadly fit the agenda of the HRC. Yet, in addition to the dialogue over global issues, the bulk of DBLCM focused on matters that are very specific to EU-Brazil relations and which were not being addressed at the multilateral level. Furthermore, the inception of more multilateral themes in the political agenda of the Strategic Partnership enhances the need for the processes of bilateral policies to take into better account the partners' approaches at the HRC. However, given that bilateral cooperation on multilateral issues has not gone beyond the exchange of views, communication between policy-makers and agencies responsible for bilateral relations with those in charge of multilateral issues remains minimal in the case of both partners.

Against this backdrop, it can be concluded that the policy-making variable does impact (negatively) on the outcome of level-linkage in EU-Brazil cooperation on human rights, as predicted by the third hypothesis of the thesis.

5.4.4 Preference for Partners

The development of EU-Brazil relations over the period analysed here has led to an enhancement of the profile of their engagement at the bilateral level, now framed in terms of a Strategic Partnership. Yet, a *spillover* from DBLCM to the multilateral level requires the two actors to also consider their engagement “strategic” at the HRC. Preference for partners is, as such, the third element this thesis investigates on terms of its impact on level-linkage.

The formal organisation of the HRC creates institutional constraints on the establishment of preference for partners. The allocation of membership in terms of regional groups induces actors to coordinate their election to the HRC with other

members of the same group, although not all groups operate in this way.¹³⁶ With a restricted membership, actors need to reason with their peers as to their candidacy to the HRC and their representation within the bodies of the organisation. In this regard, the EU and Brazil enter the multilateral arena on different sides. Whereas Brazil joins Latin American countries in the GRULAC group, the EU is indirectly represented by its member states, which are distributed across three other geographical groups (Asia, Eastern Europe and WEOG).¹³⁷ In addition, the EU has the status of an international organisation *per se*, which creates an opportunity for its further engagement with the HRC. The formal institutional arrangement of the HRC thus isolates the EU and Brazil; in order to become preferential partners, the two actors would have to break with this structure. Once part of the Council, members have no formal obligation to act in groups; preferences for partners are not bounded to a regional group.

The analysis of negotiations at the HRC has revealed that the preferences of the EU and Brazil have not been restricted to regional groups and have varied according to the issue at stake. Moreover, both actors have adopted a rather unilateral approach to the HRC, and the number of draft proposals the EU and Brazil have presented alone is an evidence of this claim.

The analysis of the official reports of the 17 first regular sessions of the HRC, allowed for the observation that Brazil has delivered statements expressing its position on the vast majority of issues addressed in these meetings. Occasionally speaking on the behalf of other members, Brazil represented the GRULAC group on some occasions, yet the majority of its statements were issued unilaterally. In terms of the process leading to the adoption of the resolutions voted on in these sessions, there were even fewer signs of a real preference for specific partners. Out of the few proposals drafted by Brazil, none was in conjunction with another HRC member.

¹³⁶ Coordination is more frequent in the case of Latin America, than in the WEOG, for example.

¹³⁷ Malta is the only EU member state to belong to the Asia group. Thus, EU presence in this regional group is of significantly less importance than its membership of the other two groups.

If there is no evidence of a choice for partners when drafting proposals, there is also no indicator of an inclination to favour any specific alliance when assessing Brazil's support for the resolutions voted on. That is because Brazil voted in favour of the vast majority of texts discussed, regardless of the proponent. Inverting this exercise and looking at the proposals that Brazil has opposed or abstained on, there is also no suggestion of preferences. In light of this, it can be argued that Brazil has adopted a rather independent approach at the HRC, with no clear partners. Arguably, this approach reflects the country's understanding that the enforcement of human rights should be grounded in an open dialogue with all countries on a non-confrontational basis. This lack of strong preference for partners could potentially enhance the prospects for Brazil to pursue the strengthening of its collaboration with the EU at the HRC. Yet, an alliance within the multilateral arena would also depend on the EU's preferences.

Acting through its status as an international organisation, the EU has participated in the 17 regular sessions rather actively. Additionally, the EUMS that are part of the HRC have delivered statements on behalf of the EU, on almost all issues of the agenda of the 17 special sessions, asserting the EU's role as a political group in itself. Occasionally, the EU's position represented that of other countries, mostly those considered "acceding countries", "candidate countries", "countries in the process of stabilization and association process", as well as "potential candidates". This coordination suggests that the EU has articulated a common position with these actors over certain issues.

The positions adopted in the voting sessions reveal that the EU also approaches the Council with relatively high autonomy and independence from any strong alliance, like Brazil. The difference between the two actors is that, whereas Brazil has largely favoured the resolutions proposed, the EU voted against most of them, regardless of the proponent. Additionally, the EU submitted more draft resolutions than Brazil, either unilaterally or in conjunction with other parties. The EU predominantly tabled proposals alone, but also joined Japan on two occasions and has drafted texts together with Algeria, Canada, the US, and Uruguay, the latter being a EU partner once as an individual member and, on another occasion, representing GRULAC. The heterogeneity of this range of alliances suggests that

the EU has no clear preference for partners when proposing resolutions. Thus, the EU's approach creates the conditions for the strengthening of cooperation with Brazil. It is striking to observe that, in spite of the openness of the EU and Brazil to articulating their positions in partnership with a variety of countries with diverse backgrounds and plural political agendas, the EU and Brazil have not asserted any form of partnership at the HRC.

As neither of the players have a preference for partners, the potential obstacle for a EU-Brazil alliance at the HRC is that both actors are defined as independent players and have adopted a largely unilateral approach at the HRC. Enhancing EU-Brazil BCML to the point in which the two countries would work together systematically would require them to review the foreign policy strategies they individually adopt in order to engage with the HRC. The EU and Brazil would have to re-think their unilateralism and autonomy, becoming more prone to long-standing alliances with any party. Once they undergo such a change, the question would be whether or not the EU and Brazil would still perceive their specific ties as preferential, favouring their bilateral relations at the HRC over prospective collaborations with other members. So far, it can be concluded that the "preferences for partners" impacts on level-linkage in EU-Brazil cooperation on human rights, as neither of the two actors has opted to pursue any alliance at the HRC, including with each other.

5.5 Conclusion

In order to understand level-linkage on human rights, this chapter explored the development of EU-Brazil DBLCM and at the multilateral level, and assessed the correlation between the two levels. Focusing on the sessions of the HRC held between 2006 and mid-2011, the first section briefly introduced the regime, presenting the structure of the institutions and the way in which each actor formally engaged with its institutional framework. Once the scene was set, the chapter entered the domain of EU-Brazil cooperation on human rights. The first part of this

section provided an account of activities at the bilateral level since human rights appeared in their bilateral agenda, back in 1992. Moving onto the multilateral arena, the analysis was centred in the HRC and explored the first 17 regular sessions, looking at the nine special sessions during which resolutions were adopted by vote. In addition, this chapter assessed a totally of 284 side events in which the EU and/or Brazil were involved in the organisation. Breaking the analysis up into the two levels of cooperation allowed for the defining of the outcome of level-linkage on EU-Brazil cooperation on human rights. To explain this result, the last section of the chapter addressed this issue and explored how each of the four variables accounts for level-linkage in this issue-area.

Human rights only appeared in the framework of bilateral relations in 1992, more than 30 years after diplomatic ties between the two actors was established. Ever since, the development of DBLCM in this field can be divided into two phases. The first extended until the adoption of the second Country Strategy Paper, in 2006, and was characterised by an almost-exclusive focus on “domestic” issues concerning Brazil’s human rights situation. The second and current phase started with the re-framing of bilateral relations by the Strategic Partnership, celebrated in 2007, and is marked by the diversifying of the bilateral agenda. Firstly, there is an emphasis on issues that are not only related to Brazilian problems, but that are relevant for both partners’ domestic human rights policies (e.g. LGBT rights), or that are particularly related to their relationship (e.g. migration). Secondly, the EU and Brazil have adopted new instruments of dialogue on human rights, and have placed greater emphasis on the debate over issues addressing the multilateral level. More recently, the two actors have stressed their commitment to jointly cooperate at the HRC, strengthening the role of the institution in the promotion of human rights. Adjusting their relationship to that of an “equal partnership” and enhancing the profile of human rights in the agenda of EU-Brazil relations, it would be expected that these changes in DBLCM would have a positive impact on BCML, eventually affirming an EU-Brazil partnership at the HRC. That was not the case.

The two actors never presented a joint proposal and largely adopted diverging approaches to the resolutions. With Brazil supporting the large majority of texts and the EU objecting to most of them, there were limited occasions on

which the two partners had similar positions. Furthermore, there is no consistency in terms of the issues they have cooperated on, in contrast to the clear definition of their agenda of DBLCM. Additionally, from a chronological perspective, it can be observed that the pattern of their cooperation remained relatively unchanged over the period analysed. Whereas the agreement of the EU-Brazil Strategic Partnership has progressively enhanced DBLCM, it has not impacted on the BCML. Furthermore, considering 284 side-events the EU/ Brazil sponsored, the fact that the two actors jointly promoted only 7 of these events is another strong indicator of the poor record of their cooperation at the HRC. In light of this finding, this chapter concluded that *there was no level-linkage in EU-Brazil cooperation on human rights*.

To explain this outcome, the last part of the chapter explored each of the four hypotheses of the thesis. The first hypothesis explored, the “*type of regime*”, suggested that the human rights regime, and in particular the HRC, is well consolidated. Firstly, from a normative perspective, and as a charter-based regime, the HRC is grounded in international agreement and conventions that are not restricted to the framing of multilateral cooperation, but provide the basis for domestic policies and external foreign policy. Thus, DBLCM is marked by the joint observation of these same legal instruments, thus harmonising the normative content of the two levels. In terms of agenda, questions pertaining to the HRC have actually been transposed to the bilateral level, as the joint declarations of the EU-Brazil summits and the documents of the Strategic Partnership have mentioned certain issues of the HRC agenda explicitly. Finally, the central role played by states within the human rights regime facilitates the exporting of the HRC agenda to other levels on which they cooperate. The “*regime type*” thus favours level-linkage, so why did it not materialise?

The “*compatibility of approaches*” limits the prospects for BCML on certain issues. The EU and Brazil have a similar understanding of democracy, the promotion of human rights and the rule of law as being the core principles of international relations, having both incorporated these principles into the legal framework of their foreign policies. Sharing a long-standing support for the strengthening of the human rights regime, the EU and Brazil have pursued the

assertion of their identities as international actors strongly committed to the promotion of these rights at the global level. Concurring on the importance of multilateralism in this domain, however, does not imply a common strategy for engaging with the process of multilateral cooperation under the HRC; here is where divergences appear. Opting for a non-confrontational approach, Brazil claims to have a “positive agenda” that favours dialogue with all parties. As an expression of this approach, Brazil supported the vast majority of resolutions (85). The EU, on the other hand, advocates in favour of intervention and sanctions when necessary, and has tried to export its agenda to the HRC, contributing with more draft proposals. In terms of voting, the EU is more selective, having voted in favour of only 30 (out of 113) resolutions. Consequently, the two actors have adopted divergent approaches at the HRC, revealing different understandings of how multilateral cooperation on human rights should be framed. The constraint of their “compatibility of approaches” poses an obstacle for level-linkage.

The “foreign policy-making processes” of the EU and Brazil under which their approaches towards cooperation on human rights are framed are fragmented and hierarchical, both conforming to a “top down” model. There is a prioritising of policies addressing the multilateral level over bilateral relations. Additionally, agents responsible for the handling of bilateral relations are not the same engaged in the policy-making related to the multilateral arena, and there was no sign of significant collaboration between agents involved in the two processes. Foreign policy towards the HRC is developed in isolation from foreign policy at the bilateral level. In the case of the EU these differences of agents and agencies are accentuated by the need for cohesion amongst EUMS to ensure a common EU position at the HRC. The “foreign policy-making processes” impacts the outcome of level-linkage.

The scrutiny of the “*preferences for partners*” showed that Brazil occasionally joined the GRULAC group to deliver statements at the sessions, but predominantly spoke for itself. In addition to proposing few resolutions alone, Brazil co-authored draft resolutions with partners from different regions, thus making the country’s lack of preference for a particular partner clear. Similarly, the EU also delivered unilateral speeches, though on many occasions it also

represented other countries from the region. When tabling proposals, the EU acted alone or engaged with actors representing a variety of regions. Acting with autonomy and independence from eventual alliances means that neither of the two actors have a solid, established preference for partners. An EU-Brazil strategic partnership would not have to replace any previous coalition the players may have; the problem is that they show no sign of interest in adopting an approach to the HRC grounded in an alliance with any party. Consequently, the preference for partners obstructs the prospects of positive level-linkage, as the EU and Brazil approach negotiations unilaterally. The outcome of level-linkage can be partially credited to the (lack of) “*preferences for partners.*”

Upon analysing the four hypotheses, it can be concluded that the “*type of regime*” contributes to a positive level-linkage, but has not been sufficient in determining the outcome of this process. The “*compatibility of approaches*” and the “*preference for partners*” limit the prospects of enhanced DBLCM impacting on EU-Brazil engagement at the multilateral level, but, simultaneously, not completely hindering level-linkage. The “*foreign policy-making processes*” are the element that most obstructs the *spillover* of cooperation, thus contributing to the absence of level-linkage in EU-Brazil cooperation on human rights.

CHAPTER 6

Crossing the Cases

6.1 Introduction

The scrutiny of each case allowed for the observance of an overall strengthening of EU-Brazil relations at the bilateral level. Since the agreement of the Strategic Partnership in 2007, new instruments of cooperation, mainly dialogues, have been institutionalised. There were also changes in terms of scope, with both partners endorsing the notion of reinforcing their cooperation beyond the bilateral and the regional level, to forge a partnership in the international arena. This strategy was implemented with more emphasis on climate change and human rights, whereas in the case of trade, dialogue at the bilateral level for cooperation at the multilateral arena (DBLCM) continued to predominantly address bilateral matters. Despite differences between the areas, the three case-studies concluded that cooperation has been enhanced at the bilateral level.

Considering that the literature approaches bilateralism and multilateralism as correlated modalities of cooperation, and since the EU and Brazil adopted the strategy to promote a “positive” linkage between their engagement at different levels, it would be expected that the enhancement of EU-Brazil DBLCM would have an impact on their bilateral cooperation at the multilateral level (BCML). The question to be addressed would then be whether or not this enhanced DBLCM helped or hindered BCML. However, the findings of this thesis pointed to a rather unexpected outcome: there was no change in their engagement at the multilateral arena. This thesis concluded that EU-Brazil BCML remained very irregular and was never prioritised by the two partners, at least within the issues analysed. Consequently, this thesis provided evidence of cases in which cooperation at each of the two levels developed separately and independently.

Arguing that the scrutiny of level-linkage within a bilateral relationship requires a focus on both agents and issues, this thesis posits that this correlation depends on four elements, addressed through two primary hypotheses and two secondary hypotheses. These are: (a) type of regime; (b) compatibility of approaches; (c) foreign policy-making processes; and (d) preferences for partners.

To empirically test the claims of this thesis, three case-studies were conducted. The four hypotheses were validated in the three issue-areas analysed. The *same outcome* was found in the three cases: there was *no level-linkage* on EU-Brazil cooperation on climate change, trade or human rights. Yet, *the processes of linkage in these areas were not the same*. Differences between issues pointed to a different weighting of the four intervenient variables in the outcome. In all three cases, the lack of coordination of agents and agencies responsible for the foreign policy-making processes under which the two actors develop their policies towards the bilateral level and the multilateral level has been revealed to be a major stumbling-block for level-linkage. In addition to this institutional variable, the type of regime, the limited compatibility of approaches and the lack of preference of the EU and Brazil in projecting their “partnership” onto the multilateral arena over collaboration with third parties had an impact on the outcome of level-linkage in the three areas, albeit a limited one.

This chapter summarises the results of the three cases and assesses the four hypotheses of the thesis (later discussed in the conclusion of the thesis), demonstrating how each of them accounted for the outcome of level-linkage in the three cases.

6.2 Identifying level-linkage (or its absence)

This thesis set out to analyse level-linkage in EU-Brazil relations, addressing in particular the impact of DBLCM on BCML. Breaking the analysis down into issue-areas, the first step of this research consisted of identifying the type of impact had by the bilateral level on the multilateral level.

As detailed in chapter one, the analytical framework used to assess this linkage considers that level-linkage occurs if changes in the pattern of DBLCM are matched by shifts in the pattern of EU-Brazil engagement in the multilateral arena, either in the enhancing or decreasing of cooperation. Alternatively, a linkage can be claimed when DBLCM remains unchanged and this trend is matched at the multilateral level.

In order to define the type of level-linkage in each area analysed, the case-studies provided an overview of the development of EU-Brazil DBLCM. The next stage conducted a process-tracing exercise of EU-Brazil engagement in multilateral negotiations over the period analysed. Understanding the pattern of EU-Brazil engagement at the two levels allowed for the defining of the outcome of level-linkage in that specific issue-area.

The two following sections provide a summary of the pattern of EU-Brazil cooperation at the bilateral and the multilateral levels.

6.2.1 Dialogue at the Bilateral Level for Cooperation at the Multilateral Arena(DBLCM)

Although the current framework of EU-Brazil relations is broad and includes a constellation of issues, bilateral cooperation was originally conceived of under a very narrow approach. Diplomatic ties between the two partners were established in 1960 and the first agreement on trade dates back to 1974. For nearly 20 years cooperation was fundamentally centred on this area. It was just with the 1992 EC-Brazil framework agreement that the scope of bilateral relations was stretched to other fields, including human rights and environmental protection. For a long time, climate change was dealt with alongside other environmental issues, until 2011, when an independent dialogue on climate was established. *There is subsequently a large gap in the time span of the institutionalisation of cooperation on the three issues.*

Until the mid-2000s, cooperation on climate change was framed in terms of a “local” approach, focusing on domestic environmental matters in Brazil. A shift in

the approach to cooperation over the past decade emphasised cooperation on multilateral issues. In this regard, *the instruments of the strategic partnership and the agenda of the bilateral dialogue on climate change are very emphatic in claiming the interest of the parties lies in collaborating on multilateral issues and forging a partnership at the multilateral level.* Showing certain policy coordination, the EU and Brazil agreed upon specific targets and norms that would eventually be incorporated into a multilateral agreement. Yet, policy-makers from both sides made explicitly clear that they do not consider the bilateral arena to be the appropriate sphere for the adoption of joint proposals to be taken onwards to the multilateral level. The main reason for that is the hierarchical structure of the foreign policy-making of Brazil and the EU that subjects bilateral policies to multilateral policies, as discussed in detail later on in this chapter.

In contrast to climate change and human rights, trade has always been at the core of the EU-Brazil agenda, and cooperation in this realm has traditionally been developed through a comprehensive approach. Since bilateral commercial trade has plummeted in the past two decades, material incentives for deepening policy coordination have increased. As a result, new dialogues in specific (and often technical) issues were adopted and bilateral agreements signed. Moreover, considering that a new World Trade Organization (WTO) agreement on agriculture would have an immediate impact on EU-Brazil trade in the sector, this strong presence of multilateral issues in the bilateral agenda was to be expected. However, *of the three areas, trade is the one in which the multilateral agenda was least exported to the bilateral level.* Debate on the Doha round in that domain of cooperation was marginal. The EU and Brazil were also careful to avoid mentioning cooperation at the WTO. The documents of the “strategic partnership”, for example, express the interest of the parties in the successful conclusion of the Doha Round, but there is no explicit mention of an alliance at that level, in contrast to climate change and human rights.

Whereas the scope of cooperation on trade remained unaltered, EU-Brazil relations on human rights were subjected to change over the past few years. Initially, formal engagement in this field was of a narrow and selective character and restricted to the domestic human rights situation in Brazil. The need to re-frame

cooperation in terms of an “equal partnership”, largely advocated by Brazil, induced the two actors to rethink their collaboration on human rights. Changes in scope promoted over the last decade translated into a new agenda. *Cooperation remains restricted to a few subject areas*, but those are matters in which both partners expressed clear interest in collaboration. These issues are either directly related to their bilateral relationship, such as migration, or are part of the domestic political agenda of the two actors, including lesbian, gay, bisexual and transgender (LGBT) rights. *In this aspect, the bilateral agenda of cooperation on human rights is very distinct from the broad scope of cooperation on trade and climate change.*

Under this new approach, multilateral issues acquire more salience in the bilateral agenda. *The EU and Brazil stressed the commitment to build an effective international regime and affirmed a common position on some international matters.* Differently from the other two issue-areas, the EU and Brazil declared that they intend to enhance dialogue at the Human Rights Council (HRC). This strategy suggested closer coordination between the two levels of cooperation and adoption of the bilateral level as a platform not only to discuss multilateral issues, but also to define some aspects of the engagement of the parties at the international arena. Yet, as the next section explains in detail, despite some cases of further collaboration at the HRC, the EU and Brazil did not change the overall pattern of their BCML.

TABLE 29 EU-BRAZIL COOPERATION AT THE BILATERAL LEVEL

	Climate Change	Trade	Human Rights
Formalising	1992/ 2011	1973	1992
Scope	Broad	Broad	Narrow
Institutionalisation	Weak	Strong	Weak
Emphasis on Multilateralism	High	Low	High
Trend of EU-BR Cooperation	Enhancement	Enhancement	Enhancement

As the table above summarises, this thesis demonstrated that cooperation on the three issues was enhanced, but to different degrees. The decision to incorporate more of the multilateral agenda at the bilateral level of cooperation, thus inducing level-linkage, was applied to three cases, but produced different results. There was a change in the pattern of dialogue at the bilateral level for cooperation at the

multilateral arena on climate change and on human rights. Yet, cooperation on trade remained focussed on bilateral matters. These differences, however, did not influence the outcome of level-linkage. *Despite efforts, the strengthening of DBLCM had no correlation with the EU-Brazil engagement at the multilateral level*, as the next section demonstrates.

6.2.2 Bilateral Cooperation at the Multilateral Level (BCML)

If DBLCM has enhanced in the three issue-areas, EU-Brazil engagement in the multilateral arena remained unaltered. The analysis of the three case-studies revealed a mixed trend of convergence and divergence of positions which remained relatively steady throughout the period analysed. The two actors did not assert a “strategic partnership” at the multilateral level. Nevertheless, even if they failed to forge an alliance within the international regimes, EU-Brazil cooperation in these domains did not follow the same path in all three cases.

The table below illustrates the differences in the development of BCML in the three areas, but also shows that the different processes resulted in the same outcome: an irregular pattern of cooperation.

TABLE 30 EU-BRAZIL BILATERAL COOPERATION AT THE MULTILATERAL LEVEL

	Climate Change	Trade	Human Rights
Convergence of Positions	Medium	Low	Low
Joint Proposals	Few	Few	None
Trend of EU-BR Cooperation	Irregular	Irregular	Irregular

Climate Change

For different reasons, the EU and Brazil attribute great importance and are committed to the promotion of a strong climate change regime. The Strategic Partnership identified the strengthening of multilateralism on climate change as a shared EU-Brazil goal. As mentioned in the previous section, the two partners

worked at the bilateral level to project a partnership onto multilateral negotiations. However, this alliance has not materialised in the multilateral arena. *The EU and Brazil did not build an enduring coalition on international climate negotiations, collaborating with each other irregularly.* This thesis concluded that *EU-Brazil cooperation within the international climate regime did not change over the period analysed.*

Trade

As with climate change, there was no enhancement of cooperation in trade. Differences in terms of markets restrict the prospects for a EU-Brazil partnership at the WTO. Yet, the pattern of EU-Brazil engagement in negotiations of an international agreement on agriculture conflicted slightly less in the second half of the period analysed. This shift was not due to the 2007 Strategic Partnership, but resulted from changes in the actors' external policies. Thus, two phases of EU-Brazil cooperation at the Doha Round can be identified. The first extended from the beginning of negotiations until the Ministerial Conference in Cancun (2003). In this period, the high degree of divergence between the EU's and Brazil's approaches to negotiations hampered any prospect of collaboration at the multilateral arena. In fact, rather than cooperating, the two actors competed at that level. A second phase of cooperation ran from 2004 to 2009, during which this thesis identified more elements of convergence in the actors' positions. Nevertheless, this shift in the pattern of engagement did not lead to the establishment of a coalition. *At best, EU-Brazil engagement during international negotiations on agriculture became irregular, marked by convergences and divergences, as on climate change.*

Human Rights

The same irregular trend featured in the case of human rights. As an area of shared interest and in which resolutions adopted at the multilateral level do not have an

impact on the domestic policies of the two actors, human rights was expected to be the realm in which the development of level-linkage would encounter fewer obstacles. Surprisingly, that was not the case. *From 2006 to 2011, there was no coordination between the EU and Brazil's approaches to the resolutions adopted at both the regular and special sessions of the HRC.* The two actors never tabled a joint proposal and their voting positions diverged in the majority of cases. Interestingly, even on issues in which the players presented a common position at the bilateral level, such as that of Israel-Palestine, they did not always agree at the HRC. This aspect shows *an inconsistency in the EU-Brazil relationship and a lack of coordination in the development of their cooperation at different levels, playing against level-linkage.* Here it is important to restate that this thesis acknowledged that isolated efforts to promote the debate of a few topics, such as the side event on human rights, could be understood as collaboration between the two partners. Nevertheless, these arrangements were not a regular practice, and not relevant enough to determine an alliance between the EU and Brazil at the multilateral level. That is because the main instruments of the HRC are the resolutions adopted, in addition to the Universal Period Review (UPR). Consequently, an assessment of the progress of EU-Brazil cooperation needs to focus on the regular and special sessions. Comparing the approaches of the two actors towards the resolutions adopted subjected to vote, this thesis concluded that there was no change in EU-Brazil collaboration at the HRC.

Crossing these results with the account of DBLCM, this thesis concluded that there was no level-linkage in any of the three areas analysed. Yet, in the same way that the process of DBLCM and at the multilateral level varied according to the issue, the reasons for the failure of the parties to promote level-linkage in their multi-level relationship also differed from case to case. The individual analysis of each of the four hypotheses this thesis claims to effect level-linkage allowed for the identification of the specificities of cooperation in each area. These are summarised in the next four sections.

6.3 Assessing the Hypotheses

6.3.1 Hypothesis 1: Regime Type (Primary hypothesis)

This first hypothesis is that *the greater the openness of a regime to influences from other levels of cooperation, the more likely level-linkage is to occur*. To assess the “openness of a regime” this research considered the degree of institutionalisation, agenda, decision-making and criteria for membership. Chapter one presented the typologies used to classify the regimes in observing these aspects. According to this hypothesis, an “open” regime favours level-linkage, whereas a “closed” regime hinders this process. A third, “mixed” type of regime produces constraints to level-linkage, posing an obstacle to the successful impact of DBLCM on BCML, without completely obstructing it.

As the table below indicates (table 31), both climate change and trade regimes were classified under the same category (mixed) and produced the same impact on level-linkage (constraint). Trade revealed to be a major stumbling block in this process. As a closed regime, the characteristics that define the institutional settings and the dynamics of multilateral cooperation in that area hinder the prospects of other levels of cooperation for influencing negotiations with the WTO domain.

TABLE 31 TYPE OF REGIME

	Climate Change	Trade	Human Rights
“Type of Regime”	Open	Closed	Mixed
Chronology	Recent Regime	Old Regime	Old Regime
Method of Agreement	Convention/Protocol	Treaty	Charter
Institutionalisation	Weak	Strong	Medium
Agenda	Political/ Technical	Political/ Technical	Political
Decision-Making	Consensus	Consensus	Simple Majority/ Consensus
Membership	Large	Large	Small
Parties	States + REIOs	States+ REIOs	States
Responsibilities of the Parties	Differentiated	Equal	Equal
Impact on Level-Linkage	Favours	Hinders	Constrains
Hypothesis Validation	✓	✓	✓

The differences between the three regimes are not clear-cut. Climate change, trade and human rights all share some characteristics. Nevertheless, each regime has its own specificities and is, to a certain extent, unique.

Climate Change

Established in 1992, climate change is the most recent regime of the three case-studies. Operating under a Convention-Protocol method, it has a low degree of institutionalisation, lacking the capacity to ensure compliance with and enforcement of the international obligations undertaken by the parties. The power invested in its members enhances their capacity to project decisions taken at the bilateral level onto the multilateral arena without facing major constraints imposed by the institutional framework of the regime. Furthermore, as a regime “under construction”, the agenda of negotiations has been polarised by the discussion of the normative framework of the regime and technical instruments of cooperation. At the very least, political and normative issues of negotiations could more easily be transposed to other levels of cooperation, meeting one of the criteria for assessing the “openness” of a regime. The fact that the EU and Brazil have heightened their dialogue on multilateral climate issues is evidence that the agendas of cooperation under the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol framework allow transposition to other levels.

Another aspect is membership. Open to nation states and regional economic international organisations (REIOs), the UNFCCC currently encompasses 195 parties. This large membership does not necessarily favour level-linkage as, with more actors taking part in the regime, there are more opportunities for the EU and Brazil to opt for alliances with other parties. Nevertheless, recognition of the EU as a fully-fledged member of the UNFCCC, in addition to its member states, is beneficial to level-linkage. This is because, under this rule of membership, the EU is able to cooperate with Brazil within the bilateral framework of their relations and then transpose this alliance to the multilateral arena without having to “change hands” in

its representation. This leads to increased continuity in the coordination of cooperation at the two levels, hence more chances for level-linkage to occur.¹³⁸

Whereas on trade and human rights the norms of the regimes apply equally to all members, climate change agreements are forged on the basis of the “common but differentiated responsibilities”. That means the allocation of Brazil and the EU to two different groups, or Annex lists, with distinct degrees of commitments. Different responsibilities have been partially reflected by the compatibility of approaches of the two actors in multilateral negotiations (tackled in hypothesis 2), but it does not undermine the prospects for cooperation between them. The fact that an agreement can only be approved by consensus increases the need for coordination between all parties. This aspect not only enhances the prospects of the EU and Brazil perceiving the importance of their cooperation in contributing towards the conclusion of a multilateral agreement, but also of their considering the prospects of common positions on other levels of their engagement, creating a political incentive for level-linkage.

Trade

In many respects, trade is the opposite case to climate change. As table 31 points out, trade is a well-established regime, framed by a complex institutional arrangement, with a strong capacity for enforcement and compliance, which poses an obstacle for level-linkage, as demonstrated below.

Membership of the WTO is large (159 members) and the EU and Brazil are both recognised as full-fledged members of the organisation. Thus, as on climate change, this aspect of the regime allows for direct progression from DBLCM to within the multilateral arena, which is positive for level-linkage. Furthermore, the

¹³⁸ The fact that climate change is a shared competence limits the capacity of the EU to act as an independent actor in multilateral climate negotiations, as the forging of a common EU position still requires coordination with EU member states. Nevertheless, the constraints to level-linkage that emerge from such conditions are not imposed by the regime, rather they are a question of EU foreign policy-making. The impact of “shared competences” on level-linkage is considered in hypothesis 3.

fact that decision-making is by consensus stimulates the pursuit of alliances with a large number of parties, creating an incentive for the EU and Brazil to foster their coordination on multilateral affairs.

As a treaty-based regime, the bulk of agreements are negotiated in the various “rounds”, held in different locations. However, part of these negotiations is also discussed at various levels within the WTO headquarters in Geneva or in other forums organised by the parties (such as the G20, for example). The bilateral level would constitute just another instance outside the domain of the WTO in which an international agreement could be discussed. Within this context, level-linkage would be expected and considered part of the dynamics of multilateral trade negotiations. This characteristic of the regime indicates a certain degree of “openness” to level-linkage.

Despite this aspect, this research still considers trade as a “closed” regime and claims it hinders level-linkage. This is because, although the process of negotiations and the membership criteria allow the EU and Brazil to forge policy coordination on WTO issues at the bilateral level, they have not done so, partially because of the complex nature of the agenda in negotiations. Although the issues negotiated have a political scope, they are highly technical. Negotiations on these items would require the EU and Brazil to deploy staff with expertise in these matters at the bilateral level. Problems with agenda could be overcome if it was not for the high degree of institutionalisation of the regime. Technical meetings, formal and informal gatherings all require close and direct engagement with the activities of the WTO on an almost daily-basis. Detailed norms and rules of the regime and the institutional capacities of compliance and enforcement add to the complexity of the regime and hinder the prospects of significant impact from other levels of cooperation. In fact, senior members of staff from both the Brazilian government and the European Commission interviewed argued that cooperation over multilateral issues has a very specific domain in which to be forged: the WTO. The opinion of the interviewees concurred on the understanding that the bilateral level has been and should remain a sphere in which to promote an “exchange of views” on the

multilateral agenda, but it is not the appropriate forum for the negotiation of EU-Brazil common positions.¹³⁹ The treatment of the trade regime as an “isolated” domain of cooperation supports the claim that it is a “closed regime”, thus hindering the prospects of level-linkage, in accordance with the first hypothesis.

Human Rights

Human rights is also a long-consolidated regime with a well-established institutional arrangement, although not as complex as that of the WTO. Multilateral cooperation on human rights under the UN umbrella is not centred on a single institution, as in the other two areas. Rather, the HRC is one of the various domains in which cooperation takes place. Grounded in a charter-based system, the HRC is relatively new as a body, but inherited the normative framework and part of the institutional organisation of its predecessor, the Commission on Human Rights. Membership is restricted to only 47 states, divided into regional groups. The EU holds the status of observer organisation, but is represented indirectly through its member states that are part of the Council. Unlike the other two areas, *the restriction of membership to states hinders level-linkage*, as collaboration between the EU and Brazil set upon at the bilateral level could only be transposed to the multilateral level if EU member states endorsed the same position.

Another characteristic of this regime that plays against level-linkage is in the nature of decision-making. Decisions are reached by the parties, meeting in the regular and special sessions. Not all resolutions require voting, but when that is the case, a simple majority of votes suffices in order to adopt a decision. Consequently, actors need to collaborate with fewer players in order to pass resolutions than is required when decisions operate by consensus, as on climate change and trade. The decision-making process of the HRC induces selectiveness when the parties choose their allies. Yet, one feature that is positive for the integration of levels of cooperation is the agenda of the regime. The issues dealt with by the HRC are

¹³⁹ Interview n.25, Brussels, 12 July 2011.

essentially political and can be transposed to other levels of cooperation without requiring a high degree of technical expertise to be discussed. The type of regime then plays a dual role in level-linkage on human rights, creating both constraints and opportunities within this process.

Overall, the three regimes are very dissimilar in terms of scope, institutional arrangements, and agenda. These differences result in the heterogeneous impact of the type of regime variable on the level-linkage process. Whereas on climate change the characteristics of the regime are more positive for the linking of levels of cooperation, the complexity of the trade regime poses an obstacle to the process. The impact of the type of regime on human rights is mixed, with some aspects of the HRC inhibiting level-linkage, whilst others actually benefit it.

The evidence that, in climate change and human rights, the EU and Brazil have been more successful in importing their multilateral agenda to the bilateral level of their cooperation suggests that regime type does play a role in creating conditions facilitating or constraining level-linkage. The evidence found in the three case-studies validates the hypothesis that *“the greater the openness of a regime to influences from other levels of cooperation, the more likely level-linkage is to occur.”*

Nevertheless, *this research revealed that the type of regime is not the key explanatory variable accounting for the correlation between different levels of cooperation, as the mainstream literature believes.* It is, therefore, important to analyse the other three hypotheses of the thesis.

6.3.2 Hypothesis 2: Compatibility of Approaches (Secondary Hypothesis)

The second hypothesis of the thesis is that *the greater the compatibility of approaches of the EU and Brazil at the multilateral level, the more the incentives and the prospects for level-linkage.* To assess the “approach” of the parties, the case-studies analysed the interests of the EU and Brazil in promoting multilateralism as a strategy to organise international relations. The analysis also looked at how the two

actors believe a multilateral regime should be structured in terms of norms, agenda, responsibilities of the parties, and how they engage with the regimes, considering material interest and cognitive elements.

Overall, Brazil and the EU demonstrated strong convergence in terms of their joint support of multilateralism as a principle by which to organise international relations, but differed in many aspects when it came to addressing cooperation within the specific regimes. Again, there were differences in the three areas. Comparing the cases (table 32), this research concluded that the limited compatibility of EU/Brazil approaches to climate change and human rights constrains level-linkage within these areas. Yet, the high degree of divergence over multilateral trade issues also hinders the prospects of level-linkage.

TABLE 32 COMPATIBILITY OF APPROACHES

	Climate Change	Trade	Human Rights
Interest in Multilateralism	High	High	High
Responsibilities of the parties	Convergence	Divergence	Convergence
Agenda	Mixed	Divergence	Mixed
Instruments of Cooperation	Convergence	Convergence	Divergence
Impact on Level-Linkage	Constrains	Blocks	Constrains
Hypothesis Validation	✓	✓	✓

Crossing the cases, the empirical findings summarised in this section validate the second hypothesis of this thesis. At least in the areas analysed, the compatibility of approaches towards multilateralism proved to be one of the criteria for level-linkage.

Climate Change

Brazil and the EU are considered important actors within the climate change regime and have been very active in their engagement with multilateral negotiations. Despite the fact that their allocation in distinct Annex-I groups creates different international commitments for the two players, they have a common understanding of the norms that should underpin the regime. The EU and Brazil support the “common but

differentiated responsibilities principle” and ambitious targets. The problem is that the actors have diverging positions on the degree of commitments made by the parties, with Brazil defending more flexibility for developing countries than the EU. There were also differences in their agendas. Brazil demonstrated little openness to the discussion of sensitive issues, such as forest management, whilst the parties could not coordinate their positions on key instruments for promoting multilateral cooperation, such as the Clean Development Mechanism. These divergences, however, did not fully hinder the prospects of EU-Brazil cooperation, but did limit the range of affairs on which the actors could forge policy coordination. *As a result, the “compatibility of approaches” constrains the prospects of level-linkage on climate change.*

Trade

The political discourse of Brazil and the EU endorses their support of multilateralism in trade almost unconditionally. Both actors are considered important players within the Doha Round and have been committed to maintaining negotiations until an agreement can be finally reached. As on climate change, dissimilar degrees of development place Brazil and the EU on separate sides of the regime. Yet, in the case of trade, the actors displayed more disparities regarding the responsibilities of parties than on climate. Brazil strongly supports the adoption of rules that compensate developing countries for decades of an unbalanced system that favoured developed nations, a perspective not advocated by the EU. In addition to this political divide, the parties have conflicting (material) interests in an agreement on agriculture. As an exporter of these goods, Brazil defends strong liberalisation in the sector. The EU, on the other hand, as an importer and rather protectionist market, has been more resistant to an ambitious deal. Over time, these incompatibilities have eased up, bolstered by a change in the EU’s internal agricultural policy that reflects in a more flexible external agenda. This shift in the EU’s approach paved the way for a more collaborative engagement with Brazil. *Nevertheless, the two actors still have significantly divergent interests in and approaches to negotiations of a new agreement on agriculture, corroding incentives for level-linkage on trade.*

Human Rights

The EU's and Brazil's commitment to multilateralism is also manifest on human rights. Both actors have solid interests in projecting their identity as great supporters of an effective international regime. Recognising this shared interest, the EU and Brazil have declared that the respect for democracy and human rights are principles and values that bring the partners together. This statement is included in the preamble of agreements and official documents that provide the basis for bilateral cooperation.

In contrast to trade, the engagement between the EU and Brazil within the HRC is not strongly affected by a North-South divide; neither of the actors formed an enduring coalition with a particular group. In fact, there were some joint initiatives at the multilateral level. Identifying a narrow range of issues on which they have an interest in cooperating with each other, the EU and Brazil produced some joint initiatives at the HRC, such as the side event on women's rights. Nevertheless, even within these issues, the EU and Brazil did not table a single joint proposal for a resolution. Part of the reason for that can be credited to differences in terms of the strategies that the two actors adopt to engage with multilateral cooperation in this realm. Both partners concur on the universality of human rights, but disagree on the instruments used to promote these rights. Brazil supports a system based on dialogue between all the parties, including the violators of these rights. The EU, on the other hand, is more incisive on the mechanisms of enforcement and compliance, defending the position that interventions should be applied when needed. Perceiving different objectives and uses for resolutions has hampered the prospects of an alliance between the two actors beyond the informal level of the side-events organised in the margins of the regular sessions of the HRC. In light of this, the *limited compatibility of approaches constrains prospects for level-linkage* on human rights.

Looking at the way that multilateral issues were addressed at the bilateral level, the case-studies provided evidence that on climate change and human rights the two partners were able to forge common positions on specific issues. This finding supports the claim that the compatibility of approaches of the EU and Brazil over

certain matters on the multilateral agenda has enabled the process of level-linkage to develop to a certain extent, even if the ultimate outcome was a lack of level-linkage in these areas. Conversely, there were vague references to multilateral trade negotiations at the bilateral level. Considering that the EU and Brazil have a preference for cooperating over multilateral issues at the WTO, if there was a consistent compatibility of approaches in this realm, one would expect to find references to these common views/positions at the bilateral level too. The fact that the EU and Brazil have been so careful when addressing issues of multilateral trade negotiations at the bilateral level reinforces the understanding of their poor compatibility of approaches in this realm, which undermines prospects for level-linkage.

To summarise, there is evidence in the three case-studies that the compatibility of approaches plays a role in level-linkage, validating the second hypothesis of this thesis.

6.3.3 Hypothesis 3: Foreign Policy-Making Processes (Primary Hypothesis)

“The more coordinated the foreign-policy making processes of the two actors’ bilateral and multilateral policies, the more the chance there is of level-linkage occurring.” According to this third hypothesis, level-linkage depends on the policy-making processes under which actors define and conduct their foreign policies. The ideal scenario would be the existence of one single process for bilateral and multilateral policy formation, with the same agencies responsible for the making of the EU’s and Brazil’s foreign policies. Alternatively, if policies towards each of the two levels of cooperation are developed through separate processes, level-linkage requires high coordination between agents and agencies. Additionally, considering the direction of level-linkage analysed in the thesis, from the bilateral to the multilateral level, the impact of the first on the latter requires a structure in which multilateral policies are influenced by bilateral policies, in a sort of “bottom-up” approach.

Nevertheless, none of these conditions were met in any of the three cases analysed, undermining the prospects for level-linkage. As table 33 illustrates, *the foreign policies of Brazil and the EU are both structured by a hierarchical framework* in which policies addressing the multilateral arena are prioritised over bilateral relations. Additionally, *the policy-making of the two actors is characterised by fragmentation between agents and agencies*, which are allocated according to the level of cooperation being catered for. These features were identified in all three issue-areas. The absence of level-linkage in climate change, trade and human rights thus matches the lack of coordination in the formation of bilateral and multilateral policies, validating the third hypothesis of the thesis.

TABLE 33 FOREIGN POLICY-MAKING

	Climate Change	Trade	Human Rights
Structure	Hierarchical	Hierarchical	Hierarchical
Direction	Top-down	Top-down	Top-down
Bilateral/ Multilateral Policies	Fragmented	Fragmented	Fragmented
Coordination Agents	Poor	Poor	Poor
Coordination Agencies	Poor	Poor	Poor
Impact on Level-Linkage	Hinders	Hinders	Hinders
Hypothesis Validation	✓	✓	✓

Whereas on the other three hypotheses each area of cooperation presented different features regarding the “type of regime”, “compatibility of approaches”, and “preferences for partners”, in the case of “policy-making processes” the three cases displayed similar characteristics and had the same impact on level-linkage (table 33). Yet, that does not mean that the EU and Brazil apply the same processes to their policy-making at the bilateral and multilateral levels in these three areas. On the contrary, foreign policy-making on climate change, trade, and human rights are unique processes.

Climate Change

In Brazil, external climate policy engages different ministries and bodies from the executive. The Ministry of Foreign affairs (*Itamaraty*) is the chief agency coordinating bilateral cooperation with the EU, but it shares competences with other bodies in the case of multilateral negotiations. Operating under a certain division of labour, agents in charge of handling relations with the EU do not engage in the policy-making process addressing the multilateral arena. This division is even more accentuated in the case of the EU. As an area of shared competence, the European Commission has relative autonomy in handling bilateral cooperation with Brazil. The EU's multilateral policies are the outcome of a more complex process, in which the Council of the European Union and the 28 EU member states all play important roles. The structure of the EU's foreign policy-making on climate change poses an obstacle to coordination amongst agents. As the case-studies demonstrated, *the foreign policy-making processes of both actors are a major stumbling block for level-linkage on climate change.*

Trade

Policy-making on trade also follows a hierarchical and fragmented structure. The processes of both partners are characterised by the distribution of competences amongst agents and agencies according to the level of cooperation. *Itamaraty* works together with other ministries in forging the Brazilian external trade policy. Bilateral cooperation with the EU is coordinated by diplomats working in the Ministry's headquarters in Brasilia and at the Brazilian mission to the EU in Brussels. Multilateral policy, however, is jointly executed by the ministries in Brasilia and the Brazilian delegation to the WTO.

The EU has a slightly more coordinated policy-making process for trade than on climate change. With exclusive competence over EU's external trade policy, bilateral and multilateral cooperation are the responsibility of the European institutions. Prior to the Lisbon Treaty, bilateral relations with Brazil were the result of the coordination of the various Directorate-Generals of the European Commission.

With the entry into force of the Treaty, these competences are now shared between the European Commission and the new European External Action Service (EEAS). Like Brazil, the EU has representation at the WTO that closely follows the activities of the organisation and engages with multilateral negotiations with a certain degree of autonomy from the capitals. *Bilateral cooperation subjected to multilateral policies and a lack of coordination between agents and agencies engaged in the making of the EU's and Brazil's policies at the two levels renders their foreignpolicy-making processes hindrances to level-linkage on trade.*

Human Rights

Policy-making on human rights is subjected to a hierarchical structure similar to that of the other two areas. However, as bilateral cooperation does not depend on the outcomes of multilateral negotiations, the agendas of bilateral and multilateral policies have a higher degree of autonomy from each other than in the cases of climate change and trade. In terms of competences, *Itamaraty* leads the policy-making processes of Brazil's DBLCM and in the multilateral arena. Similarly to trade, the bilateral process engages the diplomatic staff in Brasilia and in Brussels, whereas the Permanent Mission of Brazil to the UN in Geneva follows the activities of the HRC. Again, there is no significant coordination between the two policy-making processes in Brazilian human rights policy. In the case of the EU this "division of labour" is even more accentuated. Unlike the other two areas analysed, the EU has no legal competences with which to forge a European human rights policy. In practice, bilateral cooperation with Brazil is conducted by the EEAS, whereas the EU's approach to the international regime is defined by the EEAS and the Council of the European Union. The lack of competences and the state-only membership of the HRC limit the EU's engagement with the regime, within which it is an independent actor. Although the EU holds the status of observer member to the HRC and has a delegation in Geneva, an "EU position" in the voting of resolutions is represented indirectly through EU member states. Thus, the coordination of the EU members' positions is the result of a successful political exercise, and not a legal obligation. Against this backdrop, this thesis concluded *that level-linkage is*

negatively affected by the foreign policy-making processes of the human rights regime.

In all three cases, the “foreign policy-making process” has been exposed as a major obstacle for level-linkage. Without coordination between the processes of policy-making at the two levels, decisions adopted at the bilateral level in order to strengthen EU-Brazil cooperation in the multilateral arena did not meet the institutional conditions needed to allow bilateral policies to influence multilateral ones. With the two processes fragmented and lacking in coordination between them, EU-Brazil cooperation on the issues analysed proved to be conducted through different processes that isolate the bilateral level from the multilateral, hampering the prospects for their correlation.

6.3.4 Hypothesis 4: Preferences for Partners (Secondary Hypothesis)

The fourth hypothesis of this thesis is that *level-linkage occurs if the EU and Brazil also consider each other preferential partners at the multilateral level*. The rationale behind this proposition is the idea that the DBLCM can only be transposed to the multilateral level if the partners consider also their relationship important in the multilateral arena. There are different degrees to which this preference manifests itself. Ideally, the EU and Brazil would consider each other “strategic partners” in the international regimes, favouring their alliance over any other coalition. That notwithstanding, the two players would still be expected to collaborate at the multilateral level, even if they prioritise other alliances.

To test this hypothesis, this thesis considered that preferences for partners manifest themselves in formal groupings, coalitions and alliances, or even unilateral approaches to negotiations. Assessing these elements in the three case-studies, this thesis concluded that *the EU and Brazil do not consider their engagement at the multilateral level a “strategic partnership” and have both revealed preferences for other partners in multilateralism*. The table below summarises these findings

TABLE 34

PREFERENCES FOR PARTNERS

	Climate Change	Trade	Human Rights
Grouping	Different	Different	Different
Preferences for Alliances	Br: Strong EU: weak	Br: Strong EU: weak	Br & EU: weak
Preferences for Unilateralism	Br: Weak EU: Strong	Br: Weak EU: Strong	Br: Strong EU: Strong
Specific Partnerships	Br: Defined allies EU: Mixed partners	Br: Defined allies EU: Mixed partners	Br: Mixed partners EU: Mixed partners
EU-BR cooperation	Medium	Minimal	Minimal
Impact on Level-Linkage	Constrains	Constrains	Constrains
Hypothesis Validation	✓	✓	✓

Climate Change

On climate change, Brazil demonstrated a strong preference for siding with other members from the non-Annex I group, in particular the G77/China coalition and the BASIC group. On a few occasions, the country acted unilaterally or joined the EU and other parties from the Annex I group. If the EU was not Brazil's preferred partner, the EU also did not favour cooperation with Brazil in the multilateral arena. With a high record of unilateral proposals tabled at negotiations, the EU engaged with a diverse range of countries, depending on the issue and the period.

Trade

In the first years of the negotiations of an agreement on agriculture, Brazil and the EU expressed opposite preferences for partners. Brazil joined its counter parties from the Common Market of the Southern Cone (MERCOSUR) and headed the creation of a strong coalition of developing countries, the G20 group. Brazil also joined alliances representing large exporters of commodities. The EU was not included in any of these groups. As on climate change, the EU engaged with the Doha Round mostly as a political group in itself, acting unilaterally or forging circumstantial alliances. From the mid-2000s onwards, the establishment of small negotiation groups, such as the G4, G5, FIPS, amongst others, created new opportunities for direct engagement between the EU and Brazil. Changes in the external trade policies

of the actors also created more room for cooperation. Yet, despite some occasional partnerships, *the EU and Brazil never prioritised their bilateral engagement over other coalitions at the WTO.*

Human Rights

Cooperation on human rights is also defined by the lack of a strong EU-Brazil alliance at the HRC. The main difference from the other two regimes is that Brazil did not reveal a strong preference for acting through coalitions. It supported resolutions tabled by a large range of countries and made few proposals of its own. Focused on overcoming the problem of coordination amongst its member states, the EU acted as a political group, tabling proposals in coordination with various parties, but never with Brazil.

In all the three issue-areas analysed, the EU and Brazil did not favour their cooperation in the multilateral arena over other engagements with other parties. *Without signs of a strategic partnership in this sphere, there was little scope for the strengthening of DBLCM to spillover to the multilateral level.* Confirming the fourth hypothesis of the thesis, in the two areas in which the EU and Brazil displayed more interest in cooperating at the multilateral level, climate change and human rights, the process-tracing of negotiations identified few occasions on which the two players acted together, particularly in the case of climate negotiations. Trade, however, was the field within which the actors expressed less preference for engaging with each other and, therefore, was the case with the least record of EU-Brazil engagement at the multilateral level.

6.4.5 Summary of the Hypotheses

The comparison of the three case-studies revealed differences in terms of agenda and degree of institutionalisation in DBLCM. Nevertheless, even if developing along different paths, cooperation on climate change, trade and human rights enhanced

over the period analysed – but only at the bilateral level. In all three areas, cooperation in the multilateral arena remained irregular. Cases of partnership between the EU and Brazil were circumstantial and did not derive from systematic policy coordination between the two actors. These elements supported the claim that there was no level-linkage in EU-Brazil cooperation on climate change, trade or human rights.

The same outcome does not imply equal process. Consequently, each hypothesis tested had a different impact on the correlation between bilateral and multilateral levels of EU-Brazil cooperation. As table 35 illustrates, all four hypotheses of this thesis were validated by the empirical analysis of level-linkage within the three issue-areas analysed.

TABLE 35 OVERALL IMPACT ON LEVEL- LINKAGE

	Regime Type (H1)	Approach (H2)	Policy-Making (H3)	Preferences for Partners (H4)
Climate Change	Constrains	Constrains	Blocks	Constrains
Trade	Blocks	Blocks	Blocks	Blocks
Human Rights	Constrains	Constrains	Blocks	Constrains
Validation	✓	✓	✓	✓

The “type of regime” constrains the prospects for level-linkage to occur in climate change and human rights, but does not hamper this process, whereas within the international trade regime this factor hinders prospects for level-linkage. The same trend was identified in the “compatibility of approaches”. The convergence between the approaches of the EU and Brazil in climate negotiations and the HRC sessions is restricted to certain issues. Thus, the scope for level-linkage in the two areas is constrained by the limited “compatibility of approaches”. On trade, the divergence in approaches overtakes the few elements of compatibility, hindering level-linkage.

In terms of “foreign policy-making”, all three cases presented a fragmented and hierarchical structure, with poor coordination between agents and agencies engaged in the policy-making process of policies addressing the bilateral level and

those in charge of policies applied to the multilateral arena. “Foreign policy-making processes” hinder level-linkage in all three areas.

“Preference for partners” constrains level-linkage for different reasons. On climate change, Brazil displayed a clear preference for partners other than the EU. Yet, the EU did not manifest strong favouritism for a particular ally. With no sign of a change in Brazil’s choice, the strengthening of cooperation between the two partners would be more likely to occur if the EU moved closer to Brazil and its allies. In the negotiations of an international agreement on agriculture, the preferences for partners of Brazil and the EU are in stark opposition, hindering level-linkage. In the case of the HRC, the problem is that neither of the two actors revealed a preference for a particular alliance. The EU and Brazil forged occasional partnerships or acted unilaterally. In order for level-linkage to occur, the two actors would have to adopt an approach based on coalitions and, even then, they would have to choose one another.

6.6 Conclusion

Crossing the three case-studies, this thesis presented the specificities of level-linkage in each area. It also allowed for the understanding from a comparative perspective of how each of the four hypotheses impact on level-linkage. Empirical evidence supported the validity of the four hypotheses, but also revealed stark differences in the processes of level-linkage. Interestingly, despite variance across cases, in none of the areas analysed did any of the four elements of the hypotheses prove to have a positive impact on level-linkage; a finding that highlights the complexity of this process.

The next section summarises the main findings of this thesis, highlights the contribution it brings to the literature and policy-making and points out avenues for future research.

CONCLUSION

7.1 Overview of the Thesis

The mainstream literature on international cooperation focuses on the role of agents to define the concept of cooperation and elaborates on the factors that prompt actors to engage in a process of policy coordination. Yet, when debating the dynamics between the modalities of cooperation academics shift their unit of analysis from agents to issues. Moreover, the literature treats bilateralism and multilateralism as different cooperative arrangements, and not as distinct levels of the framework of a bilateral cooperation scheme. Against this background, academic research fails to provide a comprehensive account of the correlation between the bilateral level and the multilateral level of EU-Brazil engagement. This research aimed to solve the puzzle of why there was no level-linkage in EU-Brazil relations in the three cases analysed.

The research framework and the hypotheses were defined on the basis of the literature in international cooperation. The theoretical approach of this thesis is intentionally eclectic. It combines elements from different theories, predominately from institutionalist rational choice and constructivism, to answer the question of the correlation between two levels of cooperation in EU-Brazil relations. Instead of opting for agents or issues as units of analyses, this research chose to integrate both elements within its framework. Claiming that level-linkage varies according to the issue-area and the agents at stake, this research laid out a set of four hypotheses that were equally applied to the three case-studies. In doing so, the analysis enabled understanding the process of level-linkage within the specificities of each area, at the same time permitting a comparison of the three cases. Furthermore, this framework was developed specifically to address the correlation of levels of cooperation within a bilateral relationship.

This research examined the reasons why the enhancement of EU-Brazil DBLCM did not have an impact on the engagement between the two actors at the multilateral arena. In other words, why there was no level-linkage in the cases analysed. To address this issue, this research studied the characteristics of the international regimes. It looked at the approach of the EU and Brazil to multilateralism and their negotiation agendas, and unveiled the foreign policy-making processes of the two actors. Finally the thesis considered the EU's and Brazil's preferences for partners in the multilateral arena. These four elements constitute the intervening variables that are incorporated in the set of hypotheses of the thesis.

The first chapter mapped out the literature, addressed the puzzle, and explained the argument, methods and operationalization of this research. The second chapter presented an overview of EU-Brazil relations within its multilevel structure. Chapters three, four and five conducted the empirical analysis of level-linkage in three issue-areas: climate change, trade, and human rights, respectively. Chapter six crossed the results of the three case studies, allowing to comprehensive understanding of level-linkage in EU-Brazil relations.

This last section of this thesis presents first a summary of the main research findings. The following part outlines the theoretical and policy implications of the thesis. Limitations and potential for generalisation are summarised in the third part. This section concludes presenting avenues for future research.

7.2 Key findings

Applying the framework of level-linkage to the analysis of the correlation between the bilateral level and the multilateral level of EU-Brazil cooperation in three issue-areas, this research makes the following conclusions:

7.2.1 No level-linkage

Although the literature and the policy strategy endorsed by the EU and Brazil assume the correlation between two levels cooperation as given, this thesis showed three cases in which there was *no* linkage between the two levels.

As explained in chapter 1, this thesis argues that for level-linkage to occur changes in the pattern of DBLCM should correspond to shifts in the pattern of engagement at the multilateral level. Even if these movements follow in opposite directions, they would suggest a correlation between the two levels, so that one impacts the other. Alternatively, this correlation could be observed with cooperation at the two levels remaining unaltered over time.

As highlighted in the crossing of the three cases (chapter 6), the enhancement of DBLCM was not matched with an eventual increase of the EU-Brazil engagement at the multilateral arena. In this light, the thesis concluded there is lack of level-linkage in the cases analysed. The absence of a correlation between the two levels does not imply complete isolation of the two processes. In approaching the EU-Brazil relations as a multilevel structure, this thesis showed how bilateral level and the multilateral level are integrated parts of the framework of this bilateral cooperation. Even if developing through independent processes, the two levels are interconnected, even if indirectly. In this light, this thesis claimed that the understanding of the correlation between levels of cooperation within a bilateral relation must be contextualised and analysed in considering the characteristics of this particular relationship.

7.2.2 Different regime arrangements matter

Differences amongst the regimes and the international organisation through which they operate indicated different external environments for level-linkage. To appraise this issue, the thesis considered the five characteristics of institutions developed by

Koremenos *et al.* (2001), namely: a) membership; b) scope; c) centralisation; d) rules; and e) flexibility of arrangements. The scrutiny of these elements within each regime was combined with the analysis of the degree of “independence” and “centralisation” of the international organisation addressed by the case-studies, following the typology of IOs postulated by Abbott and Snidal (1998:9).

Considering all these elements, the thesis concludes that, in the cases of climate change and human rights, the structure of the regimes (understood as institutional organisation and agenda) and the nature of the issues allowed a transposition of the multilateral agenda to the bilateral level. Nevertheless, the process in the opposite direction was not equally feasible. The defining elements of the two regimes constrained the prospects of “common strategies” adopted at the bilateral level to be transposed to the multilateral level. In the case of trade, the characteristics of regime, in particular of the WTO, created an environment more hostile to level-linkage, undermining the export of the multilateral agenda to other levels, thus hampering the prospects of *spillover* of cooperation.

These findings validated and emphasise the relevance of first (primary) hypothesis of this thesis that adopts regime as an intervening variable to the process of level-linkage and affirms that “the greater the openness of a regime to influences from other levels of cooperation, the more likely level-linkage occurs”. This assumption proved to be in line with the “general understanding amongst cooperation theorists that the prospects for international cooperation vary according to the structure and the nature of each issue” (Fearon 1998:269). Moreover, in providing evidence that “regimes matter” to level-linkage, the thesis reinforces the relevance of the neoliberal institutionalist assumption that “regimes (and IOs) can act as intervening variables mediating between states’ pursuit of self-interest and political outcomes” (Barnett & Finnemore 2001: 408).

7.2.3 Compatibility of approaches determines the agenda of level-linkage

The scope under which the EU and Brazil intended to project level-linkage was determined by the compatibility of their approaches towards multilateralism. In broad terms, the “compatibility of approach” could be interpreted as a “payoff” variable, to use the terminology proposed by the rational institutionalism of Axelrod & Keohane (1985) and Oye (1985). Yet, this thesis stretched the understanding of this element to encompass not only material interest, but norms and ideas. In this sense, this thesis approached multilateralism as both a principle and a strategy of cooperation.

To understand multilateralism as a principle to organise international relations, this thesis drew from James Caporaso’s definition of multilateralism as “an ideology ‘designed’ to promote multilateral activity [that] combines normative principles with advocacy and existential belief” (Caporaso 1992:603). Under this approach, the three cases provided substantial evidence that there is a high degree of compatibility in the approaches of the EU and Brazil to a multilateral order. Yet, when addressing the institutionalisation of cooperation or the ad hoc arrangements in which actors forge their policy coordination, following Robert Keohane’s approach to multilateralism (1990:731), divergences in the agendas of the EU and Brazil were considerably more evident.

Taking into account material and cognitive elements, the two partners expressed different positions in terms of the principles that should underpin multilateral agreements, the instruments of cooperation and the content of the norms of these agreements. The EU and Brazil agree on the principle of “common but differentiated responsibilities” in which the climate change regime is grounded, but disagreed on how to address most of the specific issues subjected to a multilateral agreement. In the case of trade, Brazil strongly advocates in favour of an agreement that compensates developing countries from the distortions of the trade regime that have so far benefited developed economies. The EU showed resistance to agreement that favoured developing economies. Moreover, material interests of the two also clashed. In the case of human rights, divergences between the EU and Brazil were

not in terms of agenda or normative framework, but on the instruments to promote multilateral cooperation. Whereas Brazil believes in a more “cooperative” approach, with emphasis on the promotion of dialogue, the EU believes the HRC should play a more assertive role when it comes to the enforcement of the human rights commitments undertaken by the parties.

In the light of these findings, it can be argued that shared interest in a multipolar world creates incentives for Brazil and the EU to aim at the strengthening their BCML, but is not sufficient to ensure level-linkage. For this process to occur, it is essential that the two actors have a common understanding of how multilateralism should take form.

7.2.4 Institutional variable is the key determinant of level-linkage

As argued in the third hypothesis of the thesis, the political decision to promote level-linkage can only be successful if the two actors have the institutional capability to enable the correlation between their bilateral and multilateral policies.

Looking at foreign policy-making through the lenses of the classical theory of bureaucracy first developed by Weber (1924) and the literature on Bureaucratic Politics Model (MPM) introduced in *Foreign Policy Analysis* by Allison (1972), my departure point to understand the making of bilateral and multilateral policies with Brazil and the EU was the analysis of their bureaucratic processes in terms of hierarchy and centralisation (or “division of labour”).

On these grounds, I argued that the best institutional process for level-linkage would integrate the policy-making of the two levels within the single institutional arrangement and within the same agencies. Yet, as this thesis showed, that is not how the EU and Brazil craft their foreign policies.

In this case, level-linkage would require coordination amongst agencies and agents responsible for the policy-making of policies addressed to each of the two levels of cooperation. That is where the main problem to level-linkage lies. In the case of both the EU and Brazil, bilateral foreign policies are conducted separately

from multilateral foreign policies. There is little coordination amongst agents from the two processes. In addition to being fragmented, foreign policies of the two actors are hierarchical, with multilateral policies prevailing over bilateral policies. Thus, even if the fragmentation (or decentralisation) problem was overcome, this order would have to be changed, allowing bilateral policies to play a greater influence in the shaping of the multilateral approaches of the EU and Brazil. As the analysis of level-linkage revealed, that was not the case – at least in the three issues investigated.

Yet, in the case of two protagonists of this thesis, policy-making processes are not centralised in a single decision maker. In the case of Brazil, Itamaraty is the chief agency responsible for bilateral and multilateral policies. Within the Ministry, however, competences are allocated by issue area and level of policy. The same distribution applies largely to the internal organisation of the bodies in charge of European foreign policy. Adding to this picture, competences over bilateral and multilateral policies are delegated to different European institutions, depending on the issue. To make this scenario even worse, the EU holds different degrees of competences according to the area. Therefore, there are legal and institutional factors accounting for the fragmentation of the policy-making of the EU's approach to bilateral and multilateral cooperation.

Indeed, that was the case in the process of level-linkage in EU-Brazil cooperation, where hampered the implementation of the political decision to forge level-linkage. Without the institutional capability, enhanced DBLCM could not *spillover* to the multilateral arena, even if there was certain compatibility of approaches and windows of opportunity to that within the context of the international regimes. For this reason, this thesis concluded that this internal institutional variable, explored through the second primary hypothesis, is the one that plays the greatest role in affecting the outcome of level-linkage. Moreover, these findings strengthened the relevance of bureaucratic structures of foreign policy-making in constraining the capacity of a government to implement its decision, ultimately shaping a government's behaviour, ultimately reinforcing the relevance of BPM to FPA.

7.2.5 Preferences for partners are not the main constrain to level-linkage

As Axerold and Keohane explain, the likelihood of cooperation depends on the relationship between actors and the number of player involved in a cooperative scheme (1985: 234). The fourth hypothesis of this thesis draws from the idea that the number and the profile of the parties engaged in a multilateral process is directly related to the prospects of a partnership adopted at the bilateral to manifest at the multilateral arena. In other words, for level-linkage to occur, the EU and Brazil needed to perceive their relationship as strategic in an environment in which other possibilities of alliance were available.

To assess how the EU and Brazil approached their bilateral relationship at the multilateral arena, this thesis considered their participation in formal and informal negotiating groups. It also looked at circumstantial joint action. The definition of an EU-Brazil partnership adopted is similar to the definition of John Odell of coalitions, understood as a “set of governments that defend a common position in a negotiation by explicit coordination” (Odell 2006:13).

Scrutinising cases of “explicit” coordination between the EU and Brazil that could be characterised as indicators of the two actors preference for their bilateral engagement at the multilateral level, this thesis found little evidence. In none of the three regimes analysed, the EU and Brazil belong to the same formal or informal negotiating groups. Cases of circumstantial alliance between the two partners were more recurrent in cooperation on climate change negotiations. The divergent approaches to trade negotiations limited a partnership at the multilateral level to the discourse in supporting the conclusion of the Doha Round, but no joint proposals were taken. Perhaps surprisingly, the EU and Brazil also did not present any joint proposal in the special and regular sessions of the Human Rights Council (HRC). At that domain, partnership was restricted to promoting dialogue over specific issues, like women’s rights.

Without favouring their relationship at the multilateral level, the strengthening of EU-Brazil BCML is certainly not the top priority of the two players. Consequently, even if the actors consider their engagement strategic at the bilateral level, the prospect for this “partnership” to increase their cooperation at the multilateral arena is limited by the prioritising of other relationships at that level. On the one hand, these findings support the rational institutionalist claim that the “number of players” is one of the factors that determine cooperation. On the other hand, however, this research exposed a limitation to this argument. Whereas the “number of players” and their relationship affected EU-Brazil BCML, this variable did not have a significant impact in the case of human rights. That is because, regardless of the number of parties, the EU’s and Brazil’s approach to the HRC was predominantly marked by the lack of preferences for a particular partner. In this sense, “the preferences for partners” could not be considered as the key determinant of the outcomes of level-linkage in the three cases, although it did play an influence in these processes, justifying its classification as a secondary hypothesis.

7.3 Theoretical and Empirical Implications of this Research

The lack of level linkage in EU-Brazil relations identified in this thesis challenges the main theoretical and policy assumptions that have been applied to the appraisal of the dynamics between bilateralism and multilateralism. This section summarised main implications of this thesis to academic research and policy-making.

7.3.1 Theoretical Implications

From a theoretical point of view, this thesis puts in evidence the inadequacy of polarizing the discussion on the correlation between two levels of cooperation in terms of types of agreement developed by authors like Bagwell & Staiger 1998;

Bhagwati 1991, 1992; Krugman 1989; Lahiri 1998 to explain the dynamics of a particular bilateral relationship.

As presented in the conceptual framework (chapter 1), another characteristic of the literature in International Relations on international cooperation is its issue-area approach.

The academic work that assesses the engagement of the parties in multilateral negotiations focuses on formal and informal negotiating groups *within* a regime (Narlikar 2003; Odell 2000:13). One of the main problems of this type of analysis is that they are developed in considering the specific characteristics of a given regime. Yet, as shown in this thesis, the normative content, institutional arrangements and agenda of different regimes vary widely. In adopting the same process to assess level-linkage on climate change, trade, and human rights, the analysis conducted allowed crossing the results and the process of under which this linkage may occur. This is particularly important because, as the thesis revealed, although the outcome of level-linkage is the same in the three areas, the explanations for these results varied. *Whereas the conventional issue-area approach would not allow understanding the reasons for the absence of linkage in a comparative perspective, the framework postulated by this thesis addresses this gap.*

Moreover, the existing literature on coalitions places the emphasis on agents centres on the foreign policy/ agenda of the parties of a regime. Yet, as *this research highlighted, the main obstacles for a level-linkage on EU-Brazil cooperation were not associated with the structure of the international regime. Furthermore, although the compatibility of approaches matter to this process, the key determinant to the outcome of level-linkage in the areas analysed is the foreign policy-making process.*

Interested in exploring the role of these agents, the level-linkage approach considers the preferences for partners at the two levels. Additionally, it emphasises the importance of the scrutiny of foreign policies agendas and policy-making processes. The incorporation of these elements to the proposed framework proved to be particularly relevant, as the results of the three case- studies revealed the strong impact of the domestic institutional arrangement of the partners in level-linkage.

Exploring the EU-Brazil relationship, *this thesis showed the importance of deepening the analysis on the agents, contributing with new elements to the debate on strategies of cooperation.*

Unlocking the “black box” of the impact of policy-making in the outcome of level-linkage, this thesis also contributed to advancing the study of bureaucratic politics under a new angle. That is because empirical analysis of this issue focuses on the study of US foreign policy. Few are the comprehensive studies carried that have referenced to BPM as useful analytical model to assess foreign policy in other contexts (Shevchenko 1985; Gazit 1989; Andreae and Kaiser 2001). Nevertheless, none of these studies look into the effects of bureaucratic divisions between those agencies making bilateral and multilateral foreign policy. Addressing this gap, the analysis of agencies within the Brazilian and EU governments working on such policies revealed a new dimension in which bureaucratic organization interfere not only in the foreign policy of individual actors, but also in the relationship between them.

Highlighting the importance of policy-making process in determining the outcome of level-linkage, this thesis also contributes to the emerging literature on strategic partnerships. As stressed on chapter 1, research published in this area question the effectiveness of the strategy to promote these bilateral alliances to the multilateral arena mostly from the point of view of the compatibility of agendas between the EU and its partners (e.g. Lavrov 2013, Sachdeva 2008, Taneja 2010, Whitman and Rodt 2010). The “policy-making” dimension of the problem appears through the criticism to the EU’s lack of clarity of the objectives and instruments of the strategic partnerships (e.g. Renard 2010, Gratius 2011, Grevi 2008). The comprehensive appraisal of this EU policy developed by Renard (2010), for example, fails to consider that the importance of having the strategic partnerships institutionalised by both actors – and not only by the EU.

In shedding light on the obstacles posed by the bureaucratic organization of Brazil’s and the EU’s foreign policy-making to level linkage, this thesis strongly suggests that the analysis of strategic partnership should move beyond an “EU-centric” approach, and look how these partnerships fit in the foreign policy of EU’s

allies to fully understand the dynamics of this instrument of international cooperation. Moreover, this thesis revealed that the “regime type” matters, even if not the main determinant factor of the outcome of level-linkage. Thus, the correlation between the bilateral and the multilateral levels of cooperation depends on both “agents” and “issues”. The appraisal of strategic partnerships should focus on these two dimensions.

7.3.2 Policy implications

The findings of this thesis challenge the core assumptions that underpin the foreign policy strategies of the EU and Brazil in conceiving their relationship. Contradicting the academic literature, these two actors have endorsed the idea that bilateralism and multilateralism can coexist. Going further, *the EU and Brazil believed that different modalities of cooperation can be mutually reinforcing. On this basis, they employed significant political capital to forge a “strategic partnership” that would strengthen their alliance at all levels.* To achieve this goal, the “partners” expected to set the bilateral level of their cooperation as a platform to enhance their coordination at the multilateral arena. Beyond rhetoric, the strategy to promote a linkage between the two levels has been translated into the enhancement of dialogues at the bilateral level on multilateral issues (Council of the European Union 2008b, 2011). This approach was applied to a wide range of subjects, suggesting the understanding that a linkage between levels of cooperation can be induced in many areas. Nonetheless, subtle differences in the discourse adopted at the bilateral level suggest awareness that cooperation was conceived differently in each area. In the cases of climate change and human rights the parties made explicit mention of the fostering of *cooperation* in the multilateral arena. In trade, however, the players were careful to emphasise an *exchange of views* on these matters (Council of the European Union 2010). Regardless of the approach, the outcomes were the same in the three issues. *The EU and Brazil managed to enhance their engagement at the bilateral level, but not at the*

multilateral arena. The strategy to induce level-linkage has not been successful in any of the three cases investigated. So what went wrong?

The problem was not that cooperation at two levels could not be developed in coordination without being mutually exclusive, as academics predict. The fact that the bilateral level was reinforced without any change in the EU-Brazil engagement at the multilateral arena is strong evidence that relationship at each of the two levels develops independently. The failure of the “strategic partnership” to *spillover* from the bilateral level to the multilateral level lies on the lack of appropriate internal, domestic conditions. Policy-makers interviewed expressed the awareness that different preferences for partners could pose an obstacle to level-linkage, and this research proved they are right. Yet, this thesis claimed that this was not the only factor. The hierarchical and fragmented structure of the policy-making of each actor and well as the poor coordination amongst agents and agencies engaged in their foreign policies have large share of responsibility over the failure of level-linkage. These elements, however, were not raised in the interviews nor addressed in the instruments of EU-Brazil cooperation.

Assessing the foreign policy-making variable, this thesis demonstrated that level-linkage is a process more complex than the EU and Brazil's institutions seem to conceive. Political will is certainly essential to begin an intentional process of coordination of the different levels of cooperation. Nevertheless, increasing dialogue over multilateral issues proved not enough, but that was how the EU and Brazil approached level-linkage. This thesis contested this strategy and claimed that a level-linkage depends on three factors that rely directly in the foreign policy domains of the EU and Brazil, namely: a) approaches to the multilateral arena; b) policy-making; c) and preferences for partners. In addition to the “regime type” hypothesis, all these three elements proved to take part in the process of level-linkage. Yet, the two partners did not adopt a strategy to promote the changes necessary in these three aspects to promote level-linkage in their relationship. *Thus, this thesis adds new elements to the understanding of the correlation between levels of cooperation in the specific case of EU-Brazil relations, stressing the complexity of this process. Going further, the analysis here conducted provided a comprehensive explanation to the*

failure of the strategy endorsed by the two partners, showing the missing pieces to the success of this “strategic partnership”.

This research broke the analysis of level-linkage on EU-Brazil cooperation into three issue-areas. The results shed light on the particularities of each case, showing the limitation of the EU’s and Brazil’s choice of adopting the same strategy to promote a linkage in all areas. *This research suggests that level-linkage could best benefit from a strategy tailored in considering the different characteristics of cooperation on each realm.*

7.5 Future Research Directions

The concept and the analytical framework postulated by this thesis to assess level-linkage were tested on EU-Brazil relations. The empirical analyses of three areas of cooperation emphasised the relevance of the model here proposed to the understanding of the dynamics between different levels of cooperation within the context of this bilateral relationship. The core findings of this research provide significant intellectual stimulus to advance this research in four main ways.

Firstly, it would be interesting *to extend the analysis to other areas of EU-Brazil cooperation* in which the partners have expressed interest in further collaborating. The selection of new cases could start with the identifying of multilateral issues that feature amongst the priorities of the EU-Brazil strategic partnership. The analysis of security matters, for example, could provide analytical elements to compare the engagement of the parties in the *low politics* areas addressed by this thesis, with *high politics* issues.

Secondly, the analysis of level-linkage was limited to the bilateral level and the multilateral level of EU-Brazil cooperation. Yet, as claimed in chapter 2, the relationship between the two actors is structured in a multi-level framework that encompasses two other domains of cooperation: the sub-regional level and the regional level. It would be very telling to see *how level-linkage develops in other*

levels of cooperation. The resuming of negotiations of the EU-MERCOSUR agreement in 2011 has enhanced the profile of the sub-regional dimension of EU-Brazil relations. In this light, *future research could test the framework proposed by this thesis to assess the correlation between the sub-regional level and the multilateral level.*

Thirdly, this study was limited to a certain timeframe. The period covered in the three cases varied, depending on the multilateral regime followed. In common, the analysis of the three areas traced DBLCM since their first establishment. Particular emphasis was placed on the strategic partnership. At the multilateral level, the studies on trade and climate change covered nearly one decade of negotiations, both ending in 2009. The appraisal of cooperation on human rights begun with the establishment of the HRC in 2006 and went until 2011, when the third consecutive mandate of Brazil to the Council terminated. *The next step would be expanding the timeframe, updating this study in order to cover the development of cooperation in latest years.* The new findings would contribute to understand if the outcome of level-linkage identified in this thesis changed overtime. Covering a broad period would also allow observing if level-linkage is vulnerable to short-term changes or if it is a more rigid process.

Fourthly, although the framework proposed by this thesis was conceived to allow generalisation and not tailored to fit in a particular bilateral relationship, it was tested in the case of EU-Brazil cooperation. *It would be an extremely enriching exercise to explore level-linkage in a bilateral relationship between two different actors.* Many are the possibilities in selecting the cases. The engagement between two developing countries, for example, could raise different questions related to level-linkage, as they are more likely to have different degree of compatibility of multilateral agendas than the EU and Brazil. Another possibility would be looking at countries that have different levels of commitment towards multilateralism. Exploring the US relations with either Brazil or the EU could be an interesting exercise, for example.

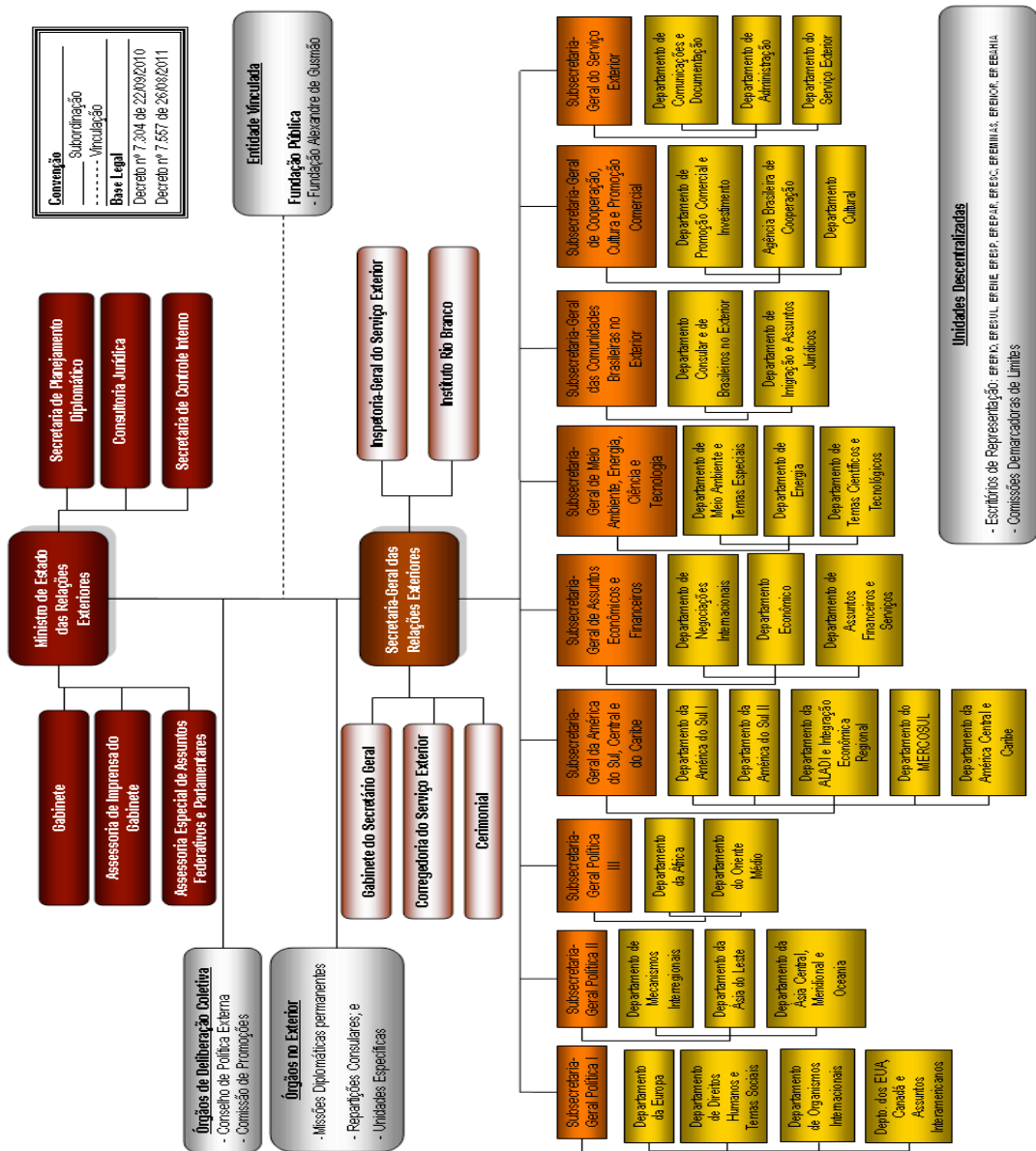
Future research along these lines would allow verifying the validity of level-linkage as a general concept/ model. Additionally, it could point out new elements to contribute to further developing the arguments postulated by this thesis.

All these avenues of future research show that this thesis raised important considerations on the correlation between two levels of cooperation. Rather than an end in itself, this thesis is a starting point to explore different approaches to the study of international cooperation, broadening the academic debate in this realm.

ANNEXES

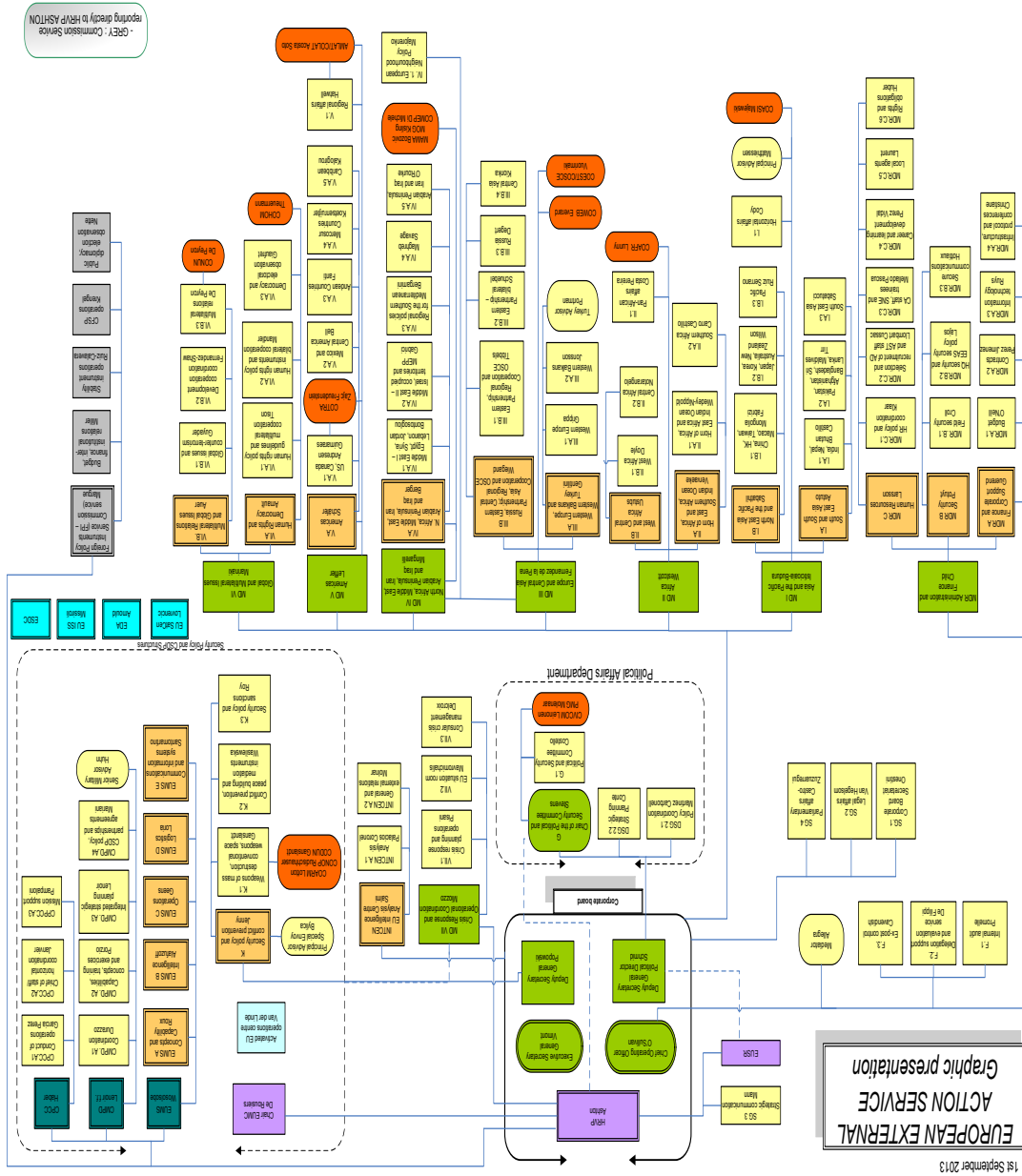
Annex I

Brazilian Ministry of Foreign Relations (*Itamaraty*): Organisation Chart



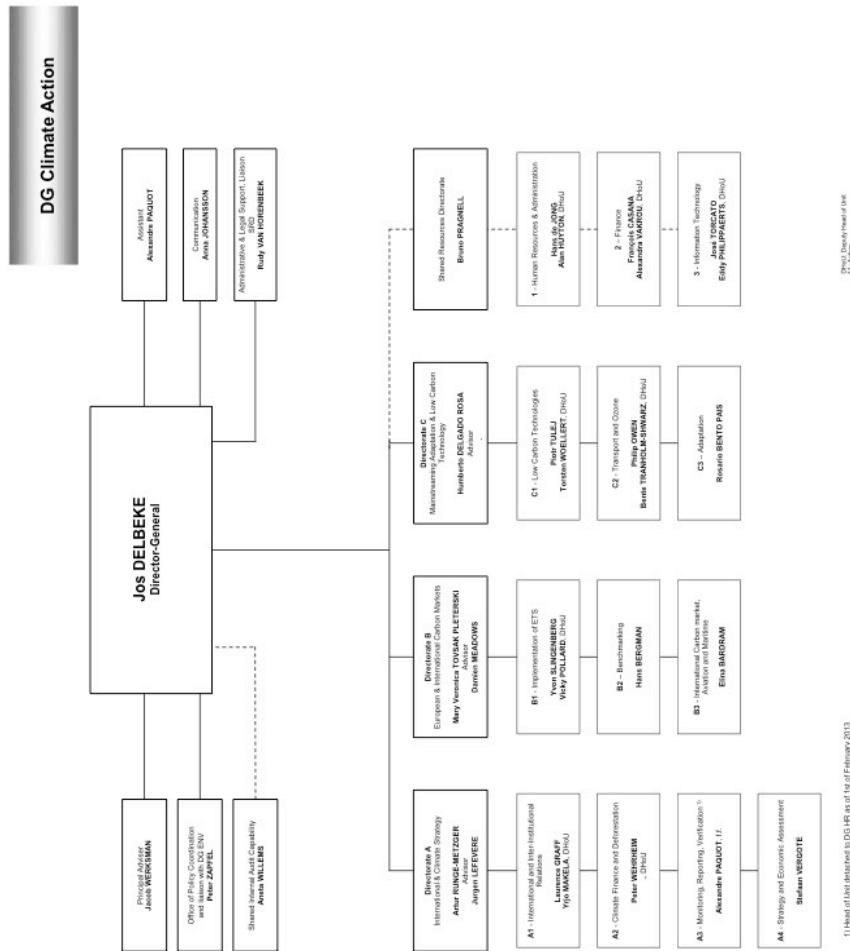
Annex III

EEAS: Organisation Chart



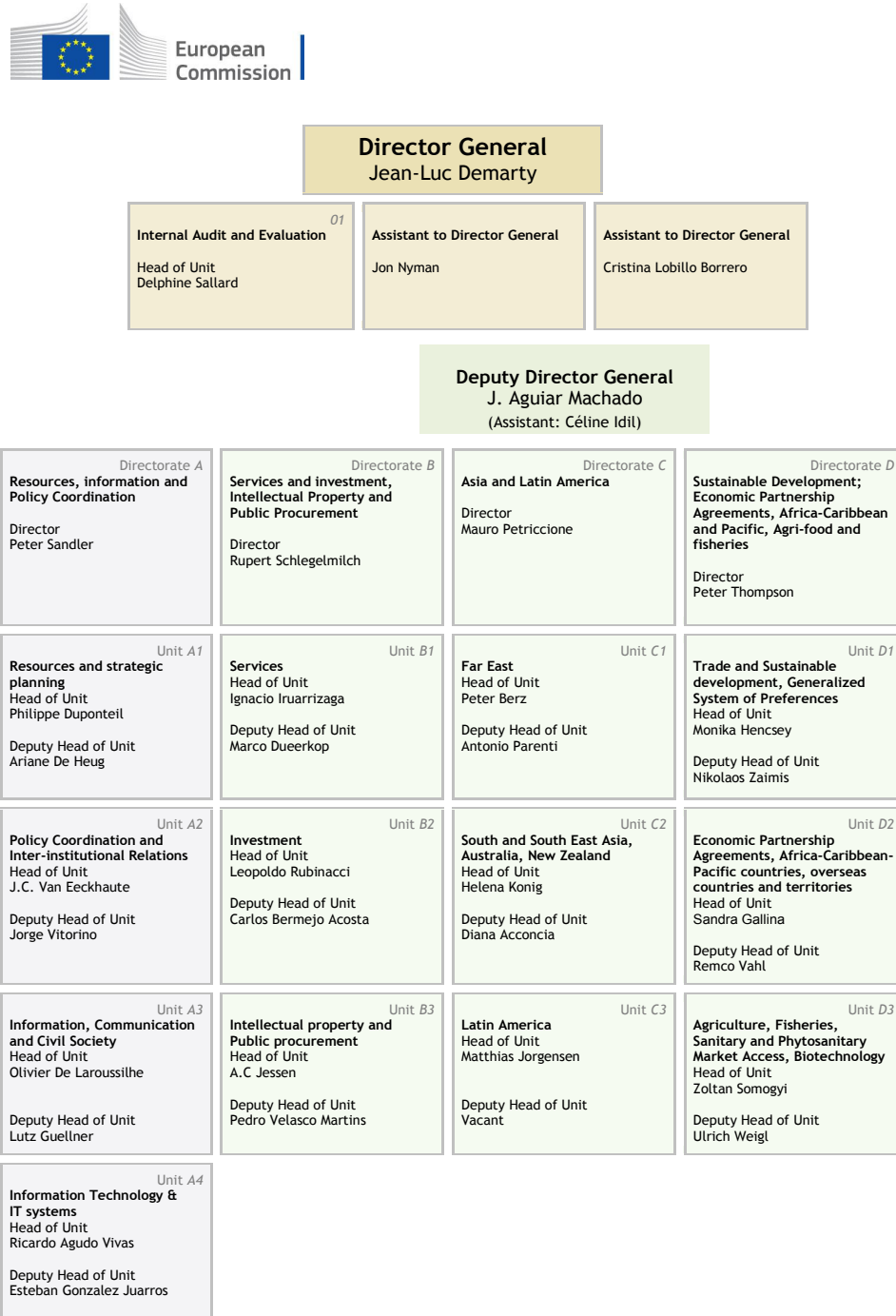
Annex IV

DG CLIMA: Organisation Chart



Annex V

DG TRADE: Organisation Chart



(continues ..)

**Deputy Director General
Peter Balas
(Assistant: Lothar Ehring)**

<i>Directorate E</i> Neighbouring countries, USA & Canada Director Ignacio Garcia Bercero	<i>Directorate F</i> WTO Affairs, Legal affairs and Trade in Goods Director Ditte Juul-Joergensen	<i>Directorate G</i> Trade Strategy and Market Access Director Signe Ratso	<i>Directorate H</i> Trade defence Director Jens Schaps Adviser Hannes Welge
<i>Unit E1</i> USA & Canada Head of Unit Damien Levie Deputy Head of Unit Philipp Dupuis	<i>Unit F1</i> WTO coordination, OECD, export credits and Dual Use Head of Unit Paolo Garzotti Deputy Head of Unit Christophe Kiener	<i>Unit G1</i> Trade Strategy Head of Unit Denis Redonnet Deputy Head of Unit Edouard Bourcieu	<i>Unit H1</i> General policy and WTO relations, Relations with Industry Head of Unit Neil MacDonald Deputy Head of Unit Willem De Munck
<i>Unit E2</i> Russia, CIS, Ukraine, Western Balkans, EFTA, EEA and Turkey Head of Unit Luc Devigne Deputy Head of Unit Philippe Cuisson	<i>Unit F2</i> Dispute Settlement and Legal aspects of Trade policy Head of Unit Martin Lukas Deputy Head of Unit Colin Brown	<i>Unit G2</i> Chief Economist and Trade Analysis Head of Unit Lucian Cernat Deputy Head of Unit Lars Nilsson	<i>Unit H2</i> Investigations I / Relations with Member States for trade defence matters Head of Unit Claudia De Cesaris Deputy Head of Unit Susanne Kellner
<i>Unit E3</i> South Mediterranean and Middle East Head of Unit Sofia Munoz Deputy Head of Unit Peter Young	<i>Unit F3</i> Tariff and non-tariff negotiations, Rules of Origin Head of Unit Fernando Perreau de Pinninck Deputy Head of Unit Arthur Lopian	<i>Unit G3</i> Market Access, Industry, Energy and Raw Materials Head of Unit Petros Sourmelis Deputy Head of Unit Michelangelo Margherita	<i>Unit H3</i> Investigations II - Anti-circumvention Head of Unit Demos Spatharis Deputy Head of Unit John Lonergan
			<i>Unit H4</i> Investigations III - Monitoring of implementation Head of Unit Madelaine Tuininga Deputy Head of Unit Christos Antoniadis
			<i>Unit H5</i> Investigations IV - Relations with third countries for Trade Defence matters Head of Unit Wolfgang Mueller Deputy Head of Unit Stephen Gospage
			<i>Unit H6</i> Investigations V Head of Unit Piotr Ogonowski Deputy Head of Unit Pietro Rossi

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