Shaping International Negotiations from within the EU: Sub-State Actors and Climate Change

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Shaping International Negotiations from within the EU: Sub-State Actors and Climate Change

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ABSTRACT   The European Union (EU) has been a critical player in international environmental negotiations, especially those relating to climate change. This has been documented, and the role of the EU analysed, in many studies, some of which focus specifically on the role of European non-state actors in these negotiations. Yet few studies have analysed the role played by sub-state actors, namely government departments in the member states and directorate-generals in the European Commission. This paper attempts to redress this imbalance by considering the behaviour of the EU in the international climate negotiations through the prism of a 'two-level' game. In particular, it will consider what role sub-state actors played in determining the negotiating position of the EU and the type of agreement it has been willing to sign. In doing so, this paper reveals that there are limits to what the two-level game can explain, especially in long negotiations, and it suggests three factors that existing theories need to take into account to understand variations in state behaviour and its implication for negotiation outcomes.

KEY WORDS: International negotiations, European Commission, member states, climate change, environment

Introduction

The European Union (EU) has long been the focus of attention in international environmental negotiations. Nowhere is this clearer than in the climate change negotiations where numerous studies have been concerned with the role of the EU on the international stage (see e.g. Gupta and van der Grijp 2000; Harris 2007). Many have also considered the role that non-state actors, such as environmental non-governmental organisations

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(NGOs) and business groups, have played in informing the EU's role in environmental negotiations (see e.g. Newell 2000; Skjaerseth and Skodovin 2003). However, less attention has been devoted to the role that sub-state actors have played in determining the negotiating position of the EU and the type of agreement it has been willing to sign. The term sub-state actors is used here to refer to sub-units of government, namely government departments in the member states and directorate-generals (DGs) in the European Commission (EC), not to regional or local actors. This is an important omission given the leading role the EU has played in international environmental negotiations and the impact its policy positions have had on other states and on determining negotiation outcomes.

This paper attempts to redress this imbalance by analysing the role of the EU in the 'Kyoto phase' of the international climate negotiations, which commenced with the first Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in 1995 and took a decade to conclude before the Kyoto Protocol ultimately entered into force. To do so, this paper employs a two-level perspective to analyse the role of sub-state actors across three sets of negotiations in the Kyoto phase, namely in Berlin in 1995, Kyoto in 1997 and The Hague in 2000 (Putnam 1988; Moravcsik 1993). By relaxing the assumption of the state as a unitary actor, and bringing greater focus to the entanglement between domestic politics and international relations, this perspective enables the role of sub-state actors in international negotiations to be scrutinised. In doing so, it is revealed that existing theories are limited because they do not account for three factors that are important, especially in long negotiations, to determining variations in the behaviour of state actors and hence international negotiation outcomes. Each of these factors could also have the potential to affect integration processes within the EU.

This paper proceeds as follows. The next section sets out a theoretical framework for studying the EU in international negotiations and the subsequent section describes the method used to collect and analyse the data. This is followed by an analysis of sub-state actors in the member states and the EC, with an emphasis on those who were variously engaged in the climate discussions. The empirical findings of this analysis are then considered in light of the two-level framework. The final section concludes by suggesting three factors that need to be taken into account if variations in state behaviour and negotiation outcomes are to be understood, and the implications each of these have for European integration.

A Theoretical Framework for Studying the EU in International Negotiations

Theorising about international negotiations has long been dominated by explicitly intergovernmental approaches, which view the state as a unitary actor (Waltz 1979). However, over the last three decades a growing number of scholars have relaxed the assumption of the state as a unitary actor as they seek to account for domestic politics (Lake 2008). One of the most influential frameworks to have relaxed the assumption of the state as a

unitary actor and to have peered into the 'black box' of domestic politics is Robert Putnam's (1988) 'two-level game'. Putnam argued that at the national level, domestic groups pressure their governments to adopt policies they support, while chiefs of government (COGs) seek power by engineering coalitions among their national constituents. At the international level, COGs want to satisfy domestic pressures, while limiting any negative consequences from foreign developments.

While the two-level frame has been applied to the EU in different ways (Moravcsik 1994; Fontana 2011), for the purposes of this paper it is applied in the same way that scholars use it to analyse the EU in trade negotiations; that is, where the EC acts as the chief negotiator on behalf of the member states at the domestic level and it negotiates with other states at the international level (Odell 1993). The only difference here is that it is the Council of Environment Ministers (officially the chair of the Council) that acts as the COG because the EC does not have a mandate to negotiate on behalf of the EU in environmental negotiations, as it does for trade negotiations. Although this means that the EU does not fit neatly into a two-level frame, to the extent that it speaks with one voice at the negotiations, as represented by the Environment Council, it can be considered a two-level player. Hence the negotiations within the EU and the member states are considered as the domestic level and the UNFCCC negotiations the international level.

Although Putnam claimed that his work is no more than a metaphor, the two-level frame can be used to derive hypotheses or predictions about the role of European actors in the climate negotiations. These include the following:

- In international negotiations the COGs monopolise the external representation of the state.
- States largely respond to domestic pressures when forming their positions, especially the preferences of domestic actors and the distribution of domestic coalitions.
- The preferences of COGs and the strategies they employ will affect the ultimate national positions leading into an international negotiation.

Method

In order to examine the role of European sub-state actors during the Kyoto phase of the climate negotiations, process tracing was used as a means to make causal inferences about the reasons behind the EU's behaviour (Bennett 2007, 35–6). To do so, data had to be collected on the behaviour of the EU. First, a literature review of existing histories of this period was undertaken with a focus on material emanating from the EU. Second, an electronic search for documents was undertaken in the archives of the official websites of the UNFCCC, European member states and the EC.

Third, and most importantly, this study relied on semi-structured elite interviews; that is, interviews with people in leadership or decision-making roles, principally European representatives who were intimately involved in the negotiations. To begin, a pilot round of semi-structured interviews

was conducted in 2009 with the aim of identifying some of the key actors (King, Keohane and Verba 1994, 22–3). As a result of the pilot interviews, it was decided to narrow the subsequent data collection to three sets of negotiations in the Kyoto phase: the negotiations surrounding the first Conference of the Parties (COP) in Berlin in 1995, COP 3 in Kyoto in 1997 and COP 6 in The Hague in 2000. This was done for three reasons. First, the pilot interviews revealed that the most intensive period of negotiations during the Kyoto phase occurred close to the signing of the Kyoto Protocol in 1997. Second, access to key decision-makers from negotiations in the 1990s was much easier than access to negotiators in the current negotiations. In other words, it was much easier to arrange an interview with the former Environment Minister of Germany than it was the current Environment Minister. Third, respondents were more candid discussing negotiations in the Kyoto phase than they were in the lead up to Copenhagen. In short, this period generated a much richer body of empirical data than could be expected from interviews on more recent negotiations.

Accordingly, two further rounds of interviews were conducted in 2009 and 2010. Respondents were identified using the webs of influence approach employed by Braithwaite and Drahos (2000) in their study of *Global Business Regulation*. In contrast to the atheoretical snowballing technique, this approach deduced from the first round of interviews that there were key webs of influence among actors that are critical to understanding EU behaviour. These strands were followed in the second and third round of interviews. In the EU respondents included representatives from the bureaucracies in the member states, primarily in the UK, Germany and France, and from the relevant DGs of the EC, including DG Environment, DG Energy and DG Industry (as they were then known). In all, 63 formal interviews were conducted (18 in the pilot round, 17 in the second round and 28 in the third round).

To ensure construct validity, the data from the interviews were analysed in three ways. First, the data were evaluated for consistency within each case. Data provided from one negotiator in one case were checked against the data provided by his or her colleagues on the same delegation. This is especially important in elite interviewing because of the risk that respondents may exaggerate the importance of their role in events (Berry 2002; Delaney 2007). Second, data from the interviews were compared against the histories of the negotiations and EU policy documents compiled from the earlier literature review. Finally, draft sections of the study were sent to key respondents to check for historical inaccuracies (Bennett 2007; Yin 2009).

From Berlin, to Kyoto to The Hague: The Changing Role of Sub-State Actors

The first COP to the UNFCCC held in Berlin in March 1995 signalled the beginning of the Kyoto phase of negotiations. At COP 1 the challenge was to decide whether the commitments of developed countries were 'adequate' to meet the ultimate objective of the UNFCCC to prevent dangerous climate change (UNFCCC 1992). The end result was the Berlin

Mandate, which explicitly recognised that they were not, and that work should begin toward a protocol or other legal instrument to be completed in 1997. The Kyoto Protocol, which was finalised at COP 3 in December 1997, was a landmark agreement. It introduced binding emission targets for all developed countries and a series of flexibility mechanisms, principally emissions trading, to assist countries to meet their targets, something that the EU had viewed as a loophole (Oberthur and Ott 1999). However, negotiators' attempts to flesh out the rules of the Protocol collapsed at COP 6 in The Hague in November 2000 after a bitter dispute broke out between the Americans and the Europeans over flexibility mechanisms.

During this period the negotiating position of the EU and the type of agreements that it was prepared to sign changed. In 1995 the EU agreed to the Berlin Mandate, which stipulated no binding emissions targets and timetables for developed countries, no new commitments for developing countries and no flexibility mechanisms. Then in 1997, the EU agreed to the Kyoto Protocol, which included binding emissions targets and timetables for developed countries and flexibility mechanisms. Finally, by 2000 the EU refused to sign an agreement that would have fleshed out the detail of the Kyoto Protocol already agreed to in 1997. This section will trace the role of European state actors in order to examine the influence they had on the EU position.

The First Conference of the Parties: Environmental Interests Unopposed?

In the early 1990s the UK and Germany began to take a strong stance on climate change. Both countries had set ambitious greenhouse gas emissions targets, and though this was made easier by the fact that greenhouse gas emissions were already on a downward trend in each country, they remained ahead of most other developed nations (Collier 1997; Schleich *et al*. 2001). The negotiations in Berlin also coincided with the accession of Austria, Finland and Sweden to the EU. All three countries had 'very progressive climate change policies', which had popular domestic support (EU-22). As a result, it was no surprise that the EU supported binding emissions targets for developed countries even though the final agreement did not include them.

The environment departments in the member states had been at the heart of these moves. According to senior officials in environment departments in the UK, Germany and the Netherlands, among others, the environment ministers who sat on the Environment Council, which acted as the COG, strongly supported action on climate change and hence an agreement in Berlin. In fact, in line with the rhetoric of the EU's submissions to the UNFCCC (UNFCCC 1995), almost all environment officials interviewed argued that their environment departments had pushed for strong commitments for developed countries and the exclusion of developing country commitments. For example, in the UK, John Gummer, as Secretary of State for the Environment, who led the UK delegation along with Derek Osborn, Director-General of Environmental Protection within the Department, strongly supported EU action (EU-43; EU-45; EU-54). In Germany, the Federal Ministry for the Environment, Nature Conservation

and Nuclear Safety (BMU) had been particularly strong on this point too, arguing throughout the early 1990s in interdepartmental discussions that Germany should take a target of a 25 per cent cut in greenhouse gas emissions (Hatch 2007, 46). Such positions were also encouraged by the progressive climate change policies of the new member states – Austria, Finland and Sweden (EU-22).

While the environment departments did not have it all their own way in the discussions, the opposition from other departments appears to have been mute. According to officials who participated in these discussions, climate change was simply not high on the agenda in the early 1990s for those departments responsible for economic and energy policy. For example, British officials asserted that 'the Department of Treasury and the Department of Industry were relaxed' (EU-37). Another argued that this was because 'there were no public expenditure implications so the UK Treasury was okay with it' (EU-46). Likewise a French official stated that in the lead up to Berlin the Ministry of Finance was simply 'not very interested' (EU-40). Admittedly, in Germany the Federal Ministry of Economics (BMWi), which has responsibility for economic and energy policy, had opposed many of the domestic climate programmes that the BMU had tried to put in place (Haigh 1996, 164–6). Yet in the discussions about the position the German government should take at the international level the BMU proposals were generally 'accepted in the end', even if they were not enthusiastically supported (EU-32).

The discussion has so far focused on the member states and not the EC. This is because interviews with EC officials and a review of the documentation indicates that in the early 1990s the EC played a limited role in determining what the EU was prepared to accept in Berlin. DG Environment was the department responsible for climate change in the EC, and although it had a reputation for taking a strong stance on environmental issues, its desire to 'demonstrate its international leadership' (EU-22) was limited by its capacity. As a senior DG Environment figure explained:

> When I arrived at the Commission in September 1994, there was very little prepared and people were looking to the member states and the Environment Council. The Commission did not play a big role, for example, there was no climate change unit in DG environment. And Environment was not a big Directorate General in the Commission in those years and it was less influential and was not seen as important as it is now (EU-22).

The same appears to be true for the other DGs. For example, according to an official in DG Energy, 'up to 1995 climate change wasn't even recognised as a problem within the Commission' (EU-51). The main focus of DG Energy was on an internal energy market within the EU. Similarly, in DG Economics and Finance (DG EcoFin) the senior ranks of the department 'did not care about climate change' (EU-53). That being said, lower-level officials within DG EcoFin and DG Research were looking at possible economic instruments to limit greenhouse gas emissions, yet in the years

leading up to Berlin much of this work had not factored into the EU position at the international negotiations (DGEFA 1992a, 1992b; di Valdalbero 2010) (EU-53; EU-60).

The Third Conference of the Parties: Environment Departments and the 'True Believers'

In the lead up to the Kyoto, environment departments continued to play a key role. In the UK, for example, John Prescott, the Deputy Prime Minister in the new Labour government, was made Secretary of State for the Environment, Transport and the Regions, a 'super department', which under his auspices had significant clout in cabinet (EU-44). Like his predecessor John Gummer, 'Prescott wanted to play a big role at Kyoto' and his seniority meant 'he was in constant contact with [Prime Minister Tony] Blair' (EU-59). In Germany too, the BMU was one of the 'major protagonists in government efforts to formulate' climate change policy (Hatch 2007, 45). The Netherlands and its environment department, the Ministry of Housing, Spatial Planning and the Environment (VROM), were also actively engaged (Kanie 2003). In fact, during the 1990s VROM had more people working on the issue than any other ministry (Sewell 2005, 101–2).

As a group of 'true believers', as one EU respondent labelled them (EU-49), many senior officials in these departments worked closely together to frame the EU negotiating position. Interviews indicate that the senior ranks of these departments were bound by a belief in the science, which translated into support for action. As one British official put it: 'The underlying fact for the UK from day one was a clear belief in the science that it exists, and it is going to get worse. This was a cast iron belief' (EU-56).

German, French, Dutch and Swedish officials made similar statements about a 'scientific consensus' (EU-26). They also noted that environment officials often had good contact with many of their nations 'best' scientists who were members of the UN Intergovernmental Panel on Climate Change (IPCC), which directly 'informed' their thinking (EU-32; EU-40; EU-52).

It is no surprise then, that it was the environment departments in the member states that adopted the most progressive positions in the interdepartmental discussions. First, on greenhouse gas emissions commitments, environment departments from the 'rich and green' member states typically argued for 'ambitious emissions reduction targets' (EU-59). According to British officials, 'the biggest tension', among departments, 'was always how much we were willing to reduce greenhouse gas emissions' (EU-45). In the UK, the environment department pushed for a -15 per cent target on 1990 levels by 2010 for the EU, despite some opposition from other departments (EU-59). BMU officials in Germany also advocated a -15 per cent EU target because they believed that 'European nations should lead on this as a union' (EU-32; EU-23).

Second, on how emission reductions would be achieved, there was consensus among environment departments on policies and measures, but

not an emissions trading (EU-56). On policies and measures it would seem that most environment ministries, if not all, agreed with the French 'preference for policies and measures because it is well known, it is visible and the implementation is easy to understand' (EU-47). However, not all environment departments took this position. The Dutch 'were sympathetic to flexibility mechanisms as a means to keep costs down' (EU-52), and the British were 'very happy to support it as well' (EU-59). According to British officials, Environment Secretary, John Prescott, was more than comfortable arguing in support of emissions trading in EU discussions (EU-59).

The power of this progressive coalition of environment departments reflected the state of domestic political incentives and the power and distribution of opposing coalitions. On the one hand, domestic political incentives worked in favour of the environment departments. In many countries there was strong public support for climate change. In nations such as Germany and the Netherlands, parliamentary commissions, inquiries and environmental NGO campaigns had been taking place since the mid-1980s (Kanie 2003; Hatch 2007; EU-23). On the other hand, at this point in the negotiations those departments that are the traditional counterweights to the environment departments, such as the economic, energy and industry departments, were not a powerful opposing coalition. For example, British, Dutch, French and German officials claimed 'there was relatively little engagement' from these departments, especially at the senior levels (EU-36; EU-56; EU-52, EU-47; EU-32). As one former British Treasury official pointed out: 'The resources devoted to climate change in Treasury was one person at the most, it was generally a junior person, a desk officer' (EU-36).

The only exception to this was the debate over the emissions target, which created the 'biggest tension' (EU-56). The concern from economic departments, in particular, was that any international agreement be 'secured at minimal cost' (EU-36), because, as British, Dutch and French officials observed, there was a belief that environment departments 'would do anything at any price' (EU-36; EU-52; EU-47). In France, this concern was more pronounced after Dominique Voynet became environment minister: '...it was at the time when my minister had been appointed for two months and everybody was freaking out with the idea that the Greens would conduct the negotiations on climate change' (EU-47).

The Environment Commissioner, Ritt Bjerregaard, was in charge of formulating the EC's position, though most of the policy work was done by DG Environment. At the time of Kyoto, James Currie was the director-general and Jorgen Henningsen the director of the unit within DG Environment responsible for climate change (EU-49; EU-24). Some of these officials, most notably Hennginsen, were part of the network of 'true believers' (EU-52; EU-49). Their aim was for the EU to adopt an ambitious emissions reduction target to take to Kyoto. The target was -15 per cent by 2010 (EU-42). The strategy of this network, which shared the same understanding of the science, 'was to keep climate change off the radar screen of other people in the Commission' in order to minimise

likely opposition from other DGs (EU-49). For a time, this strategy proved successful, because, as they were in Berlin, the senior ranks of DG Energy, DG Industry and DG EcoFin 'were not very active' (EU-52). Most viewed climate change as little more than 'an exotic environmental issue' (EU-52) and 'there was very little knowledge of the issue' among the other DGs (EU-42).

With the environment departments in a few key member states and the EC advocating an ambitious EU-wide target of -15 per cent by 2010, it was left to the Council of Environment Ministers to try to solve the size of the target and to decide how any emissions reductions would be allocated between member states (EU-52). Some member states considered the targets too ambitious and a heated political debate commenced within the Environment Council. While the Danes, Dutch and the Germans, among others, continued to push for a -15 per cent target, others did not (EU-59; EU-25). As one European official recalled, 'too many member states were protesting that their share was too high, certainly Greece, Portugal, Spain made a big fuss about this' (EU-52). To prevent a breakdown in negotiations, Svend Auken, the Danish Environment Minister, engineered a compromise proposal whereby the EU target would remain at -15 per cent for Kyoto, but the burden-sharing agreement would only cover a -10 per cent target (Ringius 1999, 151).

Overall, the debate over the emissions target highlights the dominant role that a progressive coalition of environment departments played in the lead up to Kyoto. Yet the interesting point, in the case of the EU, is that in the final instance it was the member states, largely informed by the environment departments, that made the call, not the EC. A member of the EU Presidency at the time explained:

> There was no input really from the Commission on this analysis. It was at a time that the Commission was not given much room to manoeuvre, the Commission wasn't really trusted and the member states tried to keep burden sharing in its own realm. Commission proposals had not been resonating with member states and formally the Commission has no real power so the Commission had to earn their power by the value of their work. They were more like just one of the member states rather than playing any special role. (EU-52)

The Sixth Conference of the Parties: Green Politicians and Economic Bureaucrats

Following the negotiations in Kyoto, the Environment Council experienced a significant change in its political dynamics. A series of national elections in the 15 member states had catapulted the Green Party into coalition governments. The result was a large shift in the composition of the Environment Council. By the time of The Hague in November 2000, five of the 15 environment ministers (from France, Germany, Italy, Finland and Belgium) were Green Party members including the chair, French Environ-

ment Minister Dominique Voynet. A former environment minister explains:

> The five Greens coordinated their position prior to Council meetings… on top of the five there was also Jan Pronk from the Netherlands and Svend Auken from Denmark. So you almost have a majority, because you have 7 of 15, but also included in the original 5 are France and Germany, who have more votes, because votes are based on per capita [qualified majority voting] (EU-19).

This new political reality ensured that the Environment Council in coalition with environment departments would pursue a strong climate agenda, namely preserving the 'environmental integrity' of the Kyoto Protocol (European Report 2000). For many environment ministers and department officials a focus on environmental integrity stemmed directly from a strong understanding of the climate science. German, Belgium and Swedish officials all claimed that they tried to push for positions 'that were as close as possible to what the science was calling for' (EU-32; EU-19; EU-26). Many pointed to the 'close contact' that they had with their national scientific institutions and scientists (EU-32). The growing consensus on the science was also employed by ministers and senior bureaucrats to defend their positions in interdepartmental disputes (EU-32; EU-35).

However, there was one significant change after 1997. In some departments, the 'true believers', as discussed, were replaced by economically minded bureaucrats, who took a different approach to developing climate policy. This was especially evident in DG Environment. After Kyoto 'a wholesale change' took place within the department (EU-24). Jorgen Henningsen, the director responsible for climate change, left the department along with many of his staff who had helped formulate the EC's position prior to Kyoto (EU-24; EU-49). The space was filled by Jos Delbeke, who had a PhD in economics and had worked for some years in the economic instruments unit of DG Environment. He was joined by other economists with training in market-based instruments including Ger Klassen, Peter Vis and Peter Zapfel (Skjaerseth and Wettestad 2008, 74). Although these changes were not orchestrated against the 'true believers', they were to have a large impact on the long-term direction of EU climate policy.

In the lead up to The Hague negotiations, the Environment Council's emphasis on 'environmental integrity' reflected the view of many environment ministers and department officials that the EU had conceded too much flexibility at Kyoto. As one environment official argued: '[W]e were not going to come home like we did from Kyoto and say to the EU this was all we could get again' (EU-23; EU-20; EU-32). One of the most controversial issues was emissions trading. Environment ministers and departments were suspicious of emissions trading, believing some nations would try to 'buy their way out' of taking domestic action. However, after the failure of the carbon tax in the early 1990s, there was some recognition

that new economic instruments would be needed if the EU were to meet its emissions target under the Kyoto Protocol (van Asselt 2010).

To varying degrees, environment departments began to consider if emissions trading was the answer. The genesis of this inquiry began with the replacement of the 'true believers' by officials who were well versed in economics. Within DG Environment, the so-called Bureaucrats for Emissions Trading (BEST) team, which comprised Delbeke and his colleagues, had to convince the Environment Commissioner, Ritt Bjerregaard, of the benefits of emissions trading (EU-49). According to a former member of her staff, she had taken a strong stance against the proposal in the lead up to Kyoto (EU-42). The strategy of the BEST team was to focus on the environmental certainty that an emissions trading system could provide by establishing an overall cap on emissions. Delbeke and his team argued that as long as the cap was set at the right level, the emissions within the EU reduced and reductions effectively monitored, emissions trading would work (Skjaerseth and Wettestad 2008, Ch. 4, pp. 74–77). It was an argument that proved persuasive and one that Margot Wallstrom, who replaced Ritt Bjerregaard as Environment Commissioner in September 1999, would also support (EU-19).

Despite some scepticism among environment ministers and environment departments about emissions trading (EU 26; EU 55; EU 19), in March 2000, DG Environment published a Green Paper on emissions trading, which marked a significant change in the position of the EC (European Commission 2000). The most notable aspect was that none of the scenarios modelled assumed full international trading. The case was only made with reference to internal EU trading. This meant that member states would have to rely on domestic emission reductions. This was consistent with the strategy that Delbeke had used to persuade the Environment Commissioner, Ritt Bjerregaard, that emissions trading would not provide loopholes for member states to avoid action. It was also consistent with the EU position to set a 50 per cent ceiling on the use of flexibility mechanisms. This would be necessary to ensure that countries outside the EU would also undertake the majority of their emission reductions domestically.

The position of the environment departments in the member states and the EC was enhanced by the fact that there remained limited engagement from their counterweights inside government; namely the economic, energy and industry departments. For example, in the UK, one official claimed that the Treasury 'was not really engaged' and believed 'this was greeny stuff not core business' (EU-35; EU-36). Similar statements were made by officials in Germany and France (EU-33; EU-57). However, as the implications of the Kyoto Protocol became apparent there was a small shift among these departments. A case in point was the reaction of DG Industry to the Kyoto Protocol. A former DG Industry official explained:

Those negotiations at Kyoto had been a closed circle between DG Environment and the relevant ministries of environment. For those of us on the outside in economics and industry there was really no idea

of what the consequences of the Protocol was. No-one in DG Industry had been part of the negotiations or part of the Kyoto Protocol. It was only after the Protocol that we began to think "what are we going to do about this?" (EU-61)

While some officials began to shift their attention, the senior ranks never actively participated in the interdepartmental discussions. In many cases they were simply concerned with other policy priorities, or they were grappling with precisely what the Kyoto Protocol entailed (EU-28). As a result, environment officials in the member states and the EC, with the support of a Green-orientated Environment Council, were able to shape a progressive EU position.

Empirical Findings

In light of the three sets of negotiations, how well does the two-level perspective capture the behaviour of state actors in the EU? There is good support for each of these propositions. First, the Council of Environment Ministers, with the mandate to negotiate, acted as the COG and dominated the external representation of the EU. EU environment ministers and their environment departments coordinated the international discussions and, for the most part, it was the environment ministers who set the course. This was the case in Berlin, Kyoto and The Hague. Indeed, it was at The Hague in 2000, that the terms of the EU's participation were determined by the Environment Council's insistence that the 'environmental integrity' of the Kyoto Protocol be preserved, notwithstanding the increased participation of other actors.

Second, as far as sub-state actors are concerned, the EU position was formed largely in response to the distribution of domestic coalitions. Negotiations at Berlin in 1995, Kyoto in 1997 and The Hague in 2000 were largely dominated by the preferences of the progressive coalition. It comprised environment departments in the member states and the EC. For example, in the lead up to Kyoto, the environment departments in the UK, Germany and the Netherlands, among others, coordinated their actions to shape the EU negotiating position. At the same time, a related network of 'true believers' based in the EC, which included the Environment Commissioners, and key officials in the member states worked to ensure that the EU would support an ambitious emissions reduction target at Kyoto. After Kyoto, a new network emerged within the progressive coalition, the so-called BEST team, which together with officials in other environment departments, played a critical role in moving the EU towards accepting an agreement that included flexibility mechanisms such as emissions trading.

A second, more regressive coalition also existed, which comprised economic, energy and industry bureaucracies, and provided some form of counterweight to the preferences of progressive government departments. For example, in the UK the Department of Treasury and the Department of Trade and Industry 'were more or less aligned against the Department of Environment'. However, even by the late 1990s most of these departments

were 'not really engaged' and, as a result, the preferences of the progressive bureaucratic coalitions in the EU continued to dominate. As one environment official commented, 'you could get away with doing things that you could never get away with if everyone was focussed on it' (EU-37). In short, there is strong evidence to support the proposition that a state's position is formed largely in response to the distribution of domestic coalitions.

Third, there is also good support for the proposition that the preferences of COGs and the strategies they employ will affect a state's negotiating position. In the EU, the COGs held strong preferences about the type of agreement they preferred to sign, informed both by personal beliefs and the desire to enhance their domestic political positions. Environment ministers who sat on the Environment Council, such as Angela Merkel and John Prescott, were committed to climate action. Further, as we saw in the lead up to The Hague, the historic dominance of environment ministers from the Green Party increased this desire. In addition, there is evidence to suggest that the release of IPCC reports and interactions between COGs and national scientists also fortified the preferences of national leaders. Senior officials in European environment departments who worked alongside ministers on the Environment Council claimed that they tried to push for positions 'that were as close as possible to what the science was calling for' (EU-32; EU-19; EU-26).

The preferences of COGs also reflected political imperatives as they worked to enhance their domestic political position. In some instances this was translated into a strong preference for agreement. For example, in 1995, the German government under Chancellor Kohl and Environment Minister Angela Merkel made it clear to the world that an agreement in Berlin was a priority for the government, as it was for other western European leaders. The political imperative was equally as strong for environment ministers from the Green Party, such Dominique Voynet in France. As one former advisor stated in relation to the Kyoto conference, 'if there was no agreement at Kyoto it would have been a political failure for her' (EU-47).

To achieve outcomes close to their preferences, COGs attempt to manipulate domestic constraints such as the power and preferences of domestic coalitions. There is little direct evidence of this manipulation in the EU, though it is clear from interviews with members of the progressive coalition, especially in the environment departments, that the implicit support they had from environment ministers and heads of state, for example, in Germany and the UK, provided them with the necessary autonomy to develop negotiating positions in line with the preferences of their statesmen. Of course, in the EU the comparative lack of opposition from other actors, both inside and outside government, reduced the need for manipulating the power and preferences of domestic coalitions.

Implications for Theory and European Integration

In conclusion, the two-level perspective highlights many of the most important factors behind the behaviour of the EU and its willingness to sign international climate agreements. However, and this is critical, the

analysis so far only captures the factors behind the EU behaviour in each set of negotiations. It provides a good account of the role of state actors in the lead up to Berlin, Kyoto and The Hague. Yet it does not sufficiently account for the temporal dimension of long negotiations. Specifically, it does not account for why the preferences of actors vary over time. For example, why some departments, such as DG Environment, were opposed to emissions trading one year, but in support of it the next? Or, why the EU was much more concerned about preserving 'environmental integrity' after the Kyoto Protocol?

Several factors appear to be critical for explaining such changes, each of which could have implications for European integration. First is the level of engagement or mobilisation of actors; in prolonged international negotiations the engagement of actors does not remain the same over time. For example, the dominance of a progressive coalition of environmental interests in the 1990s reflected the fact that other actors were simply not mobilised for most of the Kyoto phase of negotiations; this began to change in the lead up to The Hague in 2000. Without allowing for the engagement of actors to vary over time, any understanding of prolonged international negotiations will fail to fully explain state behaviour and negotiation outcomes.

Moreover, the engagement of actors will also be affected by the institutional environment in which they operate. For instance, part of the reason DG Environment was able to dominate within the EC up to Kyoto was because, as a DG Industry official explained, the negotiations 'had been a closed circle between DG Environment and the relevant ministries of environment' (EU-61). Accordingly, to the extent that processes of integration affect the institutional arrangements within the EU, they are also likely to empower or disempower different sub-state actors. The probability of these changes taking place are obviously greater the longer the negotiations.

Second, while the two-level perspective points to the preferences of COGs for explaining state behaviour, it does not sufficiently account for changes in COG preferences. For example, in the lead up to The Hague negotiations in 2000, the rise of the Green Party meant that the beliefs of the Environment Council, which acted as the COG for the EU in the negotiations, had shifted since the Environment Council of the early 1990s, and as a result, the negotiating stance of the EU changed to focus on preserving the environmental integrity of the Kyoto Protocol.

This outcome could have been different if the EC had a mandate to negotiate. While previous Environment Commissioners had requested a mandate, the Council remained unwilling (Ringius 1999). And as we saw above, the EC was treated 'more like just one of the member states rather than playing any special role' in the Kyoto period (EU-52). The continuing desire of member states not to cede negotiating power to the EC is consistent with the shift in the balance of power away from the EC (Medrano 2012). As a result, in long negotiations there is a much greater potential for sharp changes in the preferences of the COG, for example when its composition changes due to election outcomes, than there would be if the EC had a mandate to negotiate.

Finally, the evolving state of expert knowledge among policy elites is not captured in this perspective. In long negotiations, knowledge within an epistemic community can filter through to change the state of expert knowledge among policy elites and in doing so influence the role of actors (Haas 1992). One pathway by which this can occur is by affecting the personal beliefs of COGs and, in turn, their preferences. Another is by permeating public opinion so as to shift domestic political incentives. There is some evidence from these cases that this was precisely what occurred as state actors interacted with members of the IPCC.

This also has implications for European integration, especially attempts at policy integration. For example, if epistemic communities help to create a shared understanding about a particular policy problem based on their specialised knowledge, they could help to forge common ground among policy makers in member states, thereby reducing the divisions that so often limit attempts at policy integration. To the extent that the EC is a force for integration, as others have found (Medrano 2012), it would seem to be the best placed actor to institutionalise the role of epistemic communities across different policy fields within the EU.

Accordingly, this paper has suggested three factors that existing theories need to take into account to understand variations in state behaviour and its implication for negotiation outcomes. This has important implications for theorists and practitioners seeking to understand how and why the negotiating position of the EU and the type of agreement it is willing to sign varies over time. In particular, by highlighting the effect that changes in the level of engagement of state actors can have, variations in COG preferences and the evolving state of expert knowledge, it suggests that that there could be strategic opportunities in the course of a protracted negotiation for actors to exploit these factors to steer negotiations towards their preferred outcome. Further, as has been shown, each of these factors has the additional potential of affecting the process of European integration.

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