EUROPEAN UNION EXTERNAL ENVIRONMENTAL POLICY

RULES, REGULATION AND GOVERNANCE BEYOND BORDERS

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The European Union in International Affairs

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Although the European Union (EU) undeniably plays a key role in international politics, law and economics, it faces serious international and domestic challenges. The EU remains a key actor in the development of a number of international policies and as a promoter of effective multilateralism. It continues to 'import' and 'export' both policies and norms. The EU is also a key interlocutor for states and regional bodies throughout the world. It may even serve as a reference point for many regions, for policy design or institutional development. However, changes in the international system and various international crises have an impact on the international role of the EU and its member states, testing the latters' ability to act and adapt. Domestically, a persistent set of mutually reinforcing challenges, ranging from refugees to public debt to the rise of Euro-scepticism, have serious repercussions for the EU's international role.

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European Union External Environmental Policy

Rules, Regulation and Governance Beyond Borders

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Foreword

In the mid-eighteenth century, an industrial revolution started in Europe that gradually spread out over the whole world. After the Second World War, this development intensified and its latest phase is currently happening in Asia. It generated spectacular increases in income and wealth, and allowed for a steady expansion of the world's population. In 1900 there were some 1 billion people on the globe, today there are more than 7 billion, and we may well be heading for some 9 or 10 billion by 2050.

That industrial model of economic development turned out to be highly intensive in the use of natural and energy resources. Moreover, it created significant nuisances in the form of air and water pollution, the generation of waste and the retreat of biodiversity, just to name a few. Economists talked about a serious environmental externality that was not accounted for by the market. As of the 1970s evidence was mounting not just about local environmental problems, but increasingly about a possible global dimension. Scientists proved, for example, that the ozone layer was getting worryingly thinner in polar and mountainous regions, causing skin cancers, following emissions of chemicals originating from heavily industrialised areas located on the other side of the globe. Similarly, studies were increasingly showing the effects of global warming following the use of fossil fuels, primarily happening in industrialised nations.

To cope with these worrying developments, Europe and the USA were developing environmental policies: firstly addressing the local problems, but gradually shifting to tackling global ones. That required a new agenda of action for policymakers, as well as new skills diplomats had to learn about. The Americans were learning these skills as fast as the Europeans,

but it was the European Union and its member states that consistently and successfully developed a truly international diplomacy over the last decades. Based on the corrections they made to their economic policies, new less polluting and more sustainable technologies were brought to the market. In fact, many started to think about ways to prevent the rest of the world from going through similar polluting phases when they were looking for advice on their economic development.

International environmental negotiations and diplomacy are both a great opportunity and challenge for any country in the world. For the European Union, it was even more problematic as its institutions were still developing over an expanding number of member states. The skilful crafting of outreach strategies, demonstrating leadership and devising means to improve environmental conditions not only at home but also in remote places, is indeed not an easy task. The European Union has gradually become a key international environmental player and, over the past decades, has improved the ways in which it masters this task. This book provides an excellent and systematic overview of the plethora of activities through which the EU conducts its external environmental policy.

Negotiations and agreements are an essential element of the EU's international work but by far not the only one. Development cooperation, trade agreements and policy dialogue are other crucial tools. This book truly shows the multifaceted ways in which EU external environmental policy is conducted. In doing so, it goes beyond mere description and offers an evaluation of efforts. Its core strength is the way in which EU external environmental policy is approached: from various angles while conducting a coherent and systematic analysis. The analysis is based on solid case studies and provides valuable insights.

In a challenging global political context, EU environmental and climate leadership has become more important than ever. This book makes a contribution to understanding EU leadership. I commend the authors for their constructive contribution to academic research and policymaking.

DG Climate Action, European Commission   Jos Delbeke
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Acknowledgements

work in this field was just one of his many contributions to the field of environmental governance. He is dearly missed.

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Camilla Adelle
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Diarmuid Torney

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Acronyms

AA/DCFTA	Association Agreements/Deep and Comprehensive Free Trade Area
ACP	African, Caribbean and Pacific
AMCEN	African Ministerial Conference on Environment
AMCOW	African Ministerial Council on Water
AOSIS	Alliance of Small Island States
AWG	African Working Group
B4Life	Biodiversity for Life
CAHOSCC	Conference of African Heads of States on Climate Change
CBD	Convention on Biological Diversity
CCICED	China Council for International Cooperation on Environment and Development
CCS	Carbon Capture and Storage
CDAP	Climate Diplomacy Action Plan
CDM	Clean Development Mechanism
CELAC	Community of Latin American and Caribbean States
CETA	Comprehensive and Economic Trade Agreement
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLIMACAP	Integrated Climate Modelling and Capacity Building Project
CO_2	Carbon Dioxide
CONAMA	Conselho Nacional do Meio Ambiente
COPs	Conferences of the Parties
COREPER	Committee of the Permanent Representatives of the Governments of the Member States to the European Union
CSF	Civil Society Forum
CSP	Country Strategy Paper
DAC	Development Assistance Committee

DCFTA	Deep and Comprehensive Free Trade Agreements
DCI	Development Cooperation Instrument
DEVCO	Directorate-General for International Cooperation and Development
DG	Directorate-General
DG CLIMA	Directorate General for Climate Action
EaP	Eastern Partnership Initiative
EaP GREEN	Greening Economies in the European Union's Eastern Neighbourhood
ECHA	European Chemicals Agency
EDF	European Development Fund
EEAS	European External Action Service
EEC	European Economic Community
EECCA	Eastern European Caucasus and Central Asia
EGP	Environmental Governance Project
ENGO	Environmental NGO
ENP	European Neighbourhood Policy
ENRTP	Environment and Sustainable Management of Natural Resources Including Energy Thematic Programme
EPA	Environmental Protection Agency
EPAs	Economic Partnership Agreements
EPL	Environmental Protection Law
ETS	Emissions Trading System
EU	European Union
EUWI	EU Water Initiative
EUWI-EECCA	EUWI in Eastern Europe Caucasus and Central Asia
FAO	Food and Agriculture Organisation
FBOMS	Brazilian Forum of NGOs and Social Movements for the Environment and the Development
FLEGT	Forest Law Enforcement, Governance and Trade
FTA	Free Trade Agreements
GCCA	Global Climate Change Alliance
GDN	Green Diplomacy Network
GEF	Global Environment Facility
GGWSSI	Great Green Wall of the Sahara and the Sahel Initiative
GHG	Greenhouse Gas
GMES	Global Monitoring for Environment and Security
GMOs	Genetically Modified Organisms
GNI	Gross National Income
GPGC	Global Public Goods and Challenges
ICAO	International Civil Aviation Organization
ICLEI	Local Governments for Sustainability

INDC	Intended Nationally Determined Contributions
IPBES	International Platform for Biodiversity and Ecosystem Services
ISDS	Investor-State Dispute Settlement
ITTA	International Tropical Timber Agreement
ITTO	International Tropical Timber Organization
IWRM	Integrated Water Resources Management
JAES	Joint Africa-EU Strategy
JI	Joint Implementation
KOREU FTA	EU-South Korea Free Trade Agreement
LULUCF	Land Use, Land Use Change and Forestry
MDG	Millennium Development Goals
MEA	Multilateral Environmental Agreements
MEP	Ministry of Environmental Protection
MOF	Ministry of Finance
MOP	Meetings of the Parties
MRV	Measurement, Reporting and Verification
NDC	Nationally Determined Contributions
NDRC	National Development and Reform Commission
NEIA	National Environmental Investment Agency
NGO	Non-governmental Organisations
OECD	Organisation for Economic Co-operation and Development
PMR	Partnership for Market Readiness
POP	Persistent Organic Pollutants
PTA	Preferential Trade Agreements
RALCEA	Red Latino Americana de Centros de Excelencia en Aguas
REACH	Registration, Evaluation, Authorization and Restriction of Chemicals
REDD	Reduce Emissions from Deforestation and Forest Degradation
REIOs	Regional Economic Integration Organisations
SADC	Southern African Development Community
SAICM	Strategic Approach to International Chemicals Management
SCM	System Management Consulting
SDGs	Sustainable Development Goals
SEIS	Shared Environmental Information System
SIA	Sustainability Impact Assessments
SMEs	Small and Medium Enterprises
TAED	Transatlantic Environmental Dialogue
TCCA	Toxic Chemicals Control Act
TFEU	Treaty on the Functioning of the European Union
TTIP	Transatlantic Trade and Investment Partnership
UK	United Kingdom
UMIC	Upper Middle Income Country

UN	United Nations
UNCCD	UN Convention to Combat Desertification
UNDP	United Nations Development Programme
UNECE	UN Economic Commission for Europe
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNFF	United Nations Forum on Forests
UNIDO	United Nations Industrial Development Organisation
VPA	Voluntary Partnership Agreements
WASH	Water Sanitation and Hygiene
WATERCLIMA	Watershed and Coastal Management in the Context of Climate Change
WFD	Water Framework Directive
WPIEI	Working Party on International Environmental Issues
WSSD	World Summit on Sustainable Development
WTO	World Trade Organisation
WWF	World Wildlife Fund

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Introduction: European Union External Environmental Policy

Diarmuid Torney, Katja Biedenkopf, and Camilla Adelle

INTRODUCTION

The global environment is, by many measures, in a perilous state. Humankind is pushing the earth system beyond safe limits in a variety of ways, endangering the conditions that supported the development of human civilizations. According to the "planetary boundaries" framework, several earth system processes have been pushed beyond—in some cases well beyond—the safe operating space for humanity. At the global scale, genetic diversity as well as biochemical flows are rated as "high risks" of destabilization of the earth system, while climate change and land-system change are rated as "increasing risk" (Steffen et al. 2015). The extent to which humankind has altered the bio-geo-physical characteristics of the

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earth system has led scientists to christen the current epoch the *Anthropocene*, a functionally stratigraphically distinct geological age from the previous *Holocene* (Waters et al. 2016).

There are, however, signs of progress in terms of governance responses. For example, the Paris Agreement on climate change, concluded at the COP21 climate conference in December 2015, was the first legally binding global climate change treaty with universal applicability, though parties' mitigation commitments are not legally binding. Moreover, data from the International Energy Agency show that, following decades of inexorable rise,[1] global CO_2 emissions from fossil fuel combustion remained flat over the years 2014–2016 despite continued growth of the global economy, indicating a decoupling of CO_2 emissions from economic growth (International Energy Agency 2017). Nonetheless, while growth in annual emissions may have halted (at least temporarily), atmospheric concentrations of CO_2—which ultimately is what matters—continue to rise steadily.

Similar tendencies can be noted in other policy areas. The trade, production and use of chemicals have been addressed by a set of international treaties. However, these treaties have not achieved all of their objectives of avoiding environmental and health damage. The loss of biodiversity has been recognized as a global threat, with an international convention—the Convention on Biological Diversity—negotiated in response. While it seems likely to have slowed down biodiversity loss, the Convention did not achieve its initial goal of halting any further loss of biological diversity by 2010.

Against this backdrop of global ecological strain and partial governance response, this book charts the role the European Union (EU)[2] has played in shaping environmental policies beyond its borders. Over recent decades, the EU has developed into an important actor in global environmental governance. This marks a tremendous development and transformation, given that the Treaty of Rome establishing the European Economic Community in 1957 did not even mention the environment as a sphere of policymaking. As EU environmental policy moved from "incidental" (Hildebrand 1992) to a "system of environmental governance" (Weale et al. 2000), EU environmental rules, regulations and objectives have increasingly impacted not only on its own member states but also on the wider world.

However, systematic analysis of the EU's environmental policies has largely focused on the internal dimension, namely, how the EU pursues its

environmental objectives within its own borders (e.g., Jordan and Adelle 2012; Knill and Liefferink 2007). The EU's external environmental policy—how it pursues its environmental objectives outside of its borders—remains comparatively under-researched. Existing academic reflection in this field has focused principally on the EU's activities in multilateral environmental agreements (MEAs) (e.g., Delreux 2011, 2014; Oberthür and Groen 2015) and most recently on its role in global climate negotiations (e.g., Groen and Niemann 2013; Bäckstrand and Elgström 2013; van Schaik and Schunz 2012). This existing scholarship leaves many unanswered questions, which this book seeks to address.

Consideration of the EU's external environmental policies falls within the realm of the broader development of a distinctive and visible international profile by the EU. It has done so not only through the institutionalization of its Common Foreign and Security Policy and traditional external policy areas such as trade and development assistance, but increasingly also through wider policy areas such as environmental, energy and chemicals policy. The EU's attempts to build a more visible international profile have been conceptualized by scholars in various ways, including normative and civilian power (Manners 2002; Duchêne 1972; Bull 1982), market and trade power (Damro 2012; Meunier and Nicolaïdis 2006), international actorness (Jupille and Caporaso 1998; Bretherton and Vogler 2006) and leadership (Oberthür and Roche Kelly 2008; Parker and Karlsson 2010; Torney 2015a, b). A relatively new perspective on the EU's international relations seeks to explore the external impacts of seemingly internal policy areas as part of a new broader understanding of the EU's role in international affairs, and of the EU's more comprehensive approach to external relations (Lavanex 2014; Lavenex and Wichmann 2009).

For the purpose of this book, we consider the EU's external environmental policy to include attempts to transfer the EU's environmental rules, regulations and objectives to third countries and international organizations. As a result, we focus on the EU's purposeful environmental activities and not the significant unintentional, sometimes negative, impact of some of its non-environmental policies, such as the Common Agricultural Policy, trade, and consumption and production patterns. However, we do consider explicit, intentional attempts to use some non-environmental instruments such as trade to achieve environmental policy goals.

Mapping the Contours of EU External Environmental Policy

Over the last four decades the EU has developed a wide body of environmental measures, or *acquis communautaire*, which encompasses multiple issue areas, from air and water pollution to biotechnology (Jordan and Adelle 2012). As a result, no other international organization reaches so deeply into the environmental affairs of its members. As the EU has expanded the scope of its internal environmental competences, it has also acquired parallel external powers allowing it to conclude MEAs on all those issues on which it has adopted internal environmental policy (Delreux 2012). However, only when it is able to adopt ambitious policy in the respective area of environmental protection can it credibly exert influence on non-EU jurisdictions. The EU attempts to lead by example or transfer its policies in areas such as climate change or chemicals regulation.

This volume explores the environmental rules, regulations and objectives that the EU seeks to promote outside its borders. The chapters uncover which parts of the *acquis communautaire* relating to the environment the EU seeks to extend beyond its borders, and which specific environmental rules, regulations and objectives the EU seeks to promote. They also consider whether there are synergies, complementarities or conflicts between different domains of the EU's environmental rules, regulations and objectives. The chapters furthermore consider to what extent the content of the EU's external environmental policies has changed over time.

As well as *what* the EU seeks to promote abroad, this volume is also concerned with *how* the EU does so. The structure of EU foreign policy and external relations has changed over time, including as a result of the 2009 Lisbon Treaty. Environmental policy integration and policy coherence have become more important, and, since 2001, the EU has increasingly attempted to include environmental objectives in other policy areas, including external action. Traditionally, the EU has pursued its external environmental objectives through MEAs and other forms of high-level diplomacy and negotiations. In addition, early studies looking at the extension of the Union's policies in the context of EU enlargement emphasized the predominance of "governance by conditionality", using the leverage of EU accession to impose policy changes (e.g., Schimmelfennig and Sedelmeier 2004). However, now that accession is becoming less of

an option, and as one moves further away from the EU's immediate borders, this type of external policy becomes a less viable option. This is pushing the EU to experiment with other forms of governance, often—but not always—relying on subtler/softer logics of action such as capacity building and persuasion. In many cases, a combination of EU instruments is applied.

This leaves many questions about which instruments of external environmental policy, and what combination of these instruments, are used by the EU to pursue its environmental objectives. In this book, we distinguish between three principal governance mechanisms: (a) *manipulating utility calculations*, which involves the use of incentives and punishment such as conditional market access or conditional payments, to push for the pursuit of environmental policy objectives; (b) *capacity building*, which can involve both financial aid and other forms of support such as technical assistance, training and personnel exchanges and through which the EU seeks to enable third countries to pursue environmental policy objectives; and (c) *dialogues and negotiations*, which entails the use of argumentation and persuasion to encourage a country to pursue environmental policy objectives.

This volume characterizes the EU's external environmental policy across a diverse range of policies and geographical regions in terms of these three mechanisms. The chapters consider the conditions under which the EU resorts to one mechanism or another in particular circumstances, and the factors that determine the choice of mechanism in a given context. They also assess whether the EU pursues these different mechanisms in isolation from one another or in combination, and how the mechanisms interact with each other in particular circumstances.

Explaining the Effectiveness of EU External Environmental Policy

As well as mapping the contours of EU external environmental policy, this volume is also centrally concerned with how effective the EU is in shaping environmental policies beyond its borders. We define effectiveness as "the extent to which EU rules [and policy] are effectively transferred to third countries" (Lavanex and Schimmelfennig 2009, 800). Yet, EU rules are often embedded in overarching international norms (Lavenex and Wichmann 2009, 94–98), which can make it difficult to identify the

independent impact of the EU specifically, as distinct from broader forces shaping environmental policy outcomes in third countries.

In this respect, the contributions to this volume are careful to avoid automatically interpreting policy change in a given third country as evidence of EU effectiveness in the absence of clear empirical evidence tracing the policy change to the impact of the EU. Accordingly, in assessing EU effectiveness, the chapters look for evidence of change in a third country/region that corresponds with convergence on an EU rule, regulation or policy but also ask whether the rule, regulation or policy in question is distinctively European or is of broader or global origin. Moreover, authors examine whether a causal connection can be made between the policy change and the role of the EU, including through process tracing.

Building on this examination of EU effectiveness, we are interested in explaining variation in the level of EU effectiveness uncovered by the contributions to this volume. Relevant explanatory factors can be located within the EU itself, in the third country or region in question or at the global level.

One set of explanatory factors relates to the EU itself and its relations with the country/region in question. The chapters examine how power relations between the EU and third countries, and specifically the bargaining power of the EU, affect the selection (or otherwise) of EU-inspired environmental policies by third countries. Do higher levels of power asymmetry favouring the EU enable it to manipulate utility calculations of third countries? How important is it that the environmental policies the EU seeks to transfer to third countries are supported and complied with within the EU, and to what extent is successful transfer of policies affected by those EU policies being in line with broader international rules beyond the EU (Lavanex and Schimmelfennig 2009)?

A second set of explanatory factors looks at the characteristics of the third country or region in question. The chapters assess the importance of capacity in third countries to implement and enforce policies promoted by the EU. Relevant factors in this respect include third countries' institutional structure but also the availability of relevant knowledge and data. To what extent do similarities or differences in interests and norms between the EU and third countries facilitate or constrain the external effectiveness of the EU? And what role do political priorities in non-EU jurisdictions play in shaping policy change or slowing it down? This relates to third countries' interests and norms but also

includes policy entrepreneurship and struggles between different actors and interests.

A final set of explanatory factors stems from the broader global context. Other countries and actors can either support the EU's efforts or compete with them, for example, by providing alternative sources of financing and export markets. The chapters seek to uncover how this broader global context shapes the effectiveness of the EU's external environmental policies, particularly in circumstances where EU demands seem more cumbersome than other actors' demands. How important is the absence or presence of global consensus on particular environmental policies or approaches in shaping acceptance of EU efforts in some non-EU jurisdictions?

OUTLINE OF THE BOOK

The chapters of this volume each address some or all of the themes and questions elaborated above. Collectively, they provide a holistic picture of the environmental rules, regulations and objectives the EU seeks to promote in the wider world, the means by which it attempts to do so, the effectiveness of those actions and factors that explain the effectiveness or otherwise of EU actions. The book is divided into four sections dealing respectively with the *instruments* at the EU's disposal, the principal *policy areas* that are the focus of EU external environmental policy, some of the most important *countries and world regions* with which the EU engages and the *outlook* for EU external environmental policy in an increasingly turbulent world.

Part I provides an overview of the principal policy instruments at the EU's disposal. In Chap. 2, Tom Delreux examines the EU's support for MEAs as a key instrument of global environmental governance. He discusses how the EU participates in international negotiation processes in the context of MEAs by investigating the formal provisions as well as the informal practices. This is illustrated with a case study on the EU's participation in the negotiation of the Paris Agreement on climate change. The chapter also analyses the EU's effectiveness by assessing and explaining the extent to which the EU is actually able to impact upon MEA negotiations.

Chapter 3 explores the contribution diplomacy has made to the EU's external environmental and climate policies. Diarmuid Torney and Mai'a Davis Cross examine the EU's activities in the area of environmental and

climate diplomacy and elaborate upon the factors that influence the effectiveness or otherwise of the EU's external environmental policies. They trace the development of the EU's key institutional mechanism for coordinating environmental and climate diplomacy, the Green Diplomacy Network. They use the case of EU involvement in the COP21 climate conference to illustrate how diplomacy matters for effectiveness of EU external environmental relations. However, they also note that climate change is a special case of environmental diplomacy due to the very high global attention it has attracted compared with other environmental issues.

Chapter 4, by Evgeny Postnikov, considers the degree to which the EU has used preferential trade agreements (PTAs) with multiple countries across the developing world to further environmental policy objectives. He argues that these agreements play an important role in the toolkit of EU external environmental policy instruments by including environmental standards requiring trading partners to maintain proper levels of environmental protection. This chapter offers a much-needed assessment of the effectiveness of environmental standards in EU PTAs. Postnikov traces the evolution of the EU's approach toward environmental provisions, focussing on their policy mechanisms. He also examines their implementation in EU PTA partners, assessing government and civil society involvement in this process and pointing to deficiencies of the EU's approach, such as their limited scope and soft enforcement.

Chapter 5 focuses on the EU's track record of integrating, or mainstreaming, environmental objectives into its development policy. Camilla Adelle, Frederik De Roeck, Sarah Delputte and Sally Nicholson set out the relevant legal and policy framework before introducing the main policy instruments into which environmental objectives can be integrated. These include the Development Cooperation Instrument and the European Development Fund, as well as the Global Public Goods and Challenges (GPGC) programme. They examine empirically how effectively environmental integration is implemented in the 2014–2020 development cycle in Ghana with a specific focus on climate policy integration. Despite changes to EU development policy and practice over the years, difficulties still remain in integrating the environment in practice. The authors argue that environmental objectives can, at times, appear at odds with development objectives.

Part II examines some of the most important environmental policy issues that have been the focus of EU external environmental policy. In Chap. 6, Sebastian Oberthür, Claire Dupont and Katja Biedenkopf zoom

in on the different mechanisms through which the EU pursues climate policy effects beyond its borders. The EU has quite consistently been a reasonably influential player in international climate diplomacy and the UN climate negotiations. The EU's influence in international climate diplomacy has benefitted from providing incentives and capacity building to developing countries. By doing so, the EU has altered the incentive structure of the recipients and enabled them to pursue more ambitious climate policy objectives. While EU external climate policy remains closely tied to domestic EU climate policy, further challenges loom large, including Brexit and the US climate policy U-turn under President Trump.

Chapter 7, by Camilla Adelle, David Benson and Kirsty Agnew, explores the EU's attempts to export its water policy through three main policy tools. They examine the EU Water Initiative, launched in 2002, which is implemented through five regional partnerships or networks that bring together stakeholders in water policy reform in individual partner countries alongside EU officials and experts. This creates opportunities for the transfer of EU water policy to third countries. They also look at EU development aid to the water sector especially in sub-Saharan Africa, through which it attempts to influence water governance in third countries. Furthermore, they trace a growing interest in "water diplomacy" on the part of EU foreign ministers resulting from transboundary tensions over water access. However, they note that the effectiveness of these instruments in successfully promoting EU water policy in third countries is constrained by various factors which are discussed in the chapter.

Marianne Kettunen traces the EU's contribution to halting the global loss of biodiversity in Chap. 8. The EU does so through conservation efforts within its own territory as well as at the global level. She outlines the EU's external biodiversity policy, the objectives pursued and the mix of policy mechanisms used. Kettunen explores the effectiveness of existing mechanisms and activities in achieving the EU's external ambitions, focusing on two key external biodiversity objectives set out in the EU 2020 Biodiversity Strategy: curbing illegal wildlife trade and mobilizing resources for biodiversity conservation in third countries. Kettunen concludes that key challenges remain with respect to EU external biodiversity policy, including the need for further monitoring of its effectiveness.

In Chap. 9, Pauline Pirlot, Tom Delreux and Christine Farcy evaluate and explain the effectiveness of EU external action on forests. Despite its lack of competence on forests, the EU seeks to promote sustainable forest

management through various policies and measures. Some are explicitly focused on forests, such as the EU's participation in the United Nations Forum on Forests, while others rely on related fields to achieve sustainable forest management, such as the Forest Law Enforcement, Governance and Trade Voluntary Partnership Agreements. The authors show that various external forest policies of the EU are characterized by varying levels of effectiveness. Despite the EU's effort to create synergies and complementarities between them, different objectives are not always reconciled and EU external forest policies remain incoherent.

Chapter 10 focuses on regulation of the chemicals industry. Katja Biedenkopf traces the evolution of the EU as a relatively ambitious driver of internal and external chemicals policy. She argues that the EU has been an active participant in international negotiations, oftentimes advocating for relatively ambitious multilateral chemicals treaties. Strong domestic EU chemicals policy provides a solid baseline for the Union's international engagement, generating a unified common position and activities. The EU's large global chemical market share and the high degree of globalization of the chemicals industry lend the EU a certain degree of leverage to alter non-EU countries' utility calculations. This can lead to increased receptiveness of certain countries to engage in dialogue and capacity building provided by the EU. Yet, the international policy context and positions of other major players such as the US and China have conditioned the EU's effectiveness.

Part III of the book attempts to capture the diversity of the EU's relations with third countries and regions. While not comprehensive, this part of the book nonetheless provides insights into some of the EU's most important relationships. In Chap. 11, Roberto Dominguez considers the EU's attempts to transmit its conception of sound environmental practices to the Latin American region over recent decades. He finds that the contribution of the EU has been limited. He argues that this is due to the comparatively minimal economic and political sway of the EU in the region, the region's pre-existing commitment to implementing international environmental norms, internal demands for better environmental standards and strong bilateral environmental cooperation with the United States. Though EU policies are broadly effective in their stated objectives, they are comparatively underwhelming in terms of funding, constituting but one of several nuances which contour the formation of national environmental policies throughout the region.

Chapter 12, by Aron Buzogány, looks at the EU's relations with its near neighbourhood. The EU places special emphasis on establishing environmental governance institutions and developing horizontal policy instruments in this region. Countries that have chosen to engage with the EU politically, such as Ukraine, Moldova and Georgia, are obliged through Association Agreements to implement the EU's environmental acquis in a stepwise manner. However, Buzogány notes that their incentives to do so are often unrelated to environmental or climate policy but concern political goals such as access to the European single market or liberalizing visa regulations with the EU. EU capacity building efforts place an increased emphasis on the administrative potential of the neighbourhood states to implement international commitments and the inclusion of business actors in the policy process. In parallel, the EU reaches out to domestic environmental NGOs, which are becoming local translators of EU rules and can act as watchdogs overseeing the implementation of these rules.

The African continent is the focus of Chap. 13. Simon Lightfoot and Camilla Adelle outline the main mechanisms through which the EU pursues its external environmental objectives in Africa, namely, high-level political dialogue in the form of the Joint Africa-EU Strategy, capacity building through development projects and programmes and manipulating utility calculations in the Economic Partnership Agreements. They show that environment and climate change have become more central in EU-Africa relations over the last decade. However, they also argue that the EU's attempts at pursuing its external environmental policies through high-level political dialogue have been constrained by many of the same weaknesses that undermine its wider relationship with Africa. On the other hand, capacity building appears to have been relatively successful, especially when aligned with African initiatives and priorities.

Chapter 14, by Diarmuid Torney and Olivia Gippner, examines an increasingly broad and deep EU relationship with China on environment and climate change. This has been underpinned, they argue, by the increased attention paid by China's political leadership to the ecological limits of rapid economic growth. As this concern has grown, China's leaders have looked beyond their borders for solutions. They argue that China has looked to—and adopted—European-inspired environmental policies and institutions. However, they also note that the EU is not the only game in town. Other non-European actors have also played prominent roles in China. Furthermore, European-inspired policies have been modified,

sometimes significantly, in the process of adoption in China, and challenges remain with respect to their implementation and ultimate effectiveness in a Chinese context.

Katja Biedenkopf and Hayley Walker assess the EU's relationship with the United States in Chap. 15. They find that the two sides' relationship on environmental, climate and energy policy is multifaceted and without a clear direction of influence from one jurisdiction to the other. Mutual influence and cooperation can be observed in some policy areas, coexistence of divergent policies and conflict in others. The nature of EU-US interaction has fluctuated over the course of time and with domestic political changes. Both are actors of similar strength and with highly developed environmental policies so that capacity building is largely absent from EU-US environmental interaction. Given the symmetry of environmental power and capacity, manipulating utility calculations tends to be less pronounced. The authors conclude that formal and informal policy dialogue has been the main mechanism of interaction in this relationship.

Part IV reflects on the outlook for the EU's external environmental policies in an increasingly turbulent world and sets out the book's conclusions. In Chap. 16, Charlotte Burns and Paul Tobin consider the range of crises that have beset the EU since the late 2000s. The global financial and economic crises have led to the pursuit of austerity measures across the EU, limiting the ability and willingness of political elites to pursue ambitious environmental policy. The authors review the impact of these crises upon the EU's external policy ambition, including consideration of how the United Kingdom's decision to leave the Union may impact the EU's wider environmental policy goals.

Chapter 17 draws together the findings of the various chapters. It reflects on the questions posed above and explains variation in the effectiveness of the EU's external environmental policies across instruments, policy areas and geographic regions of the world. The findings of the book show that while the EU has made a significant contribution to global environmental governance over recent decades, much remains to be done. This is particularly the case when the level of progress made is compared with the scale of regional and global environmental challenges. The EU's—and the world's—tasks are made all the greater by turbulent events in world politics, most notably the election as US President of Donald Trump. If the EU is to contribute to the global community's search for effective solutions to environmental challenges, policymakers would do well to learn from the lessons and findings of this volume.

Notes

1. The exceptions to this upward trend have been periods of global recession, most recently during the global financial crisis of the late 2000s.
2. Throughout this volume, the term "European Union" is used to refer to both the current EU and also its historical antecedents, the European Community (EC) and the European Economic Community (EEC). These latter terms are only used where this provides greater clarity.

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Instruments

Multilateral Environmental Agreements: A Key Instrument of Global Environmental Governance

Tom Delreux

INTRODUCTION

Multilateral environmental agreements (MEAs) are international treaties that are concluded by multiple parties and that primarily deal with transboundary environmental affairs. They have a double function in international environmental governance. First, MEAs are key instruments of international law among parties, which mostly are states, but the European Union (EU) can also be a party to an international agreement. MEAs stipulate how the parties have agreed to collectively address international environmental problems. Second, once in force, they establish an institutional framework for follow-up discussions among the parties (Gehring 2007). MEAs institutionalize a continuous negotiation and dialogue forum on an international environmental issue. The parties to an MEA—including the EU—regularly gather during Conferences of the Parties (COPs), Meetings of the Parties (MOPs),

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subsidiary bodies and other *ad hoc* meetings. This chapter examines how the EU approaches and uses MEAs as an instrument of global environmental governance. It shows that MEAs, both as treaties and as institutional frameworks, are an important external governance tool for the EU.

The chapter starts by discussing the EU's overall support for MEAs as a key instrument for addressing international environmental problems. It then looks deeper into the question of how the EU participates in international negotiation processes in the context of MEAs. The EU's legal status and competences with regard to MEAs, its internal policy-making process and the arrangements the EU applies to participate in such negotiations are subsequently examined. The following section illustrates the informal and *ad hoc* nature of these processes by shedding light on how the EU *de facto* participated in the negotiations on a recent MEA, the Paris Agreement on climate change. Finally, the chapter analyses the EU's effectiveness by assessing the extent to which the EU is actually able to impact upon MEA negotiations.

THE EU'S SUPPORT FOR MEAS IN GLOBAL ENVIRONMENTAL GOVERNANCE

The EU is currently a party to all major MEAs covering a wide variety of environmental issues, including air, biodiversity, climate, chemicals, waste and ocean governance. Most of them are negotiated under the auspices of the United Nations (UN), but some MEAs are regional (for instance, negotiated in the framework of the UN Economic Commission for Europe, UNECE) or deal with geographically delineated issues (such as river basins or regional seas). As of 2016, the EU has been a signatory to 58 MEAs, including 30 Conventions or Agreements (i.e. stand-alone treaties dealing with an environmental issue), 19 Protocols (i.e. treaties negotiated under the umbrella of an existing Convention or Agreement to deal with one of its aspects more in detail) and 9 Amendments (i.e. treaties that modify an existing Convention, Agreement or Protocol) (European Commission 2016).

The EU's participation in all major MEAs illustrates its preference for legally binding treaties as a crucial instrument for international environmental governance. The EU has been a driving force in many MEA negotiations (Vogler 2011), where it has provided leadership (Zito 2005) and often promoted the inclusion of strong environmental measures. This has

particularly been the case since the mid-1980s, when the EU and its member states took over international environmental leadership from the US (Kelemen and Vogel 2010).

The EU has played a leadership role in various MEA negotiations. It supported the strict regulation of hazardous chemicals and the application of the precautionary principle in this field during the negotiations of the Stockholm, Rotterdam and Minamata Conventions as well as at their subsequent COPs (Delreux 2011; Selin 2014; see also Chap. 10). In the multilateral climate change regime, the EU was an important player in the negotiations on the Kyoto Protocol and the agreements specifying the Protocol's implementation (Damro and Méndez 2003; Groenleer and van Schaik 2007). The EU's leadership in the United Nations Framework Convention on Climate Change (UNFCCC) was badly damaged at the 2009 Copenhagen climate change conference which was a diplomatic failure for the EU (Oberthür 2011; Groen and Niemann 2013), but was subsequently restored in the run-up to the Paris conference in 2015 (Oberthür 2016).

The EU's environmental leadership does not mean, however, that the EU always defends the most ambitious or greenest position in any international environmental negotiation. Essentially, it implies that the EU tends to demand the use of an MEA to address international environmental problems, but this does not prevent the EU from advocating a less reformist position than other parties on the content of that MEA. For instance, the EU had a rather moderate-conservative position in the negotiations on the Cartagena Protocol on Biosafety, the UNECE Protocol on Strategic Environmental Assessment and the Nagoya Protocol on Access and Benefit Sharing on genetic resources (Delreux 2011; Oberthür and Rabitz 2014).

The EU's support for MEAs is also illustrated by its financial support for the activities and the functioning of MEAs. The Global Environment Facility (GEF) serves as the financial mechanism of the main climate, biodiversity, desertification, chemicals and ozone agreements. The EU as such is not a contributor to the GEF, but the EU member states are. The combined pledged financial contributions of EU member states count for more than the half of the GEF budget, corroborating their backing of the actual functioning of MEAs (Global Environment Facility 2015). As a consequence of its support for the GEF as the main financial mechanism in many environmental areas, the EU often opposes the creation of new financial mechanisms and new funds. That also illustrates the

EU's rather conservative position with regard to additional funding and financial assistance in MEA negotiations.

Three sets of explanations have been put forward in the literature to explain the EU's preference for MEAs as an instrument to address international environmental issues. First, this choice fits within the general preference of the EU's foreign policy to address global problems at the multilateral level, in particular through international treaties preferably negotiated within the context of the UN. Being a "multilateral microcosm of the international system itself" (Oberthür and Roche Kelly 2008, 43), the EU has a deep preference for a rule-based global order organized in the form of legally binding agreements. The EU's external environmental policy is not an exception to this general foreign policy choice.

Second, given its limited military power and the reluctance by member states to develop the military branch of EU foreign policy, the EU has used other ways to establish itself as an international actor. Regulatory policy domains, such as the environment, were rather evident fields to develop an international identity that allowed the EU to differentiate itself from other international actors as a civilian or normative power (Scheipers and Sicurelli 2007).

Third, the EU also has a clear economic motivation to promote strict international environmental standards by means of MEAs (Kelemen 2010). Because of the increasing salience and politicization of environmental concerns since the 1970s and the resulting growth of social movements and green parties in Europe, the EU has gradually adopted one of the world's most ambitious sets of internal environmental policies. Yet, due to globalization and intensification of international regulatory competition, European producers compete at the global market with producers from third countries that are not bound by equally high environmental standards. This creates an incentive for the EU to export its internal standards to the international stage in order to level the playing field with non-EU competitors. Hence, the EU prefers to globalize its internal regulatory framework by means of MEAs, which include legally binding standards.

Internal Functioning of the EU in the Context of MEA Negotiations

Since the 1990s, the EU has participated as a fully fledged actor both in the negotiations leading to an MEA and in the latter's follow-up discussions (Jupille and Caporaso 1998), and nowadays, it usually negotiates as a

single bloc. In the 1970s and 1980s, the first two decades of global environmental governance, European member states usually participated in international environmental negotiations as independent states. At that time, the role of the European Economic Community (EEC) was thus rather insignificant (Woolcock 2012) and it struggled to be recognized as an authoritative actor (Sbragia 1998).

As MEAs are instruments of international law and as states are the main subjects of international law, the EU's legal status in the context of MEAs is not entirely straightforward. The EU's status as a negotiation partner can vary considerably between different cases. The general rule of thumb is that the EU usually participates in negotiations as an observer in the UN context, as the major global Conventions and Agreements have been negotiated under the auspices of the UN. Yet, most of the MEA negotiations today take place in the context of the COPs, MOPs or other subsidiary bodies established by existing MEAs. It is in this institutional context that the political follow-up decisions are taken and, importantly, that Protocols or other legal instruments to existing MEAs are negotiated (e.g. the Kyoto Protocol or the Paris Agreement under the UNFCCC, or the Cartagena and Nagoya Protocols under the Convention on Biological Diversity). Here, the EU acts as a party to the umbrella MEA, as a result of which it enjoys the same rights as other parties in such treaty organs. In the rather uncommon event that voting occurs in such settings, the general principle applies that the EU cannot cast its votes when the member states do so, and vice versa.

When it comes to the EU's status as a party to MEAs, most MEAs include a provision allowing for so-called Regional Economic Integration Organisations (REIOs) to become a party. This formula was created to allow the EEC—the EU's predecessor at that time—to join the Convention on Long-range Transboundary Air Pollution in the 1970s. Although the REIO formula could also be applicable to other regional organizations, the EU is the only non-state actor that has used it so far to join MEAs.

The external environmental competences that allow the EU to join MEAs have a twofold source. First, Article 191(4) of the Treaty on the Functioning of the European Union (TFEU) states that "[w]ithin their respective spheres of competence, the Union and the Member States shall cooperate with third countries and with the competent international organisations". This reference has been part of the European treaties since the Single European Act (1987), which was the first European treaty that recognized environmental policy as a European competence. Second,

through case law of the Court of Justice of the EU, the so-called "parallelism doctrine" has been created. According to this principle, the EU possesses the competences to act externally on the issues on which it has exercised its competences internally. This means that the EU has the competences to conclude international treaties when EU-internal legislation on the topic of the treaty is in force.

Both internal and external environmental competences are shared competences, implying that member states can still legally act on environmental issues as long as the EU has not exercised its competence. The shared nature of external environmental competences is also explicitly confirmed in Article 191(4) TFEU, which states that the EU's cooperation with third countries in this field "shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements". The main consequence of shared consequences for MEAs is that they are, from an EU perspective, mixed agreements, concluded by the EU and its member states with third countries. Hence, it is not only the EU that is a party to the nearly 60 MEAs mentioned above but also (most of) its member states.

The mixed characteristic of MEAs and the shared nature of external environmental competences have "not prevented the EU developing common policies and positions in international environmental negotiations" and they "pose less and less of a problem as the EU decision-making regime has come to be accepted" (Woolcock 2012, 117 and 147). However, tensions between the Commission and the member states on who should lead the external representation recur periodically, with the former arguing for a more Commission-driven system and the latter emphasizing the shared nature of the competences and arguing for a continued role for the member states (for an overview of both sides of the debate, see respectively Buck 2012 and Thomson 2012). Such discussions were particularly present in the early 2010s shortly after the entry into force of the Lisbon Treaty, which coincided with the aftermath of the Copenhagen climate change conference (Corthaut and Van Eeckhoutte 2012; Delreux 2012). In a few instances, these internal discussions hindered the EU's performance at the international level, particularly in the first negotiation sessions on the Minamata Convention on Mercury (see Chap. 10), but the dust seems to have settled since member states found pragmatic solutions on the EU's external representation (Council of the European Union 2011).

Article 218 TFEU prescribes the procedure for negotiating and concluding international agreements. For the issues that are covered by EU competences (which is not necessarily the entire range of issues at the international agenda), the Commission submits a recommendation to the Council of the EU, which can adopt a decision authorizing the opening of negotiations, nominating the EU negotiator and issuing a negotiation mandate for the Commission. This Article 218 TFEU procedure has been followed for negotiating most of the MEAs the EU has concluded. Remarkably, the negotiations on MEAs concerning climate change (on the Paris Agreement but also in the run-up to Copenhagen) were conducted without a formal Council mandate for the Commission. This may be explained by the fact that the Commission "believes it could win a legal dispute over competence on climate change in the European Court of Justice, but politically does not dare to pick such a fight" (van Schaik 2012, 11). The Commission indeed seems to be satisfied with the (influential) role it is *de facto* able to play in the climate negotiations even in the absence of a formal mandate (see the following section).

In negotiations that are not intended to result in an MEA but rather take place within the institutional follow-up structure of an existing MEA, the Article 218 TFEU procedure does not apply. When the EU participates in COP meetings or other treaty organs, the EU's position is mostly determined in the form of Council Conclusions, which are adopted by the Environment Council. The main policy-making forum here is the Working Party on International Environmental Issues (WPIEI), which is composed of member state and Commission officials and chaired by the rotating Presidency. Besides preparing the overall EU position that is subsequently adopted (and in most cases rubberstamped) by the ministers, the WPIEI also produces separate position papers on the different issues on the agenda of the international negotiations.

During the course of international negotiations, the EU position can be updated or adjusted. Therefore, on-the-spot EU coordination meetings take place during negotiation sessions. They resemble the institutional set-up of WPIEI meetings, but when the international negotiations are conducted at ministerial level, ministers participate in EU coordination meetings. Although internal coordination is often time-consuming and cumbersome, it is deemed necessary to keep all member states on board and to provide for the necessary flexibility in the endgame of the negotiations.

In theory, the way the EU is represented externally is the direct result of the shared nature of the external environmental competences. Except for the general obligation for member states to cooperate loyally, the European Treaties do not provide clear-cut guidance for external representation and negotiations on shared competences. In theory, they are to be conducted through a system of "dual representation". For the shared competences that have been executed by the EU, the European Commission negotiates on behalf of the Union (Article 17 of the Treaty on European Union combined with Article 218 TFEU). For the issues that are still member state competences, it is common practice that the member state holding the rotating Presidency of the Council speaks on behalf of the EU. The resulting dual representation arrangement, with the Commission and the Presidency negotiating jointly, is used particularly when the EU speaks in public venues, for instance, when it delivers formal statements, speaks in plenary meetings or gives press conferences.

In other, usually less visible but often more important, negotiation settings, dual representation is often replaced by an *ad hoc* negotiation arrangement that is not based on the division of competences but rather on pragmatic considerations and informal division of labour between member states and the Commission. In various working groups and contact groups, where actual negotiations take place and MEAs are drafted, the EU is often represented by lead negotiators who can be from member states or the Commission, and who have informally been assigned the task to speak on behalf of the EU. This not only allows for intra-EU burden-sharing but also for pooling expertise, guaranteeing continuity and closely involving member states and their expertise in the negotiations (Delreux and Van den Brande 2013).

After an MEA has been signed, it still needs to be ratified before it becomes legally binding for the EU. Importantly, only MEAs need to be ratified, in contrast to, for instance, COP decisions or other political declarations. MEAs are signed by the EU on the basis of a Council decision that authorizes the Presidency to do so. Subsequently, another decision by the Council is needed to ratify the MEA. Since 2009 such a ratification decision also is subject to the consent of the European Parliament. Hence, both the Council and the Parliament need to agree before the EU can ratify an MEA. Notwithstanding the multiple veto points, the EU has a good track record in ratifying MEAs: once it signs, it usually ratifies. Yet the EU is rarely among the first parties to ratify an agreement, as the procedure can take some time and the ratification decision is often linked with

internal legislation that is needed for implementation. As MEAs are mixed agreements, member states also have to ratify them according to their national constitutional procedures. This is not a legal requirement for the EU to join the MEA, as the example of the Paris Agreement has shown, but non-ratification by one or a few member states might politically hinder the EU in follow-up meetings to that MEA.

POLICY-MAKING AND EXTERNAL REPRESENTATION IN PRACTICE: THE EU IN (THE RUN-UP TO) PARIS

When the EU participates in international environmental negotiations that are to result in an MEA, the EU's actual negotiation set-up is often *ad hoc* and characterized by informal dynamics. The way the EU negotiated the Paris Agreement on climate change will be used here as an example of how policy-making and external representation can function in practice. The Paris Agreement was the result of a 4-year negotiation process. Between the COPs in Durban (2011) and Paris (2015), the negotiation parties met frequently during different kinds of negotiation sessions. The annual COP meetings were the most visible and most politicized sessions, but they were complemented by many preparatory sessions at the UNFCCC headquarters in Bonn. These different gatherings of the UNFCCC parties at the multilateral level are referred to as "sessions".

The EU's negotiation set-up consisted of three institutional bodies: the Working Party on International Environmental Issues (WPIEI) in the framework of the Council, expert groups and the EU Team, which is composed of the lead negotiators and a number of experts from various member states and the Commission. Whereas the WPIEI is a formal setting, experts groups and the EU Team are rather informal. For understanding the functioning of this negotiation set-up, and the division of labour between the three bodies (see Fig. 2.1), a double distinction needs to be made. First, there is a difference between what happens *during* the sessions (i.e. at the COPs or in Bonn) and *between* the sessions (i.e. in Brussels to prepare for the upcoming session). Second, a distinction is needed between *policy-making* (i.e. determining the EU position at the European level) and *external representation* (i.e. expressing that position at the multilateral level). Figure 2.1 shows the division of labour between the WPIEI, expert groups and the EU Team. During the sessions, policy-making takes place within the WPIEI and the EU Team represents the EU externally.
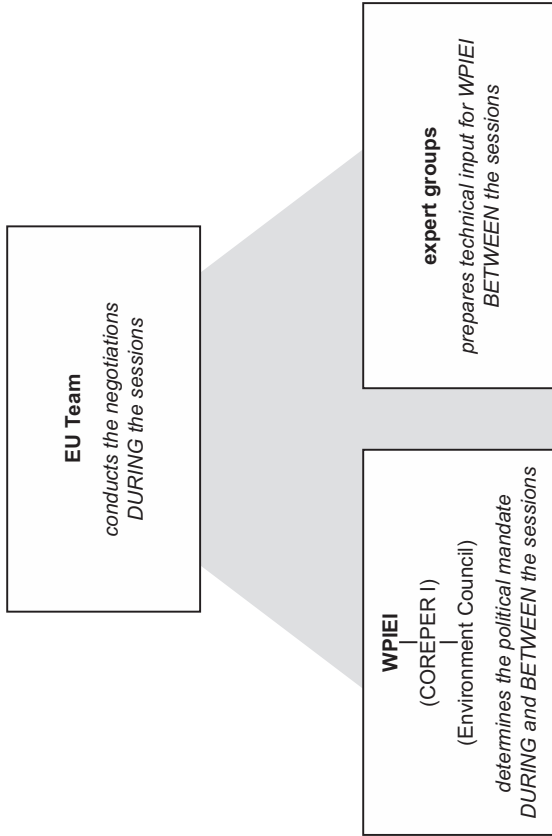
Fig. 2.1 EU negotiation set-up in the run-up to the Paris Agreement

Between the sessions, the WPIEI continues its policy-making function but is assisted in that task by expert groups, which are not active during the sessions. Likewise, the EU Team in principle does not play a role between the sessions.

Expert groups are composed of experts from the member states and the European Commission, chaired by a designated official who does not necessarily come from the rotating Council Presidency. In practice, not all expert groups are attended by all member states all the time. Every member state is allowed to participate, but some of them do not always have the capabilities to do so. Simultaneously, because many member states lack sufficient administrative capacity to develop the expertise at home, they also need the technical discussions that take place within the expert groups to be able to fully participate in the WPIEI afterwards.

The exact number of expert groups evolved in the years before the Paris conference. Four expert groups (on adaptation, mitigation, means of implementation and further action) were constantly active, but they have been complemented by a number of other groups established for shorter periods. The main function of expert groups is the technical preparation of EU positions for the WPIEI on specific issues that are discussed at the multilateral level, such as market mechanisms, forests or loss and damage. EU position papers on these technical agenda items as well as the EU's submissions to the UNFCCC are thus prepared and drafted by the expert groups.

The *WPIEI* is also composed of member state representatives and the Commission. As it is an official Council working party, its organization is more formal. Another difference with the expert groups is that the WPIEI is chaired by an official from the member state holding the rotating Council Presidency. The WPIEI determines the EU's political position. Between sessions, this means that the WPIEI supervises the expert groups and validates their technical input. Once validated, it becomes the EU position and is transmitted to the EU Team for conducting the negotiations. In the run-up to climate COP meetings, the general EU position usually takes the form of Council Conclusions, adopted at ministerial level by the Environment Council. In that case, the EU position is not finalized by the WPIEI, but further discussed by the Deputy Permanent Representatives of the EU member states (COREPER I) and the Environment ministers (and in some salient cases even endorsed by the European Council). During the sessions, the EU Team briefs the WPIEI about developments in the international negotiations. Political decisions

to deviate from an established EU position can be taken in this forum, if deemed necessary during a negotiation session.

The *EU Team* comprises the lead negotiators, the track coordinators and the issue leads. In the negotiation process on the Paris Agreement, three lead negotiators (from Germany, the United Kingdom and the European Commission) negotiated on behalf of the EU each for a particular set of issues. They were senior and experienced negotiators, who—together with a coordinator (from the European Commission)—formed the core group within the EU Team, which had a complete overview on the negotiations. The lead negotiators are supported by issue leads, who are experts on specific issues (e.g. finance, post-2020 mitigation, technology). The latter are also informally appointed by the member states. They come from different member states and the Commission. Within the EU Team they are responsible for following a particular issue or agenda item.

The EU Team performs three main functions during the sessions. First, the lead negotiators conduct the negotiations on behalf of the EU, except when they shift to ministerial level. As was the case in the second week of COP21 in Paris, the EU is then externally represented jointly by the Climate Action Commissioner and the Environment or Climate minister from the rotating (then Luxembourgish) Presidency of the Council of the EU. Yet in most cases, the lead negotiators continue to play their role by assisting the Commissioner and the minister. The exact negotiation arrangements here vary largely and are usually decided on the spot. Second, the EU Team examines the draft negotiation texts. Based on the political mandate adopted by the WPIEI, the EU Team operationalizes and refines the EU positions into amendments or speaking points to be used in the international negotiations. Third, the lead negotiators from the EU Team give a debriefing to the member states in the (usually daily) WPIEI meetings, which serve as coordination meetings, during the sessions. For many member states—and particularly those without major functions within the EU Team—these debriefings are crucial to follow the state of play of key developments and to assess how well the negotiations are going for the EU. Particularly during the endgame of the negotiations, the EU Team possesses an information advantage vis-à-vis the member states in the WPIEI.

Compared to the period when the negotiation set-up with expert groups and the EU Team was not yet used, and to other environmental negotiations which do not use an "EU Team-like" set-up, the role of the

rotating Presidency in climate negotiations has recently evolved towards a more managerial function. Two of the main substantive functions it had in the past have been dispatched: the technical preparation of the EU position has been shifted to expert groups, and the actual conduct of the negotiations to the lead negotiators in the EU Team. The Presidency's role has now been limited to chairing the WPIEI (both between and during the sessions) and to external representation when the international negotiations are conducted at ministerial level (jointly with the Commission).

Effectiveness of the EU

As a result of its well-established internal decision-making process, the EU has mostly agreed negotiation positions in advance of international negotiations, and it is generally successful in keeping issues on the international agenda. The informal dynamics in its internal functioning, such as the division of labour based upon pragmatic considerations, have allowed the EU to overcome the hurdles of its formal policy-making process with a complex division of competences, imprecise Treaty provisions and multiple veto points. By contrast, the EU often has difficulties in reacting quickly to proposals by third countries, showing flexibility and strategically prioritizing issues in the endgame of negotiations. The EU's marginalization in the final stages of the 2009 Copenhagen climate change conference—which ultimately did not lead to an MEA—is probably the best example of such EU failure. Copenhagen indeed was a major setback for the EU's relatively high level of performance in multilateral climate change negotiations during the 1990s and 2000s (Oberthür 2011). Yet after Copenhagen, the EU invested more in coalition building (Bäckstrand and Elgström 2013) and the Paris Agreement was considered as a success for the EU and its renewed climate diplomacy (Oberthür 2016; see also Chap. 3).

When assessing the EU's effectiveness in terms of goal attainment (i.e. the extent to which the EU's pre-determined objectives are reflected in the outcome of international negotiations), the conclusion seems to be that the EU's failures mostly occur when the international negotiations result in non-binding outcomes. The Copenhagen experience is an obvious example. The EU's unsuccessful attempt to reach a global forestry treaty is another one (Savaresi 2012; see also Chap. 9). The Rio+20 Summit on sustainable development is a case of an international negotiation process

that led to a non-legally binding political declaration, which was a disappointment for the EU as it had hoped for a more ambitious outcome than the declaration that was ultimately adopted.

By contrast, if an MEA is actually signed, it mostly reflects large parts of the EU's pre-determined objectives, and the EU can be considered an effective actor. In other words, there is a strong correlation between the EU's preference and the international treaty if and when an MEA is actually reached (Delreux 2014). The following examples illustrate that correlation. The Rotterdam Convention realized the EU's objective to launch a legally binding prior informed consent (PIC) procedure at the international level, permitting countries to take informed decisions about the import of industrial chemicals (see Chap. 10). In the negotiations leading to the Cartagena Protocol on the transboundary movements of genetically modified organisms which is "very much in line with the EU's policy preferences" (Rhinard and Kaeding 2006, 1033; see also Chap. 8), the EU achieved its three main objectives: not subordinating the Protocol to the World Trade Organisation, making sure it had a relatively broad scope and including the precautionary principle. The EU also managed to get that principle included in the Stockholm Convention, in which the other two main EU objectives were also fulfilled: a ban of the 12 most dangerous chemicals and a mechanism to add new substances to the list with banned chemicals (see Chap. 10). In the negotiations on the Nagoya Protocol on access and benefit sharing, the EU was effective in attaining relatively weak user country measures, minimum international access standards as well as a non-interference with other international organizations (Oberthür and Rabitz 2014; see also Chap. 8).

On the basis of comparative research on the EU's effectiveness in negotiations that have led to MEAs, three factors can be identified that shape effectiveness, although their impact is not straightforward. The first relates to the EU's internal cohesiveness, whereas the second and third concern power and preference distributions in the international context (Delreux 2014). The degree of EU effectiveness in international environmental negotiations is indeed often linked to its internal unity. In general, the EU is sufficiently united to present a common position in MEA negotiations. This is mainly the result of the dense web of EU environmental legislation. The existing regulatory framework serves as the basis for the EU position as member states aim to avoid provisions in MEAs being incompatible with EU legislation, which would put at risk the often delicate compromises of internal policy-making and ultimately imply a renegotiation of

existing legislation. Indeed, "common internal policies tend to unify member state interests, so that all member states can be expected to support the internationalisation of the internal level of [environmental] protection" (Oberthür 2011, 673).

The EU can negotiate with a common position even when member states do not have entirely aligned preferences. This means that there can be heterogeneous preferences among member states, but that heterogeneity is overcome in the internal coordination process so that the EU can still present a common position to the outside world. For instance, in the negotiations on the Nagoya Protocol, member states with strong biotechnology industries (e.g. Germany, the United Kingdom, France, Denmark, the Netherlands) had different interests compared to many Eastern European member states without such industries (Oberthür and Rabitz 2014). Yet, this did not prevent the EU from presenting a common position in the international negotiations.

However, recent studies have shown that the one-to-one relationship between internal unity and external effectiveness needs to be qualified and that EU unity cannot be the sole explanatory factor of effectiveness (Thomas 2012; da Conceição-Heldt and Meunier 2014). The relationship between internal unity and external effectiveness differs between UN-wide and regional environmental negotiations. In negotiations on MEAs that have a global scope, internal unity mostly facilitates external effectiveness. In regional negotiations on MEAs, the situation might be a bit more counterintuitive. Too much EU unity is likely to be ineffective in such settings as it "can also invoke a negative reaction from negotiating partners. The EU acting as a bloc may cause irritation" (van Schaik 2013, 192).

A full assessment and explanation of the EU's effectiveness in MEA negotiations do not only require account to be taken of internal factors, but also factors that are related to the context within which the EU acts. Indeed, the EU faces exogenous structural obstacles to achieve effectiveness. In other words, the external opportunity structure in which the EU negotiates matters considerably. This includes the positions and the power of the EU's negotiation partners.

First, the EU's position in relation to those of its main negotiating partners matters. Noticeably, it is easier for the EU to attain its pre-determined preferences if these preferences are not the most reformist ones. This occurred, for instance, in the negotiations on the Cartagena

Protocol and the Nagoya Protocol. Here, the EU had a moderate-conservative position, which put the EU in a position to act as a coalition builder and to achieve an outcome that was close to its preferences.

In contrast, as the EU is often—but not always—among the most demanding actors and as MEA negotiations are characterized by a consensus requirement, it is difficult for the EU to achieve a result that goes beyond the lowest common denominator. However, this does not mean that the EU cannot be effective in negotiations where it has a reformist position. In such negotiations, the EU can be effective if that reformist position is feasible at the international level and if the preference distance between the EU and the negotiation partners is not too large. An example of an MEA where the EU was highly effective even with a reformist position is the Stockholm Convention on Persistent Organic Pollutants. Here, the EU adjusted its position from initially banning 15 hazardous chemicals to banning only 12. In doing so, it remained the most reformist actor at the international level, but the adjusted position became acceptable for the third countries (Delreux 2011; see also Chap. 10).

Second, the international power constellation is an important factor influencing EU effectiveness. The EU's relative bargaining power has decreased in recent decades as a result of general power shifts and the increased role of emerging powers at the global level. Also, and especially in the environmental field, the EU's relative power declined as a result of, for instance, the re-engagement of the US in global environmental governance under the Obama Administration or the reduced share of the EU in global greenhouse gas emissions. That implies that an overly narrow focus on reforming EU environmental diplomacy and internal decision-making processes is not likely to be the magic trick that will increase the EU's effectiveness, because many of the constraints facing the EU are out of its immediate control. Indeed, "while putting its own house in order may be a necessary condition for the EU's success in international negotiations, it may not be sufficient if the international context is not suitable" (Oberthür 2011, 680).

CONCLUSION

MEAs occupy an important place in the EU's toolbox of external environmental policy as an instrument to address international environmental issues. This reflects the EU's preference for *multilateral*—and thus broad, inclusive and often UN-driven—solutions that adequately address *environmental* problems and that take the form of a legally binding

agreement. The EU has been portrayed as a leader in MEA negotiations not only because of its support for the instrument but also because it mostly—but not always—advocates some of the strongest environmental protection measures in the respective negotiations. The EU's support for multilateral environmental regulatory frameworks is driven by the existing set of relatively far-reaching internal environmental legislation within the EU combined with the EU's objective to create a level playing field in a globalized economy. Moreover, in many MEA negotiations the EU applies the "leading by example" strategy: trying to show third countries that strict environmental measures do not necessarily hinder economic growth and welfare.

To overcome some of its internal legal and institutional obstacles (for instance, related to shared competences, complex decision-making procedures or multiple veto points), the EU has gradually established informal practices that allow it to prepare for MEA negotiations and to conduct them in a rather effective way. The establishment of the EU Team and the negotiation arrangement with lead negotiators and issue leaders in climate negotiations is one example of such informal division of labour, but how precisely it occurs varies from policy field to policy field. Aside from the existing, but increasingly rare, cases where the EU is openly divided, it mostly succeeds in presenting a common EU position in international negotiations. This does not imply external representation by a single spokesperson, because informal division of labour in many cases means that various actors speak on behalf of the EU, but they mostly defend a joint message. The external context within which the EU negotiates is nowadays more decisive in determining the extent to which it can still impact upon MEA negotiations. Global power shifts and evolving coalitions at the international level, combined with increasingly polycentric global governance structures, seem to be the major challenges with which the EU will have to deal in the future. This will require flexible and strategic diplomatic behaviour to find its place in a changing world order.

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Environmental and Climate Diplomacy: Building Coalitions Through Persuasion

Diarmuid Torney and Mai'a K. Davis Cross

INTRODUCTION

The EU has been acclaimed as a global pioneer in the area of environmental protection, and it has sought at the international level to promote environmental cooperation through bi- and multilateral summits, policy dialogues, diplomacy, and the formation of transnational policy and expert networks. Yet, writing about the area of climate change, Joseph Nye points

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out that the EU struggled to have an impact externally through its diplomacy in the context of the 2009 Copenhagen climate change summit:

> European soft power had an important impact on achieving the long-term milieu goals of democratization of Central Europe after the Cold War, but when Europeans went to the 2009 Copenhagen climate summit, the soft power of their superior domestic example on climate was not effective. "Europe's strategy was to press others to match its own concessions on carbon emissions. But the EU barely existed at the climate talks" (Economist, 2010) because its lofty aspirations were too far from the limited bargains being struck by other countries. (Nye 2011)

This presents a puzzle: despite the fact that it has been able to bind itself to relatively strong environmental norms internally, why was the EU relatively ineffective at influencing the adoption of stronger climate change policies at the 15th session of the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change—COP15? At the next major climate change summit, COP21 in Paris in 2015, the EU was much more successful at promoting its environmental norms at the global level. What explains the EU's relative success in 2015, and the variation in its success between COP15 and COP21?

Some explanations of the EU's external effectiveness focus on factors internal to the EU such as the institutional complexities of the EU and the ways in which this generates various deficiencies with respect to overall coherence (e.g. Gebhard 2011; Mayer 2013). A particularly prominent debate in both academic and policy circles concerns the ability or otherwise of the EU to "speak with one voice" at the international level, though some have questioned the assumed link between coherence/cohesiveness and external effectiveness (Thomas 2012). Others have sought to explain changing fortunes of EU external relations as a function of broader changes in world politics. According to this explanation, shifts of power that were accelerated by the global financial crisis since 2008 are resulting in a decline in the relative power of the EU (Smith 2013; Bretherton and Vogler 2013).

While these two sets of perspectives explain important parts of the story, they each tend to neglect the importance of the other. Perspectives emphasising the explanatory power of intra-EU factors often fail to adequately appreciate how the international context conditions the scope for effective EU external environmental policies. Equally, perspectives focus-

ing on the international context as the explanatory factor often seem to strip the EU of agency, viewing it simply as a passive receiver of that international context. What links these internal and external factors is the EU's ability—or not—to engage effectively with key partner countries. The EU's ability to do this effectively is dependent to a large extent on the institutional, human and financial resources it invests in environmental diplomacy and negotiations, as well as its ability to utilise effectively the information gleaned through this diplomacy. While some research has begun to recognise the importance of understanding the preferences and domestic politics of third countries (Biedenkopf and Dupont 2013; Oberthür 2011; Schunz 2012; Groen et al. 2012; Schunz 2014; Oberthür and Groen 2015), the EU external relations literature has been surprisingly quiet on this question.

This chapter explores the contribution that diplomacy has made to the EU's external environmental and climate policies. Environmental diplomacy relates most clearly to the "dialogues and negotiations" mechanism of external EU environmental policy set out in Chap. 1, but it also interacts in important ways with the capacity building mechanism. By studying the EU's activities in the area of environmental diplomacy, we can elaborate upon the factors that influence the effectiveness or otherwise of the EU's external environmental policies. The next section sets the consideration of environmental diplomacy within the broader context of EU external relations. The subsequent section traces the development of the EU's key institutional mechanism for coordinating environmental diplomacy, the Green Diplomacy Network. The final section uses the case of the EU's involvement in COP21 to illustrate how diplomacy matters for effectiveness of EU external environmental relations.

However, it should be noted that climate change is a special—and quite unusual—case of environmental diplomacy. Compared with any other area of environmental policy, climate change has attracted very high levels of global political and public attention, particularly in the lead-up to COP15 in 2009 and COP21 in 2015. This is relevant for our argument in two ways. First, the findings of our case study of EU climate diplomacy around COP21 below are not necessarily generalisable. Second, our call for a broadening of the focus of EU environmental diplomacy may be challenging in a context where policymakers' and the public's attention on environmental issues—which is limited in any case—is dominated by climate change.

Diplomacy and EU External Environmental Policy

Recent literature on EU external relations has focused on the EU's performance in international institutions, identifying the international context as an important factor influencing EU performance in international institutions. Particularly important in this respect is the broader international political constellation, and the formal and informal rules and procedures of the international institutions in question (Jørgensen et al. 2011; Niemann and Bretherton 2013; Smith 2013; Bretherton and Vogler 2013). Focusing on climate and environmental diplomacy, a number of recent studies have emphasised how the external context is an important factor in determining the differential effectiveness of the EU in global climate negotiations (Oberthür 2011; Schunz 2012; Groen et al. 2012; Pavese and Torney 2012; Schunz 2014; van Schaik and Schunz 2012; Oberthür and Groen 2015). Biedenkopf and Dupont examine how the domestic context of third countries enables and constrains the EU's external climate governance across a variety of activities (Biedenkopf and Dupont 2013).

Much of this research, however, takes the international context as given. This is, of course, true in the sense that the EU cannot fundamentally change structural factors such as the distribution of power, the rise of so-called emerging powers, and the relative decline of its own material power. In this sense, the international context is externally given, but how the EU responds to that external context is not. The degree to which the EU can achieve its goals, or even the way in which it sets those goals, is likely to be contingent on the degree to which the EU understands and engages with the external constraints it faces.

Most of the existing literature has not paid sufficient attention to this dimension of EU policy, and has not analysed the role that actual diplomats who seek to persuade, especially during the times *between* major international environmental conferences. More knowledge exists of the "nitty gritty" processes within actual summits than the build-up to these critical junctures. Thus, there is sometimes an assumption that processes of diplomacy—defined as the deliberations among professional diplomats—are not as important as the power and interest dynamics among the major players. For example, Jon Hovi, Tora Skodvin, and Stine Aakre write, "Considering that the delegations to the UNFCCC Conferences of the Parties consist of highly skilled experts and diplomats, it is unlikely that insufficient knowledge of the problem at hand or lack of innovative

proposals for an effective design of the international climate regime explains the lack of progress" (Hovi et al. 2013). We argue to the contrary that environmental diplomacy matters in at least two ways.

First, diplomats can deepen understanding of the interests and underlying domestic politics of environmental and climate change policy responses in other countries. Importantly, this includes reaching out to an extended range of stakeholders in third countries beyond environment ministry counterparts, including other government ministries but also non-governmental actors such as businesses and civil society groups. By doing so, diplomats have the potential to influence the political conditions for environmental protection in other countries, including by helping to shape European narratives that resonate more closely with interests of influential stakeholders in third countries.

Second and related, diplomats can help to place a country's environmental diplomacy in broader strategic terms, going beyond a narrow, technocratic understanding of the issues. By building deeper understanding of the interests involved in shaping environmental policy in third countries, diplomats can contribute to more effective negotiation strategies. In other words, diplomats can better identify the room for manoeuvre and also the red lines of negotiation partners. This can help to identify political trade-offs and to build political bargains by joining the dots between climate and other aspects of a country's foreign relations. Involving seasoned diplomats in international negotiations can also help to generate better negotiating strategies. By engaging in these activities, diplomats can increase the effectiveness of the EU's external environmental policies.

While environmental diplomacy is most closely linked to the dialogues and negotiations external governance mechanism discussed in the introduction to this volume, it also relates in important ways to the capacity building mechanism. First, diplomacy can lay the groundwork for more effective capacity building. Gathering information on domestic politics and the positions of relevant stakeholders can lead to more effective practical capacity building by, for example, identifying stakeholders in other countries most open to cooperation, and by enabling capacity building to be framed in ways that resonate better with those stakeholders' pre-existing conceptions of their interests. Second, capacity building in turn can facilitate better dialogues and negotiations, by strengthening the ability of the EU's negotiating counterparts to engage meaningfully in negotiations. As an example of the work of European diplomats, we now turn to the Green Diplomacy Network.

European Environmental Diplomacy and the Green Diplomacy Network

The 1997 Amsterdam Treaty stipulated that "environmental protection requirements must be integrated into the definition and implementation of the Community policies … in particular with a view to promoting sustainable development" (Article 6). Arising from this, the so-called Cardiff Process launched in 1998 aimed to integrate environmental protection into the full range of the EU's activities (European Council 1998). With respect to external relations, the March 2002 General Affairs Council adopted a "Strategy on environmental integration in the external policies". One of its proposals for action was "Better use of EU Delegations, Embassies and Missions", which stated:

> If the EU is to perform a global leadership role in this area, it should make better use of the full assets of "its" diplomatic or external service, in particular of Commission Delegations and Member State Embassies, in the effort to promote its policies. Focal points for environment issues in Embassies, Missions and Commission Delegations, at least on a regional basis, should help to ensure provision to headquarters of accurate information on the environmental legislation, situation and needs of third countries. These officials should also play a role in promoting and explaining EU positions on international environmental questions and collaborate, with this aim, whenever appropriate. (Council of the European Union 2002, 10)

A year later, the Thessaloniki European Council agreed to launch a "Green Diplomacy Network" (European Council 2003, 22). Its aim was to integrate environmental policies and priorities into the external relations activities of the EU, and to link the environmental activities of the member states and Commission in particular third countries. In its early years, the Green Diplomacy Network was chaired by the member state holding the EU Presidency, and it held its first organisational meeting under the Greek Presidency on 25 June 2003 (EEAS 2011). In 2005, the Council assessed its early achievements, and concluded that this constituted a major aspect of early success.

From the mid-2000s onwards, the EU sought to prioritise environmental protection—with a particular focus on climate change—in its increasingly dense network of bilateral relations with key third countries (European Commission 2005, 2009). However, in many cases the establishment of these partnerships was accompanied by limited "on the

ground" capacity in terms of financial and human resources (Torney 2015; Chaps. 5 and 6).

The entry into force of the Lisbon Treaty on 1 December 2009 aimed to strengthen the external capabilities of the EU, most prominently through the creation of a permanent President of the European Council, a High Representative for Foreign Affairs and Security Policy, and the European External Action Service (EEAS). However, the EEAS faced a particular difficulty with respect to its involvement in the external dimensions of sectoral policy areas, including environment and climate change. In the period leading up to the establishment of the EEAS in 2010, the Commission relocated staff dealing with international dimensions of sectoral policy areas from the old Directorate General for External Relations to the relevant sectoral DGs, in an attempt to retain expertise. This left the EEAS facing an uphill battle to establish expertise in horizontal policy areas. A small Global and Multilateral Issues division consisting of 15 staff members was established to cover the full spectrum of global sectoral policy areas from the EEAS side. Within this, one person was initially assigned to work specifically on climate change (increased to two in early 2015, along with a stagiaire, though downsized again after COP21).

The limited capacity of the EEAS to deal with sectoral policy areas was recognised in HR/VP Catherine Ashton's mid-term review of the EEAS in July 2013 (EEAS 2013, 8). Although this situation improved subsequently, the issue of resources for sectoral policy areas remained a challenge for the involvement of the EEAS and EU delegations in the external dimensions of environmental policy, and climate change in particular.

The creation of the EEAS also saw a restructuring of initiatives associated with the Green Diplomacy Network (GDN).[1] Previously under the direction of the rotating Presidency, since Lisbon the GDN is coordinated by the EEAS in Brussels and involves participation by relevant Commission DGs including Environment, Climate Action (Clima), and International Cooperation and Development, as well as representatives from member state governments. Meetings are convened in Brussels every few months. A parallel GDN system operates in each third country, though in many cases this operates on a more ad hoc basis, with the GDN term not being used to describe these activities.[2] Heads of EU delegations were asked to nominate a focal point for local GDNs, working on a range of environmental goals, though the effectiveness of these on-the-ground networks varies depending on the level of capacity in EU delegations third countries, as well as the willingness of member-state embassies to cooperate. In

some cases, where a particular member state has greater capacity, or cultural or historical connections with certain countries, the GDN may de facto be coordinated by a member state rather than the EU delegation. In general, the member states with the greatest resources for environmental diplomacy in third countries are the UK, France, Germany, and the Netherlands.[3] Previously a proactive member state with respect to climate diplomacy, Denmark scaled back its activities in the aftermath of the Copenhagen climate summit in 2009.[4]

In contrast to multilateral environmental UN summits, the Green Diplomacy Network is comprised more of numerous bilateral cooperative initiatives between the EU and third countries. The EU's top priorities in terms of these bilateral relationships are China, India, and South Africa. Other priority partnerships are with the United States, Canada, Japan, Australia, and Brazil. In the early years of its existence, the Green Diplomacy Network was particularly active in the areas of sustainability (Green Diplomacy Network 2005a), maintaining biodiversity (Green Diplomacy Network 2006), and preventing environmental damage from toxic chemicals (Green Diplomacy Network 2005b). Once these bilateral ties were more established, the Green Diplomacy Network held informal gatherings involving multiple countries with similar goals and interests. For example, in 2004, the EU launched a climate change demarche involving 34 third countries (Council Secretariat 2005).

To take one concrete example, in South Africa during the year preceding COP21, the EU Delegation had relatively limited capacity, with one diplomat assigned to climate and environment alongside trade and economic relations. The UK had close relations with South Africa for historical reasons but was somewhat disconnected from EU coordination in the GDN framework. The French embassy was very intensively engaged in climate diplomacy but, as holder of the COP Presidency and seeking to maintain impartiality, sought to detach itself somewhat from EU activities. In this context, the German embassy played a leading role in the GDN in Pretoria, in cooperation with the EU Delegation. Climate diplomacy demarches were often undertaken by the EU Delegation with staff from the German embassy also in attendance.[5]

The Green Diplomacy Network has focused on a range of issues since its creation in 2002, including biodiversity, chemicals regulation, desertification, sustainable development, mercury, and water management, among other areas (EEAS 2011). However, over time and particularly in the period since 2011, climate change has become a key focus for the

Green Diplomacy Network. This was all the more so because the EU's experience of the COP15 climate conference in Copenhagen arguably showed the importance of diplomatic engagement in advance of, and during, major international environmental conferences.

The next section focuses on the EU's preparations for the COP21 climate conference in Paris in December 2015, which resulted in the Paris Agreement on climate change. Climate issues and COP21 are a particularly good case study to examine because it provides an example of an area in which environmental diplomacy has been most effective recently. However, as highlighted in the introduction, because of high levels of political attention climate change may also be a special case of environmental diplomacy, with lessons from this case not easily applicable to other environmental issues.

EU Climate Diplomacy and COP21

In July 2011, the EEAS and DG Clima prepared a "Joint Reflection Paper" entitled "Towards a Renewed and Strengthened EU Climate Diplomacy" (EEAS and European Commission 2011). This was a response to a request from France, Germany, and the UK that the EEAS devote more attention to climate change and a belief that Ashton was not sufficiently engaged on climate diplomacy. The Reflection Paper, endorsed by the Foreign Affairs Council, identified opportunities for stepping up EU climate diplomacy and focused on three principal strands of action: (a) climate change as a strategic priority in diplomatic dialogues and initiatives; (b) support to low-emission and climate-resilient development; and (c) the nexus between climate, natural resources, prosperity, and security (EEAS and European Commission 2011; Council of the European Union 2011).

This was followed by a second Foreign Affairs Council discussion on climate diplomacy in June 2013. This built on a second Reflection Paper by the EEAS and DG Clima entitled "EU Climate Diplomacy for 2015 and Beyond", which identified priorities for EU climate diplomacy in the period leading up to the Paris UN climate conference in 2015 (EEAS and European Commission 2013). This paper tasked the EEAS and Commission Services, in collaboration with member states, with developing a "climate diplomacy toolbox" which would include emphasis on diplomatic dialogues, support for low-carbon development, and the nexus between climate, resources, prosperity, and security. Resulting from this,

the two institutions worked collaboratively to produce a set of internal documents setting out "common narratives" and "country profiles" for a range of key partner countries that became part of the toolbox. External consultants were commissioned to produce 4–5 page country profile documents for 30 priority countries covering key aspects of climate change and energy policy.

In November 2014, Federica Mogherini replaced Catherine Ashton as High Representative/Vice President. Mogherini was reported to be significantly more engaged on climate diplomacy, but perhaps still not as much as she could be. This new high-level political impetus within the EEAS was combined with building momentum and pressure towards COP21 both within the EU among member states and globally, evidenced, for example, by Ban Ki-moon's climate leaders' summit in September 2014. Against this backdrop, in January 2015, under Mogherini's leadership, the Foreign Affairs Council discussed climate change again and endorsed a "climate diplomacy action plan" (CDAP) prepared by the EEAS and DG Clima (Council of the European Union 2015; EEAS and European Commission 2015). This reiterated the principal strands set out in the previous two joint papers but also set out a detailed set of actions under four headings. Under the first cluster, "political action", the CDAP advocated external relations commissioners and foreign ministers push for climate change to be included on the agenda of all bilateral and multilateral meetings throughout 2015, including at the G7 and G20 summits. Under the second cluster, "climate diplomacy", the CDAP advocated targeted outreach to major emitters in the first half of 2015 and a focus on developing countries in the second half of the year. The third cluster, "supportive actions to strengthen our 'network of climate exchange'", focused on gathering intelligence on partner countries' climate and energy politics and policy-making processes. The final cluster, "advocacy", suggested organising a "climate action day" in June 2015, a "100 days to Paris" countdown to build momentum, and using European public figures and celebrities as "climate advocates".

All of these activities and initiatives fed into the EU's preparations for COP21. At the Paris climate summit, the EU conveyed a consistent message of ambition: that from 1990 to 2014 the EU reduced its emissions by 27 per cent while growing its economy by 43 per cent during the same period.[6] In doing so, it was trying to counter the ongoing assumption on the part of developing countries at the summit that the two could not go hand in hand. Each EU representative ensured that this fact was

part of each statement, at high-level and low-level meetings, indicating a purposeful attempt to coordinate messaging.

Based on participant observation and attendance at COP21, we find that the EU and member states also played a strong role in setting the stage for the negotiations. Two of the biggest obstacles to getting developing countries to accept global climate agreements are fear of the unknown and misunderstanding about the nature of what they are signing on to.[7] One of the most significant aspects of agreement in the lead-up to COP21 was that nearly all of the countries submitted Intended Nationally Determined Contributions (INDCs). This was described by many at the summit as "revolutionary" in nature, bringing this negotiation to a level far beyond Kyoto as it involved 185 countries, representing 96 per cent of global emissions.[8] Moreover, the EU played a significant role in ensuring that it was encouraging and facilitating the creation of INDCs, which was actually a very technical and complex procedure to fulfil, especially among developing countries (see Chap. 6).

At the outset, the EU itself put forward an ambitious INDC and used this as leverage to challenge China and others to do the same. This was more of a broad-level tactic to spur other states into action that otherwise might be reluctant to submit an INDC. However, the EU followed this up with careful and intensive work in dozens of third countries to help them prepare and submit their INDCs before the start of the climate summit (see Chap. 6).[9] Alongside the EU, France, Germany, and the UK had significant numbers of experts aiding in the effort.[10] It was only in the final year before COP21 that there was a strong impetus to really go through with the INDCs. With this time pressure, it was a challenge to ensure that as many as possible were submitted before November 30, 2015.

What was the EU's strategy on the ground in third countries? First, early on in the process, European Commissioner for Climate and Energy, Miguel Arias Cañete, and Minister-Delegate for the Environment Morocco, Hakima El Haite, held a special seminar in Rabat early on to discuss the upcoming process of INDC (which originally started as a lessons-learned from Kyoto).[11] They didn't know what to expect because they thought other countries would see this as forcing them to comply. But the other countries were very positive. Second, after pioneering this effort to support countries in their development of INDCs early on, the EU set to work on helping developing countries through the technicalities of the process. In order to promise a precise percentage reduction of greenhouse gas emissions by 2020, each country needed to be able to

accurately calculate what they were currently emitting and what percentage reduction was realistic. The biggest challenge they faced was being able to measure and produce this kind of highly technical data.[12] The EU, member states, and European NGOs sent experts to a large range of developing countries to assist them in using the same methodologies that EU member states had used.[13] As one German practitioner put it, "we want to develop such a scheme all over the world, like in France and Germany. Some countries might need more time, but we still need the same methodology all around the world".[14]

Third, the EU provided funding to NGOs to support local governments and cities in emerging economies to develop low-emission approaches from the start and also provide technical know-how. Specifically, "to improve institutional capacity to plan, act and monitor," and to take into account, "the local and national contexts are considered when developing tailor-made approaches (ICLEI and UN-Habitat 2015)." For example, UN-Habitat and ICLEI (Local Governments for Sustainability) received €6,700,000 for the period 1 March 2012 to 31 August 2015 to pursue low-emission development. This EU-funded project involved a focus on helping "model cities" in India, South Africa, Indonesia, and Brazil that would adopt these new policies with the help of practitioners and experts, based on European experiences and local conditions. They also designated "satellite cities" nearby that would further seek to implement these policies based on the model cities. Effectively, this created a South-South-North network of cities that would contribute to the achievement of INDCs of these countries overall (ICLEI and UN-Habitat 2015).

Thus, the nature of the EU's impact on the ground has involved both direct and indirect encouragement of greenhouse gas reductions, through transmitting EU best practices with close consideration of local circumstances and concerns along with building local capacity. These initiatives were designed to be long-term. The EU certainly used itself as a model in terms of best practices and also as a source of technical know-how on issues such as measurement, reporting, and verification of emissions, but it set benchmarks according to local conditions. They followed a method of persuasion rather than bargaining, offering strong advice, but respecting local conditions and concerns. EU diplomats also played an enabling role, vis-à-vis third parties, through the provision of financial and technical support.

At the Paris climate summit, EU diplomats were the driving force behind the negotiations on many levels. It is important to note that all 28

EU member states spoke with one voice throughout the negotiations. In other words, each diplomat from an EU member state represented the EU as a whole, creating a formidable European influence throughout the summit venue. In particular, the EU conveyed a central and consistent message: economic growth and emissions reduction go hand in hand. This was part of each official statement, at high-level and low-level meetings.[15]

Moreover, with the French delegation in charge of procedure for the entire summit, EU diplomats were able to achieve an effective combination of both flexibility in terms of diplomatic protocol and efficiency in terms of reaching the final agreement. However, as COP Presidency the French delegation sought to distance themselves from the EU bloc in order to be perceived as an honest mediator. Many diplomats and world leaders praised the French for their highly effective negotiating procedure, especially compared to the previously failed summit at Copenhagen (Harvey 2015).

In the final days of the summit, the EU (and its 28 member states) as well as 79 African, Caribbean and Pacific countries created what became known on the ground as the "high-ambition coalition" (see Chap. 6). While the United States initially hesitated to join this coalition, these countries announced their commitment to have:

- A legally binding and fair agreement
- Long-term ambition that responds to science
- A review mechanism to examine progress every five years
- Transparency and accountability in following through with carbon reduction commitment

As EU Commissioner Miguel Arias Cañete said, "These negotiations are not about 'them' and 'us'. These negotiations are about all of us, both developed and developing countries, finding common ground and solutions together. This is why the EU and the African, Caribbean, and Pacific countries have agreed to join forces for an ambitious outcome here in Paris. We urge other countries to join us. Together we can do it. The EU stands shoulder to shoulder with its long term partners in the African, Caribbean, and Pacific regions".[16] Two days after the announcement of the high-ambition coalition, the United States was persuaded to join, along with Norway, Brazil, Mexico, Columbia, and others. Well over 100 countries added their names to this coalition, and this paved the way to the first universal climate agreement.

Conclusion

The EU has gradually but steadily built up its environmental and climate diplomacy. The GDN embodies formal and institutionalised structures within Brussels involving the EU institutions as well as member state representatives, coupled with often more ad hoc arrangements on the ground in third countries, depending on the varying resources and capacities of member state embassies in particular third countries. Nonetheless, according to some the GDN structures represent an unusual degree of coordination and information sharing among the EEAS and member states compared with other areas of EU diplomacy (Ujvari 2016).

In earlier years the GDN focused on a wider array of environmental issues but, particularly since 2011, climate change has come to dominate its activities. Overall, the EU's climate diplomacy played an important role both in the lead-up and during COP21, helping to boost the effectiveness of EU participation in climate change negotiations. Diplomats employed a significantly different approach in the lead-up and during these negotiations compared to COP15 in 2009, which was largely regarded as a failure from an EU perspective. While there is a general sense among experts that the 2015 UN climate agreement lays a firm foundation for future progress in this area, effectiveness can only ultimately be measured in the actions of third countries.

For this reason, ongoing EU diplomacy in the environmental realm will be crucial in the years ahead. At the same time, it is important to note that climate diplomacy is a much more active area compared to other areas of environmental concern. Thus, there is much more work to be done to broaden the focus of EU environmental diplomacy beyond the narrow realm of climate change. Diplomats can also keep track of the extent to which the interests, norms, and policy priorities of the EU are in line with those of third countries or regions. After all, diplomacy is the vehicle through which listening and mutual understanding can take place. However, lower levels of political and public attention for other environmental issues may make such a broadening of focus challenging. Indeed, because of such high-level attention, climate change may be a special case of environmental diplomacy.

In this regard, the EU faces a number of challenges. First, the EU's diplomatic strategy, particularly its narrative with third countries, needs continual revisiting. The EU often tries to convince other actors of *what* to do rather than being able to provide a road map or model for *how* to do

it politically. When engaging with countries like the United States, China, and India, for example, Europe's own story does not offer many lessons for how to convince a reluctant public of the need for sacrifice or the difficult path to achieving it. EU citizens for the most part agree that environmental protections are important and even take the costs of this for granted. But this is not true for other parts of the world that often have different conceptions of global justice that may or may not include the environment. Thus, the "EU as a model" approach is sometimes difficult to advance persuasively. In addition, the EU's recent narrative shift to market-based justifications and the role of the private sector may backfire when it comes to convincing the developing world. The EU has increasingly relied on a more instrumental logic, rather than scientific- or morality-based justifications. Market-based justifications take the emphasis away from the responsibility of governments to create strong regulation simply because current environmental conditions demand it (Klein 2014). Through appealing to private enterprise and relying on arguments about the economic rewards that come with pursuing sustainability, EU diplomats may ultimately pre-empt more far-ranging agreements that can only be achieved through concerted government action globally.

Second, on a more practical level, very few EU delegations have dedicated climate/environment/energy attachés: China, India, Canada, and Australia are exceptions in this regard, though even in these cases the responsible diplomat often has other responsibilities as well. In delegations without a dedicated climate attaché, the functional location of the climate change focal point varies depending on the country. In New Zealand, for example, the focal point is the trade attaché, whereas in many developing countries it is a member of the development staff. Notwithstanding an increased mobilisation of climate diplomats in the run-up to COP21, the EEAS remains constrained by limited resources, and its diplomatic resources related to climate and environment remain very small by comparison to the larger member states. This is particularly true in comparison to Germany, the UK, and France, the latter of which scaled up its climate diplomacy capabilities considerably in the context of its Presidency of COP21. Given the UK's strong commitment to climate diplomacy over the 2005–2015 period, its vote to leave the EU in June 2016 cast a significant shadow over European climate diplomacy as well as EU climate and energy policies more generally (see also Chap. 16). Increasing the number of dedicated climate change attachés is a challenge for the EU in terms of achieving its environmental ambitions.

A third principal challenge facing the EU in its environmental and climate diplomacy is the relationship with the Union's trade and development policies. While the EEAS runs EU delegations, the Commission has responsibility for some of the most significant foreign policy tools at the EU's disposal. The EEAS is too small to be able to target all policy areas, and in terms of climate diplomacy officials acknowledge that not enough has been done to bring the EU's trade policy into alignment with its climate diplomacy. On the development side, the picture has imrpoved. The EEAS set up a working group with DG International Cooperation and Development and DG Clima to coordinate and gather information on the Union's climate-relevant cooperation. One of the strands under the 2015 CDAP highlighted the EU's support for adaptation and mitigation activities in developing countries. This stemmed from a belief that the EU was not receiving sufficient credit for this work. This was a priority action under the CDAP for the EEAS and EU delegations prior to COP21.

Finally, the public diplomacy dimension of the EU's strategy is still a weak point in an otherwise comprehensive and unified outreach to third countries. The EEAS has a mandate to engage in public diplomacy, but its resources are limited and it faces an uphill battle with this highly politicised issue. In the developed world, the United States is a particularly difficult actor to convince at the public level as Americans are either already entirely convinced of the perils of climate change or are in complete denial, and the election of Donald Trump has not made this any easier. In the developing world, engaging in large-scale public outreach in countries like India and China presents imposing barriers, given communication challenges and large numbers of poor and rural citizens. Carefully crafted "listening" strategies may be possible as a form of public diplomacy, but really persuading foreign publics of the desirability of the EU's approach to climate change would require a mammoth investment during a time of strained budgets. A useful intermediate step may be to foster connections and build capacity of local NGOs, but such activities are politically sensitive and come with the risk of accusations of interfering in domestic politics.

Since 2011, the EU has witnessed the importance of a strong climate diplomacy approach that is consistent and unwavering. Over that period, the GDN increasingly concentrated its efforts on climate change. This strategy was launched at all levels from the local politics of grassroots environmentalism to the high politics of summitry, and made a significant difference. However, this is just the beginning and experts agree that the initial COP21 agreement will not be enough to prevent dangerous levels

of climate change. Thus, the EU faces climate diplomacy challenges in facilitating implementation of the Paris Agreement that will be of utmost importance in achieving necessary follow-through, and encouraging increasing levels of ambition.

NOTES

1. Interview with EEAS official, Brussels, 10 September 2013.
2. Interviews with various EU diplomats in Pretoria (May–June 2015) and Beijing (June–July 2015).
3. Ibid.
4. Interview with Danish diplomat in Beijing, 6 July 2015.
5. Interviews with various EU diplomats in Pretoria, May–June 2015.
6. Participant observation, 7–11 December 2015, COP21, Plenary and EU pavilion events.
7. Panel at EU pavilion, COP21, 7 December 2015.
8. Speech by European Commissioner for Climate and Energy, Miguel Arias Cañete, COP21, 7 December 2015.
9. Panel at EU pavilion, COP21, 8 December 2015.
10. Panel at EU pavilion, COP21, 8 December 2015.
11. EU Pavilion at COP21, "High-level panel: What needs to happen in Paris? A policy response to rise to the challenge", Paris, 8 December, 2015.
12. EU Pavilion at COP21, "Practitioners Panel: Learning from INDC preparations and accelerating implementation after Paris", 8 December 2015.
13. Franzjosef Schafhausen, Director General, Federal Ministry of Environment, Building and Nuclear Safety, Germany, EU Pavilion at COP21, "Practitioners Panel: Learning from INDC preparations and accelerating implementation after Paris", 8 December 2015.
14. Ibid.
15. Participant observation at COP21.
16. European Commission Press Release, "EU and 79 African, Caribbean and Pacific countries join forces for ambitious global climate deal", Le Bourget, 8 December 2015.

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Environmental Instruments in Trade Agreements: Pushing the Limits of the Dialogue Approach

Evgeny Postnikov

Introduction

Trade policy occupies an ever-growing role in the toolkit of EU external environmental governance instruments. As an entity, the EU is the second largest economy in the world (World Bank 2015). It uses its economic influence and external trade to externalise some key regulatory policies designed for the EU Single Market (Damro 2012). Not only is the EU responsible for nearly one third of world trade, it also continues to play a leading role in multilateral trade talks and bilateral trade initiatives. External trade is also a policy area where the EU's supranational governance is manifested *par excellence* as a result of the full transfer of competencies from the member states to the EU institutions. Considering the sheer magnitude of EU-generated trade volumes and the significance of the EU as a major trading partner for many countries in the world, linking

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environmental objectives with its trade power can be a major tool for the EU's external environmental policies.

EU external trade policy is increasingly linked with environmental objectives in multiple ways, ranging from multilateral and bilateral to unilateral mechanisms. Multilaterally, the EU has been an active participant in the World Trade Organisation's (WTO) Committee on Trade and Environment. At the unilateral level, the EU has used its Generalised System of Preferences to offer additional trade preferences to the developing countries that ratify and implement international environmental agreements. Furthermore, the EU increasingly links trade and development aid conditionality, incorporating various environmental objectives such as facilitating the transfer of green technologies by encouraging foreign direct investment in sustainable industries. While these initiatives constitute a broader array of external environmental policy tools, bilateral mechanisms have lately become the most important instrument of EU environmental governance in external trade.

In recent years, the EU has spearheaded the process of bilateral trade liberalisation through the signing of multiple preferential trade agreements (PTAs) with developed and developing countries across the world.[1] Reflecting the increasing emphasis on linking trade policy with environmental concerns, these PTAs include so-called environmental standards, which are provisions that make trade preferences granted to developing countries conditional on their upholding and improving of existing environmental policies. These standards are an important instrument in the toolkit of EU external environmental policy whereby the EU tries to externalise its norms and regulations to jurisdictions outside of its borders and far beyond its immediate neighbourhood. Some trade agreements, such as the EU-South Korea FTA, include the establishment of working groups on environmental regulation to foster information exchange and learning.

Inserting environmental provisions in trade agreements is important because trade liberalisation is thought to have a potentially negative effect on the environment. This is due to the increased strain it puts on scarce natural resources and the negative environmental externalities it can create, as countries increase trade volumes and engage in more manufacturing and primary sector expansion (Copeland and Taylor 1995). Moreover, trade liberalisation can lead to a regulatory race to the bottom dynamic in environmental protection, as capital owners can increasingly relocate and governments are motivated to relax environmental regulation to retain and

attract capital under conditions of free trade (Cao and Prakash 2012). Trading with countries that have lower environmental standards than the EU can also put European producers at a competitive disadvantage, which means concerns about levelling the playing field are part of the EU's motivation to promote high environmental standards outside of its borders (see Chap. 2). The EU tries to counter these potentially negative dynamics by incorporating environmental provisions in its PTAs while pursuing an aggressive bilateral trade liberalisation agenda in order to gain access to new attractive markets (Sbragia 2010).[2]

The goal of this chapter is to scrutinise EU environmental standards in PTAs and explore the extent to which they fulfil their potential for serving as an effective instrument of EU external environmental policy. This is important, considering that bilateral agreements have become the main vehicle of trade liberalisation following the collapse of multilateral and bi-regional trade negotiations and the inability to link trade and the environment in the WTO, manifested recently by prolonged negotiations over the Environmental Goods Agreement among the EU and sixteen other partners. This chapter will trace the evolution of environmental standards in the old and new generations of EU PTAs. It will then explore the inclusion of environmental standards in trade agreements as external environmental governance mechanisms and discuss the role played by various societal and institutional actors. Next, in order to assess their effectiveness, this chapter will examine the implementation mechanisms of environmental standards in PTAs, shifting the focus to the EU's trading partners, assessing their governments' and civil society actors' involvement in this process and pointing to the deficiencies of the EU's overall approach towards these standards, such as their limited scope and subjugation to commercial interests, as well as their soft enforcement mechanisms. The conclusion will suggest some ways to improve the effectiveness of environmental standards in order to fully unleash their potential for becoming an effective instrument of EU external environmental governance.

The Evolution of Environmental Standards in EU PTAs

Just like the recent proliferation of PTAs in the shadow of the multilateral trading regime, the decision to include environmental standards in bilateral agreements is a result of the failure to address these issues at the

multilateral level through the WTO. Such attempts were made throughout the 1990s by both the EU and the United States at several ministerial conferences but were quickly dismissed by developing countries that were afraid that linking trade with the environment might be a case of protectionism in disguise on the part of the developed world. Hence, the EU and several other countries started to pursue an active bilateral trade liberalisation agenda, signing multiple agreements with both developed (North-North PTAs) and developing (North-South PTAs) states.

The EU and the United States have become two leaders of this process, competing with each other for access to the same markets (Sbragia 2010). Both have also pioneered the inclusion of environmental standards into their bilateral PTAs. While developing countries can exercise collective bargaining power at the multilateral level allowing them to resist many measures favoured by the developed world, they are often forced to act as policy-takers in bilateral PTA negotiations with the EU, acquiescing to various regulatory, non-trade provisions. As argued by Damro (2015) "the EU's large market size may create a strong but not completely irresistible incentive for other countries to engage with the EU's new generation trade policies and to consider abiding by the associated non-trade objectives." The promise of preferential access to the attractive EU market is used as a carrot when negotiating bilateral trade deals. Thus, despite their initial opposition, developing countries sign PTAs with the EU containing environmental standards, forced to view these issues somewhat as a *fait accompli*.[3] This mechanism is particularly successful when the EU negotiates bilateral, as opposed to bi-regional, agreements in which developing countries have greater collective bargaining leverage, as evidenced by the prolonged negotiations between the EU and Mercosur or negotiations with developed countries with equivalent market power, such as Canada and the United States. This points to the partial reliance on the manipulation of the utility calculations of trading partners as one of the mechanisms by which the EU exercises its external policies.

The EU's approach towards the inclusion of environmental standards in its PTAs has evolved quite significantly from old to new generations of agreements signed after 2006, especially with regard to the scope of environmental issues covered. Prior to this, the EU had insisted on the multilateral approach to trade liberalisation and was very reluctant to join bilateral PTAs, unlike the United States (Sbragia 2010). The new generation agreements contain a legally binding chapter on sustainable development as opposed to the previous voluntary provisions.

The EU-South Africa Trade, Development and Cooperation Agreement signed in 1999 is an old generation PTA and was the first EU PTA to include a separate article on the environment. Article 84 requires parties to cooperate on matters related to sustainable development, the use of renewable resources and the control of pollution, and commits them to a dialogue to identify environmental priorities. It also mentions the assessment of existing South African policies concerning their impact on the environment and recognises some key areas for cooperation, such as the use of water resources, desertification, biodiversity, urban and agricultural development. This provision represents the EU's soft external governance approach as it is not legally binding and does not envision any penalties if parties fail to fulfil their commitments. Furthermore, environmental provisions are grouped together with other non-trade areas under Title VI of the agreement and are, therefore, effectively de-linked from the trade chapters of the agreement.

Environmental provisions in other old generation agreements follow a similar trajectory. For example, the EU-Chile Association Agreement, signed in 2002, covers cooperation on the environment in Article 28 under Title 1, focusing on economic cooperation but mentioning the preservation of the environment and the fight against environmental degradation as a goal. It also stresses the importance of improving Chile's environmental policies and talks about information sharing, joint research and educational activities but does not provide for any implementation mechanisms to achieve these objectives. There are also no references to concrete enforcement measures. Just like in the South African agreement, these provisions are also not legally binding, unlike trade-related aspects of the agreement.

The EU's approach towards the inclusion of environmental standards changed drastically with the new generation of PTAs. This new approach started with the publication of the European Commission's communication *Global Europe: Competing in the World* in 2006, which advocates for an active bilateral trade liberalisation agenda. The 2010 EU-South Korea Free Trade Agreement (KOREU FTA) represents the template PTA signed by the EU after this. All subsequent PTAs, including their environmental clauses, are modelled on the KOREU FTA.

Unlike previous PTAs, the agreement contains a legally binding chapter on sustainable development (Chap. 13). This chapter covers both environmental and labour standards, which are treated on par with other trade-related areas within the main text of the FTA. As far as environmental issues are concerned, the FTA stresses the importance of multilateral

environmental agreements (MEAs) such as the Kyoto Protocol and their effective implementation into domestic law. It also specifies that the signatories can retain their domestic level regulation as long as it is consistent with international standards, but cannot weaken environmental protection for the sake of gaining an unfair competitive advantage in trade (Articles 13.3 and 13.7).

The KOREU FTA envisions a consultative approach towards the implementation of environmental standards which would include reviews of sustainability (Article 13.10), governmental cooperation, including the establishment of domestic advisory bodies and the Committee on Trade and Sustainable Development (Article 13.11), and the participation of civil society actors through a dialogue mechanism known as the Civil Society Forum (Article 13.13). The chapter also envisages a soft mechanism of dispute resolution, which is supposed to be conducted through intergovernmental consultations and the appointment of a panel of experts whose decisions will be only advisory. Non-compliance with decisions made by these panels will not be sanctioned but the parties are encouraged to come to a mutual understanding regarding the matters of dispute.

The most recent EU PTAs are largely modelled on Chap. 13 of KOREU FTA but include somewhat more specific and broader stipulations on the environment, reflecting the EU's growing emphasis on sustainable development in all of its policies and the dissatisfaction of civil society with previous more shallow agreements. For example, the EU-Colombia FTA, signed in 2011, contains even more elaborate sustainable development provisions (several articles grouped together under Title IX). The parties aim at strengthening compliance with existing environmental regulations and MEAs they have signed as well as boosting the role of trade policy in promoting sustainability and conservation (Article 267), while maintaining their own levels of environmental protection (Article 268). The agreement also contains separate articles on biological diversity (Article 272), trade in forest products (Article 273) as well as climate change (Article 275), which represents a further expansion of environmental commitments. The FTA also provides for the establishment of a Trade and Sustainable Development Committee (Article 280) as a monitoring body that can submit its recommendations to the Trade Committee. It also creates the Civil Society Dialogue (Article 282), government consultations (Article 283) and expert panels (Article 284) for dispute resolution purposes, much like the KOREU FTA.

In sum, environmental standards have evolved quite significantly with the new generation of EU agreements and have begun to rely on novel institutional mechanisms for public participation and dispute resolution, such as dialogues with civil society, trade and sustainable development committees, government consultations and expert panels. This is consistent with the evolution of the EU's priorities, such as greater emphasis on sustainable development, and is an attempt to externalise these priorities through PTAs. Furthermore, the scope of environmental standards has been broadened to include MEAs and commits parties to more concrete measures, also making sustainable development chapters legally binding by including them into the main text of agreements, thereby treating them on par with trade issues.

Yet, soft enforcement is common to both old and new generation EU PTAs, as the EU continues to eschew sanctions as a way to ensure compliance and emphasises consultations and dialogue with governments and civil society actors during the implementation phase. This soft approach to pursuing environmental objectives points to the use of dialogue and cooperation as a preferred external policy mechanism by the EU and contrasts sharply with the hard approach pursued by the United States, which relies on sanctions for non-compliance while placing similar environmental demands on its trading partners (Postnikov 2014). Some might argue that the EU's soft approach is emblematic of its image as a normative power that projects its norms and values internationally through persuasion rather than coercion (Manners 2002), and is a further attempt to define the EU's style of international environmental leadership consistent with its broad diplomatic approach towards other international issues.

Governance Mechanisms and Environmental Standards in EU PTAs

When negotiating trade agreements containing environmental standards with other countries, the EU acts in accordance with its role as a global market power while simultaneously pursuing its soft approach towards international affairs. Thus, it relies on both manipulating the utility calculations of its prospective PTA partners, using the attractiveness of its market to export environmental provisions linking them to trade agreements, and pursues dialogue and cooperation during the implementation stage of

trade agreements, eschewing hard enforcement measures. These two governance logics seem to be the result of both the institutional arrangement of the EU's trade policy-making and policy ideas held by key policy-makers responsible for the design of environmental standards in EU PTAs, namely, European Commission officials.

The EU's approach in the case of environmental standards in PTAs is a result of the complex interplay between preferences and institutional positions of various actors, such as interest groups, Commission officials, member states' governments and, increasingly, the European Parliament. Environmental NGOs (ENGOs) are the primary stakeholders of environmental provisions in EU PTAs who view them favourably and advocate for their strengthening. However, trade policy-making in Brussels is notorious for the absence of formal lobbying channels for civil society which results in its ineffectiveness in terms of influencing the EU trade agenda (De Bièvre and Dür 2007; Woolcock 2015). Hence, not surprisingly, according to one NGO representative, ENGOs are not fully satisfied with the shape of environmental standards and largely perceive the EU as "mercantilist," that is, focused too much on trade and export promotion at the expense of the environment.[4] In general, environmental NGOs prefer to move away from viewing trade liberalisation as the sole objective of EU trade policy towards more synergy between trade and sustainable development and fully fledged environmental protocols as part of EU trade agreements so that trade liberalisation does not come at the cost of the environment (WWF 2001). This has become a particularly acute concern for ENGOs following recent PTA negotiations (DW 2015).

Several environmental NGOs, including the World Wildlife Fund (WWF) and Friends of the Earth Europe, followed the EU's external trade policy during its shift towards bilateralism. However, over time several environmental groups stopped their activity on this front due to the perceived ineffectiveness of their lobbying efforts.[5] This situation changed with the attempts to negotiate mega-PTAs, such as the Transatlantic Trade and Investment Partnership (TTIP) with the United States. Various ENGOs voiced their concerns about the projected impact of these mega-PTAs on the environment, especially emanating from the agreements' Investor-State Dispute Settlement (ISDS) clauses (Mathiesen 2014).

The European Parliament is another important stakeholder representing societal interests in the EU. The role of the European Parliament in the negotiation of EU PTAs was negligible in the past. The Treaty of Lisbon expanded the European Parliament's role of co-legislator in the

EU, granting it authority to approve ratification of all EU trade agreements through the consent procedure. Previously, trade agreements were exclusively a prerogative of the Council of Ministers. Several new generation PTAs have been ratified by the European Parliament since the entry of the Treaty of Lisbon into force in 2009. All of them contain environmental standards, and European Parliament demands for stronger, more comprehensive and enforceable sustainable development chapters remained constant throughout the negotiation of these agreements. For example, on the eve of signing the KOREU FTA, the Parliament's International Trade Committee published a report in which it advocated for the establishment of a comprehensive sustainable development chapter and complained about the lack of enforcement of environmental standards in the FTA, also referring to the example of US agreements and their sanctioning mechanisms as a model (European Parliament 2010, 10).

Arguably, the increased power of the European Parliament should have provided interest groups with more influence, which, in turn, should have led to more politicisation of the FTA agenda and, as a result, stricter environmental standards. Indeed, the scope of environmental standards in the new EU agreements has broadened. There are new provisions for civil society participation, such as domestic advisory groups that oversee the implementation of sustainable development provisions that could provide new institutional space for governments and civil society actors to speak with each other where previously such opportunities might have been weak or absent. However, importantly, the no-sanctions approach remains intact, despite European Parliament demands. According to a representative of the European Parliament's International Trade Committee, this is the result of the heterogeneity of preferences of diverse ENGOs and their overall critical attitude towards international trade.[6]

The dialogue and cooperation mechanism on which the EU relies for the implementation of environmental standards in PTAs reflects the institutional set-up of EU trade policy where NGO stakeholders are weak and the European Parliament is yet to convert its newly acquired power into real influence (Van den Putte et al. 2014). At the same time, member states lack unanimous agreement about the specifics of the inclusion of environmental standards in trade agreements. This can be partly explained by the persistence of environmental leaders and laggards among the member states with corresponding cleavages in the Council of the EU, as well as the lack of vertical and horizontal coherence in the promotion of a

social dimension through trade policies (Lenschow 2015; Orbie and Babarinde 2008).

Therefore, it is not surprising that the voices of ENGOs and the European Parliament are not always well heard. Thus, the extent of coverage and enforcement of environmental provisions largely reflects the EU's global leadership style and its broader priorities. These are outlined in the *Global Europe* approach advanced in 2006, as well as the *Renewed Sustainable Development Strategy* also published in 2006:

> The Commission and Member States will increase efforts to make globalisation work for sustainable development by stepping up efforts to see that international trade and investment are used as a tool to achieve genuine global sustainable development. In this context, the EU should be working together with its trading partners to improve environmental and social standards and should use the full potential of trade or cooperation agreements at regional or bilateral level to this end (Council of the European Union 2006, 21).[7]

Furthermore, since the majority of MEAs do not allow resorting to sanctions, it is considered important by Commission officials to follow their spirit for the sake of signalling the EU's commitment to multilateralism.[8] This resonates with DG Trade officials' belief that implementation and monitoring conducted through cooperation and consultation with civil society actors could be more effective in terms of putting pressure on the authorities and "shaming" them into compliance with sustainable development clauses.[9]

Importantly, the dialogue and cooperation mechanism on which the EU relies during the implementation stage of environmental standards in PTAs and that contrasts sharply with the US approach is also a way for the European Commission to assert the EU's international identity and its unique style of global leadership. One Commission official from DG Trade aptly summarised it in the following way: "[Having sanctions] would also put us in a position of a moral policeman of the planet—who are we? Are our values more superior to other values? Probably not."[10]

As seen from the above, the mechanisms on which the EU relies are influenced by the interplay between various stakeholders, including the member states as well as the European Commission when the linkage between trade and the environment is pursued through PTAs. Thus, the

EU often acts as a superior negotiator that is able to manipulate the utility calculations of its trading partners and link various regulatory provisions, including environmental standards, with free trade when signing bilateral deals. This indicates the EU's reliance on its market power when pursuing new trade policies (Damro 2015). At the same time, the EU remains consistent with its global leadership style, using dialogue and cooperation as a mechanism for the implementation of environmental standards, despite the preferences of certain societal actors and the European Parliament.

This approach reflects the broad sustainable development priorities of the EU and the overall subjugation of environmental concerns to commercial interests in EU trade policy indicative of the influence of organised businesses. This is likely to continue further as PTAs are seen as the building blocks of the EU's neoliberal approach towards trade and development in the aftermath of the economic crisis and the recipe for economic recovery (De Ville and Orbie 2011). The conclusion of the Comprehensive and Economic Trade Agreement (CETA) with Canada in the face of mounting criticism of its projected environmental effects by civil society activists is a case in point (Greenpeace 2016).

The EU has been successful in linking trade liberalisation and environmental goals by inserting environmental standards in its PTAs and making preferential access to the EU's market conditional on upholding and improving environmental regulations by its trading partners. Thus, there is an opportunity for EU PTAs to spur positive environmental policy change in the developing world. At the same time, the EU pursues its own unique approach towards the implementation of PTA environmental standards based on dialogue. The next section probes the extent to which such an approach is effective.

The Effectiveness of Environmental Standards in EU PTAs

The new generation of EU PTAs contains more specific and legally binding measures and has a potential to instigate positive change in environmental regulation in EU trading partners. However, an assessment of their implementation would be premature, as these agreements have only recently entered in force. Thus, the case of implementation of environmental standards in the EU-Chile Association Agreement signed in 2002 will briefly be examined below. Since the enforcement of environmental

provisions in trade agreement has remained a soft one, based on dialogue rather than sanctions, this case study can still generate relevant findings. Closer inspection reveals that the expectations stated in the environmental chapter proved to be somewhat far-fetched and suggest a few lessons that could be learned from this.[11]

As in all other old and new generation EU agreements, Civil Society Dialogue is the main vehicle for the implementation of environmental standards in the EU-Chile agreement. Despite its expected frequency of once a year, the Civil Society Dialogue has convened only twice, in 2006 and 2011. While civil society actors from both the EU and Chile were present, very little has been learned in practical terms according to an EU diplomat participating in the meetings.[12] Furthermore, the discussion focused mostly on the environmental impacts of trade instead of the environmental provisions as such, which were treated as marginal by the agreement parties.[13] It is evident that the soft approach failed to fulfil its full potential in the case of this particular agreement.

Thus, the only positive effect of the agreement's environmental standards could be seen at the level of changing attitudes among some of the Chilean officials, which is yet to lead to any substantive policy reform. A high-level Chilean diplomat involved in EU-Chile relations mentioned that the expectations of the agreement have led to a greater legitimisation of environmental issues within the government.[14] This legitimisation has elevated environmental concerns, especially in the South of Chile, where cellulose production negatively affects the native flora. There have also been several exchanges of views between officials from the EU and the Ministry of Environment in Chile. They did not result in any significant changes due to a lack of interest from the recently established ministry, reflecting its administrative problems associated with the lack of bureaucratic expertise and capacity.[15] Thus, despite some contribution to the professionalisation of Chilean environmental bureaucracies, the agreement's environmental chapter failed to exert a significant impact on improving environmental regulations in Chile.[16]

The potential progress has been hindered by two factors—a lack of organisational capacity of the Chilean civil society to effectively influence policy and a lack of administrative capacity of the Chilean government to design and implement new regulations. Chile, as a country with the institutional legacy of dictatorship, has a fragmented civil society, lacking institutional capacity and crucial material resources, which undermines its effectiveness (Carruthers 2001). Its lobbying efforts are weak and virtually

non-existent with few small NGOs mostly relying on personal ties with policy-makers.[17] This difficulty is compounded by the fact that the Chilean political system has very few formal lobbying channels available for societal actors in the absence of formal legislation on lobbying. Furthermore, unlike other countries, the labour movement in Chile, which could be a natural ally of environmentalists, is also disinterested in environmental issues, and the two constituencies do not collaborate, which further erodes their effectiveness.[18]

The lack of administrative capacity of the Chilean government also undermines the effectiveness of environmental provisions in the EU-Chile agreement. For example, the Ministry of Environment was only established in 2010, largely due to pressure from the OECD.[19] Despite this positive change, the new ministry experiences big administrative problems and has only limited enforcement capacity over the country's environmental regulations it inherited from its predecessor, the environmental commission CONAMA (GAO 2009). Governmental officials also lack knowledge and experience in working with environmental legislation.[20] These weaknesses of civil society and public administration resulted in the lack of fulfilment of the agreement obligations and what some call "missed opportunities" (Reyes-Mendy 2009).

Perhaps the main achievement of the EU-Chile agreement is the decision by the Chilean government to include environmental standards in its own PTAs with other countries in the Global South. Chile is at the forefront of trade liberalisation in the developing world and has concluded several PTAs containing environmental standards, including with China, pursuing a similar, non-coercive approach. This decision appears to come from the socialisation of Chilean officials who have begun to view pursuing environmental objectives through trade as the right thing to do and have emulated the EU's approach, as indicated by several interviewees.[21] This could testify to the effectiveness of the soft approach, manifesting the EU's ability to lead by example in this area.

It is plausible to expect a similar implementation dynamic across EU PTA partners in the developing world where civil society often is weak and governments lack administrative resources. Thus, any positive change in existing environmental regulations resulting from environmental standards promotion in PTAs is likely to be slow. Drawing on the Yale University Environmental Performance Index, Bastiaens and Postnikov (2017) in a large-N study focusing on all EU (and US) PTAs between 1980 and 2010 and environmental reforms in trading partners find that

the effects of environmental standards in EU PTAs across the developing world have been very gradual and dependent on civil society strength. It has occurred through policy learning resulting from the dialogue mechanism, whereby civil society actors were able to enhance their capacity and bring their concerns to governmental officials. In doing so, they could successfully pressure them to implement certain environmental policy changes. In addition, officials themselves became more aware of the severity of environmental issues in their countries and learned about better environmental policy design. The study also assessed the effectiveness of the US approach and found that it can lead to positive change in environmental performance *ex ante*, before an agreement is signed, due to the threat of sanctions and fines and regardless of civil society strength (but dependent on the degree of overall trade volumes a developing country has with the United States).

Thus, environmental actors can effectively use the Civil Society Dialogue mechanism as an institutionalised communication channel for sharing information about environmental issues and regulatory solutions, as well as a vehicle for building transnational links with environmentalists from the EU with whom they could jointly lobby governments to instigate policy change. Environmentalists are a rather lose constituency, especially in the developing world, lacking crucial material resources. Creating transnational communication channels is vital for NGOs' effectiveness (Holzinger et al. 2008; Keck and Sikkink 1998; Simmons et al. 2006). However, well-organised environmental movements need to be present in EU trading partners for the EU's approach to work. Overall, it is clear that the effectiveness of the EU's soft governance approach hinges on its trading partners' domestic political conditions, and is likely to be realised well after the agreements have been put in place during the implementation phase, since the learning process is gradual (Bastiaens and Postnikov 2017).

The EU's non-punitive approach remains intact. This is despite the fact that the new generation of EU PTAs include somewhat more substantive and legally binding sustainable development provisions that require partner countries to comply with MEAs. They also establish additional institutional and monitoring mechanisms such as domestic sub-committees on trade and sustainable development.[22] Thus, the dynamic generated by the soft approach through dialogue is likely to be somewhat similar to the case of the EU-Chile agreement and also depends heavily on the domestic conditions in the trading partners. Furthermore, because socialisation

through the Civil Society Dialogue mechanism is slow, the effects of the new generation agreements will take time to manifest.

This implementation dynamic contrasts sharply with US trade agreements, which contain fully enforceable environmental provisions. US partners can lose trade preferences for failing to comply with their commitments or pay a large fine. Thus, it would be instructive to compare the effects of EU PTA environmental standards with those pursued by the United States. Anecdotal evidence suggests that they can be effective in terms of encouraging positive reforms of environmental policies among US trading partners. For example, Aspinwall (2009) in his study of "NAFTAisation" has found that environmental standards inserted by the United States through the North American Agreement on Environmental Cooperation had a positive impact on the organisational capacity of Mexican civil society through its public participation mechanisms. Bastiaens and Postnikov (2017) and Jinnah and Lindsay (2016) further find that the effects of US environmental standards are likely to be exhibited *ex ante*, that is, before an agreement enters into force, and will not hinge on the organisational capacity of civil society in US trading partners, but will depend only on the degree of trade exposure to the United States.

These cases demonstrate that environmental provisions in US PTAs can motivate *ex ante* domestic environmental policy reform in developing countries, as US trading partners fear potential sanctions associated with noncompliance. This presents the EU with a clear example of how environmental provisions could be made more effective in the shorter term and the lessons that could be learned. While there is hope that the new generation of EU PTAs that treats environmental issues on par with trade issues and stipulates more specific expectations for trading partners can lead to more positive change, it remains unlikely that the European Commission will embrace a more coercive approach towards the enforcement of environmental standards in the near future.[23] Such an approach, despite the existing evidence of its effectiveness and its endorsement by many environmental NGOs and the European Parliament, would go against EU trade policy officials' views about the Union's international role described above. While it is hard to make any strong causal claims based on the illustrative case of the EU-Chile agreement, it appears that currently the effectiveness of EU environmental standards lags behind the United States and, possibly, Canada, especially when it comes to the timing and rapidity of policy change.

Conclusions

There is continued commitment by the EU to link trade and the environment through the use of PTAs. This instrument of external environmental governance is particularly important, considering the lack of such linkage at the WTO level, stalled progress of the multilateral trade talks and the importance of Europe's market power for the externalisation of EU regulations, including environmental policy.

The EU relies on various mechanisms when externalising environmental provisions, including manipulating the utility calculations of its trading partners who acquiesce to sustainable development provisions when signing PTAs with the EU, and dialogue and cooperation when implementing these provisions. Significant progress has been achieved. For example, the scope of environmental standards has expanded to include more specific measures, including references to international norms, signifying the importance the EU attaches to MEAs. Noteworthy progress also has been achieved with regard to making environmental standards more legally binding, treating them on par with trade issues and linking trade preferences with sustainable development goals consistent with the EU's broader objective to promote sustainability through a variety of policy instruments. This is a further testimony to the EU's overall commitment to playing a leading role in international environmental governance through the use of a variety of policy mechanisms at its disposal, as well as making free trade compatible with environmental protection.

Yet, the EU's approach remains soft when it comes to the enforcement of environmental standards, falling short of sanctions, and currently lags behind the US approach in terms of its effectiveness. Surprisingly, this situation has not changed much even after extending powers to the European Parliament in trade by the Lisbon Treaty. Even if this situation is unlikely to change in the near future, the EU could learn several lessons from the American (and, perhaps, Canadian) experience of incorporating effective environmental provisions in trade agreements and monitoring their implementation.

While the mechanism of manipulating countries' utility calculations through the inclusion of environmental provisions in trade agreements has proven to be successful as all EU PTAs now include environmental standards, the mechanism of dialogue and cooperation has brought only modest and slow results. Effective dialogue and cooperation, especially involving civil society, hinges on the willingness and capacity of both sides

to engage in such an exercise. Thus, successful implementation of environmental standards also depends on EU PTA partners and their domestic conditions, especially the strength of civil society and administrative capacity of governmental institutions.

Well-organised civil society can ensure that the EU has adequate interlocutors when it tries to pursue dialogue and cooperation. Therefore, it would be wise for the EU to further augment its efforts to increase public participation and government engagement through the better use of existing mechanisms, such as the Civil Society Dialogue, but also to invest more in monitoring the commitments made by the governments signing PTAs. The addition of capacity building to enable trading partners' civil society and administrations to implement environmental provisions could contribute to increasing PTA effectiveness.

New institutional mechanisms in EU PTAs are a welcome step in the right direction, but more awareness of domestic conditions is needed so that these mechanisms give a voice to the full range of civil society actors and are not treated as simply a box-checking exercise by trading partner governments. The EU could also specifically target NGOs, enhancing their capacity through existing development tools. More efforts could also be made to engage ENGOs in Brussels in the process of making and implementing PTAs to boost transnational links among various environmental groups in the EU and its trading partners. In the absence of hard measures, the EU's soft approach will be effective only if it is coupled with domestic capacity-building measures. This would ensure that the EU fully pulls its weight as a market power to boost its leadership role in international environmental governance.

Notes

1. Milner and Mansfield (2012, 5) define PTAs as "international agreements that aim to promote economic integration among member-states by improving and stabilizing the access that each member has to the other participants' markets." Thus, EU PTAs include various free trade agreements (FTAs), association agreements and economic partnership agreements (EPAs) all of which have a trade liberalisation goal. To date, the EU has signed 36 PTAs and is further negotiating twelve new ones. Economic partnership agreements (EPAs) also provide reciprocal trade preferences to Asian-Caribbean-Pacific countries. Scholars distinguish among five different types of PTAs: preferential agreement; free trade area; customs unions;

common market; and economic union (Milner and Mansfield 2012). Since free trade agreements (FTAs) that eliminate tariff and non-tariff barriers to trade among their participants are a subset of PTAs, this paper will use these terms interchangeably.

2. Bilateral is used here to denote bilateral trade relations and excludes the EU's inter-regional agreements.
3. This has been confirmed by a high-level negotiator of the EU-Chile Association Agreement discussed below.
4. Author's interview, 25 June 2012, Brussels.
5. Ibid.
6. Presentation by the MEP serving on the International Trade Committee, 2 December 2014, Brussels.
7. The sustainable development strategy was adopted in 2001 and the global dimension was added to it in 2002.
8. Author's interview, 19 June 2012, Brussels.
9. Author's interview, 18 June 2012, Brussels.
10. Author's interview, 19 June 2012, Brussels.
11. The following discussion is based on the original field research conducted by the author in the summer of 2013.
12. Author's interview, 31 May 2013, Santiago.
13. Ibid.
14. Author's interview, 5 June 2013, Santiago.
15. Author's interview, 10 June, 17 June 2013, Santiago.
16. While it is plausible to think that Chilean producers began changing their processes for the goods produced for the EU market, this change cannot be directly attributed to the agreement which does not place any requirements for the businesses.
17. For example, one of the key players among the Chilean environmental NGOs is the organisation *Programa Chile Sustentable* consisting of a single person. Author's interviews, June 2013, Santiago.
18. Author's interview, 17 June 2013, Santiago.
19. Ibid.
20. Author's interview, 10 June 2013, Santiago.
21. Author's interview, 31 May, 5 June 2013, 10 June 2013, Santiago. The full assessment of this process would require disentangling pressures from Chile's agreements with the US and Canada.
22. Some of these requirements are also country-specific, for example, trade in fish and forest products in the EU FTA with Colombia and Peru.
23. Canada also pursues environmental standards in its PTAs, relying on monetary assessment as a means of ensuring compliance.

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Environmental Instruments in Development Cooperation: Promoting Better Development and Environmental Outcomes?

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Introduction

The EU's development policy covers more than 100 countries and, along with EU member states, provides more than half of global development aid: €68 billion in 2015 (European Commission 2015a, 2016a). It therefore has a huge potential to support environmental and climate-related objectives beyond the EU's borders (Marín Durán 2012). In addition,

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tackling environmental issues is seen as essential for poverty reduction and critical for reaching both the EU's external environmental and development objectives. Many people in developing countries rely on healthy ecosystems for consumption and income generation. The degradation of natural resources and climate change impacts therefore has a negative effect on communities and jeopardizes economic and social development.

The rationale for the EU to integrate or "mainstream" environmental and climate change objectives into all aspects of its development cooperation to promote both better development *and* environmental outcomes is therefore clear. This has been a legal objective since the 1997 Amsterdam Treaty and has recently been reinforced through the Sustainable Development Goals (SDGs) (United Nations 2015). However, widely criticized by environmental NGOs and other commentators, the EU's ability to effectively integrate environmental objectives into its development cooperation has faced significant challenges.

This chapter focuses on the EU's track record, in principle and practice, of integrating environmental objectives into its development policy in order to evaluate the extent to which the EU has been able to deploy its development policy in the pursuit of environmental objectives outside of its borders. Environmental policy integration is a key operational principle of sustainable development that seeks to integrate environmental concerns into the formulation and implementation of non-environmental policies (Jordan and Lenschow 2010). Climate policy integration can be seen as a sub-set of environmental policy integration, focusing on integrating a narrower set of environmental objectives (Adelle and Russel 2013).

The chapter starts by setting out the legal and policy framework that underpins environmental policy integration within EU development cooperation. It then briefly introduces the main available policy instruments in this regard. Although not all instruments target environmental protection, they nevertheless offer opportunities for environmental integration. Next, the chapter evaluates how effective environmental policy integration in this area has evolved over time, responding to criticisms from both inside and outside EU institutions. The chapter then empirically examines how effectively environmental integration is implemented in the 2014–2020 development cycle in Ghana to analyse if changes to the EU's programming procedures and budget have improved its track record. Finally, the chapter concludes by reflecting on the extent to which environmental policy integration in development cooperation has facilitated the pursuit of the EU's external environmental policy.

Environmental Objectives in the Development Policy Framework

Integrating environmental objectives into EU policy has been a requirement under the EU's legal framework since the Treaty of Amsterdam, which charged that "environmental protection requirements must be integrated into the definition and implementation of all the community policies and activities […] in particular with a view to promoting sustainable development" (Article 6 TEC).[1] In a bid to put this new article into practice, the European Council requested in 1998 that nine council formations, including the Development Council, gave effect to this in their sector (European Council 1998, 13). The ensuing "Cardiff process" of reporting and review led to the development of a Staff Working Document "Integrating the Environment into EC Economic and Development Cooperation" (European Commission 2001).

The commitment to integrate environmental concerns has been reflected in several high level policy documents over the last 15 years setting the framework for the EU's development activities. For example, the "European Community's Development Policy" included the environment as a cross-cutting issue (European Commission 2000).[2] Subsequently, the 2005 "Consensus on Development" explicitly linked the environment with poverty reduction and also made it one of nine areas on which the EU would focus its aid activities (European Parliament et al. 2006).

However, one of the most significant policies underpinning environmental integration in this policy area is situated within the EU's Multiannual Financial Framework, in which the EU has agreed to make 20 per cent of its spending for the period 2014–2020 climate compatible. Assuming this target is met throughout all EU external aid, this would represent an estimated amount of €14 billion, which is a threefold increase compared to the amount committed over the previous 2007–2013 period (European Commission 2016c; European Court of Auditors 2013). The EU also aims to contribute to the international climate finance target of USD 100 billion per year foreseen for developing countries by 2020, which was first set at the 2009 Copenhagen Summit and reiterated in the 2015 Paris Agreement.

Another important policy driver in this context has been the EU's commitments with regards to policy integration at the international level. The global Sustainable Development Agenda 2030, setting 17 SDGs and 169 associated targets, replaces the Millennium Development Goals and

follows up the 2012 Rio+20 Conference. In the international SDG nego-
tiations, the EU took a very ambitious position proposing a transformative
approach, which requires environmental policy integration throughout
the three dimensions of sustainable development and introduces principles
such as "leave no-one behind" and "wellbeing for all people within plan-
etary boundaries" (Council of the EU 2014). In the end, environmental
considerations were integrated in many of the SDGs, thus demanding a
radical acceleration of environment and climate change mainstreaming
into all development policies.

In order to reflect the 2030 Agenda and the new integrated approach
to international development in its own development policy, the
Commission published a "Proposal for a new European Consensus on
Development" in November 2016 (European Commission 2016a).
Although it still has to pass both the Council and the Parliament, the pro-
posal provides a fundamental rethink of EU development policy, with
more emphasis than ever before on sustainability as its cornerstone. The
proposal makes "the planet" one of the common priorities for EU devel-
opment policy alongside "people", "prosperity" and "peace" and calls for
both environment and climate change to be integrated throughout the
EU's development cooperation.

In sum, the EU's commitment to integrate environmental objectives into
development cooperation has been in place for two decades and operational-
ized as both a cross-cutting issue and a specific development sector. More
recently, two developments have further reinforced this commitment: the
decision to make 20 per cent of the EU budget climate compatible—which
has particular relevance to development policy, as it is almost entirely imple-
mented through funding instruments (cf. infra)—and the review of key
strategy documents to reflect the new integrated approach of Agenda 2030.

Environmental Objectives in the EU's Development Policy Instruments

The EU uses a number of policy instruments to pursue its development
cooperation and into which environmental policy integration is needed.
Following the governance mechanisms set out in the introduction of this
volume, these instruments are mainly based on the logic of capacity build-
ing and aim to support development projects and programmes in third
countries through financial and technical assistance. Some of these also
support EU diplomacy, like the African, Caribbean and Pacific Water

Facility (see Chap. 7) and the EU's direct payments to the Secretariats of Multilateral Environmental Agreements (MEAs) (see Chap. 2).

Two main types of instruments characterize EU development policy: geographical programmes, which target funds in specific countries and groups of countries, and thematic programmes, which include financial provisions for tackling issues at transnational, regional and global levels.

Geographical Programmes

Geographical programmes are operationalized through two funding instruments. The EU's Development Cooperation Instrument (DCI) forms the basis for EU capacity-building activities in Latin America, Asia, Central Asia, the Gulf and South Africa, while the European Development Fund (EDF) is the largest and oldest development instrument and funds capacity-building activities in the African, Caribbean and Pacific (ACP) countries as well as overseas countries and territories.

The legal basis of the DCI is set out in an EU Regulation (e.g. European Union 2014a) which is replaced every seven years in line with the agreement of a new Multiannual Framework. For the period 2014–2020, the DCI's budget amounts to €19.6 billion. Its primary objective is the reduction and eventual eradication of poverty in partner countries (European Union 2014a, Article 2(1a)) while also pursuing sustainable development and the achievement of the MDGs and SDGs (European Union 2014a, Article 2 (1b)). Integrating cross-cutting issues such as climate change is mandated throughout all the geographical programmes (i.e. in every country and region). Specific areas of cooperation are set out for the geographic programmes including "natural resources management, including land, forestry and water" and "climate change and environment" (European Union 2014a, Article 5 (3)).

In contrast, the EDF is governed within the framework of the "Cotonou Agreement" between the EU and its partner countries, which was concluded in 2000 and runs until 2020 (European Communities 2000). The environment is included in the legal basis for the instrument both as a requirement to mainstream (European Communities 2000, Article 20(2)) and as a set of thematic and cross-cutting objectives on the "Environment and Natural Resources" (European Communities 2000, Article 32).

Unlike the DCI, the EDF lies outside the EU budget and is financed by direct contributions from EU member states, mainly based on former

colonial ties rather than GDP (Marín Durán 2012). However, various iterations of the EDF agreed between EU member states now run concurrently with the EU budget to ensure consistency. The total financial resources of the 11th EDF (2014–2020) amount to €30.5 billion (European Commission 2015b).

These two geographical instruments are implemented through a joint "programming" process during which an analysis of the country situation, its environmental profile and actions by the EU and other international donors is carried out, and the cooperation strategy is defined. This includes the selection and justification of "focal" sectors, in which the EU will target its activities. The selection of sectors is currently guided by the EU's *Agenda for Change*, which includes "sustainable agriculture and energy" but not specifically the environment or climate change (European Commission 2011). Prior to the 2014–2020 programming period, information justifying the selection of sectors was set out in Country Strategy Papers (CSPs), which were accompanied by multiannual National Indicative Programmes providing more information on the specific actions that were to be supported. However, since the 2014–2020 programming period, developing countries' existing development plans serve as the main basis for programming and CSPs have been replaced by "EU response to the country context" documents (Herrero et al. 2013).

This programming phase is important for environmental policy integration because it is here that both direct and indirect negative environmental impacts can be identified and possibly avoided (Palerm et al. 2007). In addition, this phase can help identify opportunities for creating positive synergies between proposed activities and environmental conditions (ibid.). The main tool for environmental policy integration during this phase is the Country Environmental Profile, which is intended to contain the relevant information to integrate environmental concerns into the programming documents. Since 2014, environmental screening with Strategic Environmental Assessments and Environmental Impact Assessments has also been upgraded from an expectation to a legal requirement as a result of the Common Implementing Regulation (European Union 2014b; 2015).

Thematic Instruments

In addition to these two geographic instruments, the EU has a number of thematic programmes through which it can address specific issues in third

countries. For environmental issues, this is mainly the Global Public Goods and Challenges (GPGC) programme.

In 2014 the GPGC programme replaced several existing thematic programmes, including the "Environment and Sustainable Management of Natural Resources including Energy Thematic Programme" (ENRTP), which ran from 2007 to 2013. These were judged too fragmented and inflexible to efficiently address complex transboundary challenges like natural resource management and climate change (European Parliament 2014). The five key areas addressed by the GPGC are: environment and climate change; food security and sustainable agriculture; human development; sustainable energy; asylum and migration (European Commission 2014a). In addition the GPGC has multi-dimensional programmes or "flagship initiatives" intended to promote alliances and cooperation between stakeholders.

The budget for the GPCC (2014–2020) is €5.1 billion of which the strategic area of "environment and climate change" has a total budget of €1327 million. It aims to improve environmental protection, as well as helping people mitigate and adapt to climate change in a development context. Moreover, it supports international environmental and climate governance and the transformation towards an inclusive green economy in developing countries (European Commission 2014a, 8). It seeks to do this through four components and five flagship initiatives:

- Component 1 (€544–610 million) addresses climate adaptation and mitigation and support for the transition to climate resilient, low-carbon societies. This component is supported by the "Climate Change Mitigation—Supporting Low-Carbon Development Flagship Initiative" and the "Global Climate Change Alliance plus (GCCA+) Flagship Initiative".
- Component 2 (€398–504 million) focuses on the valuation, protection, enhancement and sustainable management of ecosystems, including forest and transboundary water resources. It is supported by the "Biodiversity for Life (B4LIFE) Flagship Initiative" as well as the "Forest Law Enforcement, Governance and Trade (FLEGT) Flagship Initiative".
- Component 3 (€79–146 million) concentrates on the transformation towards an inclusive green economy and the mainstreaming of environmental sustainability, climate change and disaster-risk reduction.

- Component 4 (€119–132 million) contributes to international environmental and climate governance by supporting Multilateral Environmental Agreement processes (European Commission 2014a, 40).

The GPGC programme is not only the main channel through which the EU funds its external environmental initiatives, such as Forest Law Enforcement, Governance and Trade (FLEGT) (see Chap. 9) and the GCCA+ initiative (see Chaps. 6 and 13). It is also the main channel through which the EU provides financial support for Multilateral Environmental Agreements processes and secretariats (see Chap. 2), thereby enabling itself to pursue global environmental leadership in these forums. When reflecting on the performance of the previous thematic programme (ENRTP), the European Commission claimed that financial contributions to the UNFCCC (see Chap. 6) and the Convention on Biological Diversity (see Chap. 8) had allowed the EU to "exercise effective leadership in the context of international negotiations" (European Commission 2014a, 24).

The GPGC Thematic Programme also contains a "sustainable energy" sub-programme with a budget of €589.8 million, aimed at supporting the objectives of the UN's Sustainable Energy for All initiative. Although not entirely focused on environmental protection, it will address challenges "to which renewable energy and energy efficiency can make valuable contributions" (European Commission 2014a, 8).

Through these two sub-programmes, the GPGC demonstrates a strong emphasis on climate change, which was weakly represented in previous instruments. This reflects the rise of climate finance on the political agenda, both at the international level and within the EU. Furthermore, the GPGC will significantly contribute to the overall commitment of EU to allocate 20 per cent of the 2014–2020 budget to climate actions (European Commission 2015c), as the DCI Regulation states that at least 25 per cent of the budget for the GPGC programme should be spent on climate change and the environment (European Union 2014a).

The Integration of Environmental Objectives into EU Development Policy Over Time

Despite the listed opportunities to integrate environmental objectives into its development cooperation through both geographical and thematic funding programmes, a number of critical evaluations have pointed to

serious shortcomings in the effectiveness of these attempts in practice. This section highlights some of the main historic criticisms and how these have prompted the EU to improve environmental policy integration in its development activities over time.

Previous Development Cycles (2000–2006 and 2007–2013)

The first comprehensive assessment of the EU's effectiveness regarding environmental policy integration in development cooperation was conducted by the European Court of Auditors in 2006. This Special Report "concerning the environmental aspects of the Commission's development cooperation" stated that only limited progress had been achieved since the launch of the Commission Staff Working Paper in 2001. This was mostly due to a lack of priority given to the environment as an area of cooperation by the governments of partner countries. Although environmental protection was one of the nine possible sectors in which development activities could be focused at that time, the report highlighted the challenges and risks associated with the programming of the geographic instruments when partner countries were encouraged to concentrate funding on just a few sectors (European Court of Auditors 2006). In practice, this meant fewer funds for the environment sector, as it was prioritized by very few countries.

Capacity issues within the European institutions also reduced the effectiveness of environmental policy integration in development practices. Further shortcomings in the programming process set out by the European Court of Auditors and summarized by Olearius et al. (2012) included a lack of appropriate implementation and monitoring mechanisms for the integration strategy, insufficient in-house capacity for mainstreaming environment, weak capacity-building efforts as well as a delay in producing a detailed "Manual of Environmental Integration" for EU officials tasked with developing the programming documents. Perhaps unsurprisingly, the report therefore found that Country Strategy Papers failed to consider environmental aspects sufficiently and only a handful of Country Environmental Profiles had been produced (ibid.). Even in the relatively few Commission programmes and aid projects carried out in the environmental sector, the European Court of Auditor's report found the outcomes disappointing (European Court of Auditors 2006).

As a result of this report and follow-up activities (Council of the EU 2006), many of the shortcomings identified were significantly improved in

the run-up to the next programming period (2007–2013). Particularly, noteworthy efforts went into increasing the Commission's internal capacity to implement its integration commitment. For example, an "EU Handbook for Environmental Mainstreaming" was finalized in December 2006 to provide Commission staff with detailed guidance on mainstreaming processes; the number of training courses and attending participants increased, as these courses were made compulsory for headquarter and delegation officials working on aid-related issues; and the use of Strategic Environmental Assessments was widened (Olearius et al. 2012). In addition, progress was made in strengthening the role of Country Environmental Profiles by making them compulsory in the planning of new Country Strategy Papers (Palerm et al. 2007).

Despite these improvements, challenges for integrating environmental objectives into development cooperation persisted. A 2009 EuropeAid review (cited in the European Court of Auditors 2010) found that there was scope for further improving environmental policy integration at the project formulation stage in approximately 50 per cent of the projects examined in the 2007–2013 programming period. A report published by the World Wide Fund for Nature (WWF et al. 2009) identified a number of significant gaps in the analysis of Country Environmental Profiles in the same programming period including the lack of access to and availability of environmental data, insufficient analysis by the EU and partner countries in order to ensure effective environmental governance, lack of depth and knowledge on significant issues, inadequate consultation with stakeholders as well as a lack of indicators to determine use and implementation of Country Environmental Profiles in programming. Even more worrying was the fact that few of the Country Environmental Profiles included climate change-related issues, which was by then a top environmental priority for the EU (ibid.).

The Current Development Cycle (2014–2020)

The new development cycle for the period 2014–2020 introduced further policy changes in the programming of aid within the geographical instruments. At the institutional level, the post-Lisbon Treaty set-up and organizational measures created new challenges and opportunities for development cooperation. On the one hand, the European External Action Service (EEAS) became jointly responsible for the programming of

development aid together with the newly established Commission's Directorate-General for International Cooperation and Development (DEVCO) (Herrero et al. 2013). The rationale behind this institutional change is that it should enable the integration of development goals into EU foreign policy and thus allow for more holistic approaches (Van Seters and Klaver 2011). On the other hand, the Commission's Delegations in third countries had been transformed into EU Delegations implying several additional responsibilities (Furness 2010). While the Commission Delegations had primarily been occupied with aid and trade matters, they have now gained additional political and diplomatic tasks. Apart from these changes, the EU Delegations continue playing a crucial role in the programming and management of the development programmes and projects. To deal with the additional responsibilities, a substantial increase of staff was planned. However, early reactions from the field revealed that "in some developing countries, signs are discernible that strengthening the political section goes at the expense of the operations section tasked with aid programming and implementation" (Van Seters and Klaver 2011, 7). Moreover, according to an NGO report (Concord 2012, 5) "the silos between political and development cooperation staff have at least temporarily increased".

At the procedural level, attempts were made to make the programming process more efficient, in line with the aid effectiveness principles envisaged in the *Consensus for Development* and the *Agenda for Change*. For example, the replacement of Country Strategy Papers by "country context" documents (cf. supra) reduced the overall scale of necessary programming documents and thus the burden on EU Delegations. Also, the principle of sectoral concentration limits the amount of focal sectors in the strategic programming documents to three per country while the principle of "country ownership" means that the selection of sectors is led by the EU's partner country (European Commission 2011). Furthermore, new procedural arrangements were introduced in order to improve the interaction between headquarters in Brussels and the Delegations in the field, which could potentially facilitate a better integration of environmental and climate-related concerns in development activities (cf. infra). Financially, the introduction of the 20 per cent norm for climate compatible financing in the new EU budget was also a considerable change from the previous aid cycle.

The Case of Integrating Climate Adaptation in Ghana

The changes in procedural requirements and financial support set out in the section above could potentially have significant implications for how the environment and climate change are integrated into the EU's current development efforts. However, it remains to be seen whether this is really the case. As it is too early to evaluate progress in the current development cycle (2014–2020) as a whole, this section provides some first empirical evidence on experiences so far by looking at the specific case of the integration of climate adaptation in EU development activities vis-à-vis Ghana, financed through the EDF.

We focus specifically on climate adaptation as part of a larger effort towards environmental policy integration, because of its broad resonance with existing development practices (Huq and Reid 2004), making it a likely case. Ghana offers interesting insights in this regard, since the country is particularly vulnerable to the effects of climate change. Ghana is already starting to experience more extreme weather conditions, desertification, changing rainfall patterns and more rapid coastal erosion. Moreover, Ghana also suffers from a high degree of socio-economic vulnerability, due to the fact that its economy is still mainly based on sectors that can be considered climate sensitive (e.g. agriculture and forestry) (DARA 2012). Those factors make Ghana a case in which climate policy integration could be expected. Yet, the recent discovery and exploitation of offshore oil and gas reserves creates an interesting challenge in terms of managing its environmental and climate-related impacts (ibid.).

First, the procedural changes for the new programming cycle have offered new opportunities for the integration of climate change adaptation, amongst others by increasing interaction, discussion and reflection on climate change between Brussels and the Delegations. Of particular importance are the so-called Country Team Meetings, which bring together EU officials from the Directorate-Generals responsible for development cooperation, climate change as well as environment and facilitate the discussion on entry points for climate adaptation in the National Indicative Programmes. Through these meetings, officials now gain knowledge of the climate situation in the respective partner countries that enables the construction of baselines against which the integration efforts in the National Indicative Programmes can be evaluated. Based on these

insights, general entry points for including adaptation in the proposed focal sectors can be identified.

In the case of Ghana, these entry points were used to evaluate and strengthen the Delegation's proposed climate-related measures in the draft National Indicative Programmes. For example, the Delegation was asked by DG DEVCO in Brussels to pay more attention to climate adaptation objectives in the sector concerning productive investments in agriculture in the Savannah Ecological Zones. The Delegation took this request into account, resulting in a stronger integration of climate change in the overall programming.[3] Another opportunity is created by DG DEVCO's introduction of Climate Risk Screenings, which are questionnaires that Delegations are encouraged to use for vetting future projects and which can lead to a more detailed Climate Risk Assessment (European Commission 2016b). This improved the Delegation's reflection on the linkages between a certain policy area and climate-related factors as well as their capacity to identify whether they are operating in an area sensitive to climate change.[4] Furthermore, by reviewing the Annual Action Plans in so-called Quality Support Groups, DG DEVCO also aims to better monitor the Delegations' climate integration efforts before implementation.

Overall, these procedural changes seem to be beneficial for increasing sensitivity vis-à-vis climate adaptation in the early stages of the programming cycle. In the programming document for Ghana, the EU clearly commits itself to supporting climate change adaptation, both regarding its own activities as well as those of the partner government. This manifests itself most clearly in the specific focal sector on agricultural development in the Savannah Ecological Zones (European Commission 2014b).

Second, the 20 per cent norm for climate compatible financing seems to have become the main source of leverage for climate and environmental policy integration.[5,6,7,8] It will also serve as an overarching framework and a target for evaluating integration efforts making use of the Rio Markers, which are used within the OECD Development Assistance Committee (DAC) in order to monitor and report on climate-related aid towards the South.[9] Although implemented through soft policy instruments based on the logic of dialogue and persuasion (see Chap. 1), EU officials were unanimous about the positive impact of the norm.

This does not mean, however, that climate and environmental issues are now fully integrated in the EU's development activities towards Ghana. Despite these procedural and financial benefits for the overall integration

exercise, there are still indications pointing at low prioritization and a sector-specific approach to climate change adaptation.

A recent review of EU support to environment and climate change showed that improvements in mainstreaming efforts are mostly confined to policy sectors such as agriculture and infrastructure (Particip 2015). These are sectors where climate adaptation integration is typically easier to achieve.[10,11,12,13] In other activities—where the link with climate change is less obvious (e.g. general budget support, good governance)—climate change still seems to be a less established theme. In Ghana, climate change is mainly taken into account in the focal sector on agricultural development in Savannah Ecological Zones (cf. supra), in which the Commission provides technical and financial support. In contrast, climate adaptation is remarkably absent in the sectors on governance and employment. A sector-specific approach to integrating adaptation is also apparent in the budget outlining and the use of specific tools. In Ghana, only the focal sector on agriculture within Savannah Ecological Zones has specific climate-related indicators and mentions the use of environmental impact assessments (European Commission 2014b).

On the one hand, this persistent lack of attention to climate change in other sectors can be linked to the limited priority placed on the issue by the partner country. Similar to the findings of the 2006 report by the European Court of Auditors, the recent evaluation exercise by the consultancy Particip (2015) related the lack of in-country dialogue on environmental and climate issues almost exclusively to the partner countries' insufficient prioritization. On the other hand, part of the problem also seems to lie within EU Delegations themselves, lacking an overall organizational awareness for climate-related issues. Within Delegations climate change is often labelled a low priority compared to more "established" development themes like general budget support and economic growth.

In the case of Ghana, the responsibility for climate adaptation is shared by two officials, who are also in charge of water and sanitation, natural resources, infrastructure and sustainable development. However, a decentralized approach in which all officials have an adequate awareness on how to incorporate adaptation in development activities might enable a more systematic approach.

In addition to this, resources—both human and financial—are mostly flowing towards more salient development issues, which are mostly related to economic development. In other words, attention to climate change amongst members of the Delegation is, despite its strong presence in the

National Indicative Programme, not systematic and largely dependent on individuals.[14] This lack of attention also translates into the attendance of meetings. In contrast to meetings on governance issues or budget support, which are usually attended by several members of the Delegation, including the Head of Cooperation or the Head of Delegation, presence of EU officials in climate sector meetings or climate-related events is generally limited to one or two officials who are in charge of climate change.

In sum, although the revised programming phase and the increase in financial capacity through the new 20 per cent norm seem to have distinctively contributed to a stronger integration of environmental and climate-related concerns within EU development cooperation—some problems that were identified in the original 2006 Court of Auditors report are still present today and undermine the overall effectiveness of the EU mainstreaming effort. The lack of prioritization of environmental and climate concerns is still apparent in all but a few "usual suspect" development sectors, in which the linkages with development are well established. In general, environmental and climate-related concerns still compete for attention with "classic" development sectors such as economic growth, which still receive the lion share of organizational resources.

Conclusions

This chapter evaluated the extent to which the EU's development policy is an effective tool for external environmental governance by looking at the EU's attempts to integrate environmental and climate-related objectives into its development cooperation—both in principle and practice. It is clear that the EU has made longstanding commitments in this regard in its policy framework. Moreover, it has also made provision for implementing these commitments in its development policy instruments. However, early reports, especially by the European Court of Auditors in 2006, criticized the progress achieved in practice.

In the run-up to both the 2007–2013 and the 2014–2020 development policy cycle, several procedural, financial and organizational changes were made in an attempt to improve the implementation of environmental and climate policy integration. The case of Ghana also shows how relatively simple procedural changes, like the use of team meetings and questionnaires, have created opportunities for climate issues to be discussed and considered at an early stage of programming. However, the main driver for pushing their integration in the current programming cycle is

the 20 per cent commitment in the EU budget. This commitment promises a threefold increase in funding for climate-related issues compared to the previous development cycle (European Court of Auditors 2013). The officials interviewed for the Ghana case study confirm that this is their main source of leverage for climate integration.

This chapter also shows that, despite these changes, difficulties remain in practice. In the 2007–2013 aid cycle, significant shortcomings were, for instance, found in the Country Environmental Profiles. For the current aid cycle, the Ghana case shows that climate change adaptation is still not being fully considered in these early programming stages.

At times environmental objectives appear to be at odds with development objectives. For example, the principles of country ownership and sector concentration, combined with the low priority given to environmental issues by many developing countries, leave environmental issues to be seldom selected as sectors for development activities. Instead, classic development sectors like economic growth still tend to take priority. In terms of the three governance mechanisms outlined in the introduction of this book, this has implications for the use of a capacity-building mechanism for the EU's external environmental governance in isolation from the other two mechanisms (i.e. manipulating utility calculations and dialogue). Capacity building necessitates a fairly high level of demand or ownership from the partner country, which may not be forthcoming unless simultaneously encouraged in through the other mechanisms. For example, Chap. 7 highlights how the ACP Water Facility was used both as an incentive and for capacity building to promote water governance in partner countries. At the same time the EU Water Initiative facilitated political and technical dialogue in the sector.

The case study of Ghana also shows that there is still an insufficient organizational awareness of climate change issues *within* the EU Delegation (which despite the principle of country ownership still appears to hold considerable sway over country programming in practice). There seems to be a problem of limited structural awareness and prioritization, despite thematic agencies in Brussels and individuals on the ground pushing for further integration of environmental and climate-related issues in EU development activities.

This lack of awareness and low prioritization leads to a narrow, sector-specific approach to environmental policy integration. Therefore, it is planned only in the "usual suspect" sectors where integration is relatively easy to achieve. Although it is too early to evaluate integration in the

overall development cycle, it is hard to see how the EU will meaningfully meet its 20 per cent budget commitment in its development instruments under this scenario. The annual EU Accountability Report on Financing for Development (e.g. European Commission 2015d), which provides data and analysis on financing towards climate and biodiversity commitments, will be instrumental in monitoring this commitment.

Therefore, the thematic instruments perhaps offer more feasible opportunities for environmental policy integration and the promotion of external environmental objectives in EU development cooperation. Indeed, the absolute amount of funding for the environment in dedicated thematic programmes has increased over time, from a budget of €342 million between 2000 and 2006 to over €1327 million in the current Global Public Good and Challenges programme, with an additional €589.8 million for "sustainable energy", although this is poorly defined (Marín Durán 2012, 232).

The concept of bringing together social, environmental and certain economic elements of previous individual thematic programmes in the current GPGC would also seem to respond well to the integrative approach as set out in the new global Agenda 2030 and the Sustainable Development Goals. Funds from the GPGC are directly channelled towards the EU's external environmental initiatives (such as FLEGT) as well as the secretariats of MEAs with very little direct stakeholder input from developing countries (i.e. country ownership principles do not apply). It is through these initiatives that the EU is able to pursue its global environmental leadership aspirations in practice. However, the fact remains that the overall amount of financial resources allocated to the environment (through both thematic programmes and the geographical instruments) is modest and that the majority of funds are spent within the geographical programmes where opportunities to further the EU's environmental objectives often go unrealized.

Finally, it will be interesting to see how the new integrated thinking underpinning the 2030 Agenda and Sustainable Development Goals will play out in the EU's future development policies, as well as across other policy sectors impacting developing countries. Not only does this require the integration of the three dimensions of sustainable development across development cooperation, but also the addressing of broader inter-linkages between the various Sustainable Development Goals themselves as well as between various non-development policy sectors and developing countries. Indeed, the relatively new concept of Policy Coherence for

Sustainable Development calls for the EU to take into account the effects of its internal policies both inside and outside its borders so that policies are mutually supportive to achieve the SDGs (Mackie and Deneckere 2016). Addressing these inter-linkages more fully and throughout different policy areas will allow establishment of more instruments for the EU's external environmental governance towards developing countries.

Notes

1. Article 6 TEC is now Article 11 TFEU under the Lisbon Treaty.
2. The new policy document will also replace the Agenda for Change, which was introduced by the Commission but not agreed as a joint EU policy by the Parliament.
3. Interview EU official. Accra, 16 February 2015.
4. Interview, EU official. Brussels, 16 January 2015.
5. Interview, DG DEVCO official. Brussels, 16 January 2015.
6. Interview DG CLIMA official. 10 February 2015, Brussels; EU official.
7. Interview EU official. 16 February 2015, Accra; EU official.
8. Interview EU official. 24 February 2015, Accra.
9. Interview DG CLIMA official. 10 February 2015, Brussels.
10. Interview DG DEVCO official. Brussels, 16 January 2015.
11. Interview DG CLIMA official. 10 February 2015, Brussels.
12. Interview EU official. 16 February 2015, Accra.
13. Interview EU official. 24 February 2015, Accra.
14. Interview EU official. 24 February 2015, Accra.

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Issues

Climate Change: Adapting to Evolving Internal and External Dynamics

Claire Dupont, Sebastian Oberthür, and Katja Biedenkopf

Introduction

The European Union (EU) is frequently considered as a front runner in the development of climate policies. Domestically, it developed a comprehensive climate policy framework in the 2000s that is arguably the most advanced among the major economies. In doing so, the EU has made significant progress in climate policy integration (e.g. into energy policy) (Delbeke and Vis 2015; Dupont 2016)—although shortcomings remain to bring the EU on a path towards decarbonisation by 2050. Internationally, the EU has consistently pushed for far-reaching international agreements on climate change to hold the rise of global average temperatures below

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2 °C compared with pre-industrial levels, and in line with science (Oberthür and Roche Kelly 2008; Bäckstrand and Elgström 2013).

In this chapter, we zoom in on the different mechanisms through which the EU pursues climate policy beyond its own borders. Before doing so, in the next section, we provide a brief overview of the closely intertwined development of the EU's domestic and international climate policy since the issue rose on the policy agenda in the late 1980s. Subsequently, we discuss the EU's climate diplomacy and its use of incentives and support for capacity building. We thereby combine the exploration of these two mechanisms (i.e. manipulating utility calculations and capacity building), as they seem to be closely related and difficult to separate in our case. We then illustrate the promotion of EU internal policy outside of the EU through such incentives and capacity building with respect to the most prominent EU climate policy instrument, namely, its greenhouse gas (GHG) Emissions Trading System (ETS). Throughout, we pay attention to exploring the EU's effectiveness in these fields, highlighting important driving forces. The conclusions summarise the main arguments.

EU CLIMATE POLICIES: AN OVERVIEW

In the 1990s, EU demands for binding international targets to limit and reduce GHG emissions by developed countries were not matched by domestic climate policy. In 1990, the then 12 member states agreed to a target of stabilising CO_2 emissions by 2000 at 1990 levels, which also constituted the EU's major demand to fellow industrialised countries in the negotiations on the UN Framework Convention on Climate Change (UNFCCC) adopted in 1992. In the negotiations on the 1997 Kyoto Protocol, the EU suggested that all industrialised countries reduce GHG emissions by 15 per cent from 1990 levels by 2010 and eventually took on a GHG emission reduction target of 8 per cent, the highest of all industrialised countries.

Internal climate policy development began to pick up pace as the EU moved towards implementing the Kyoto Protocol in the 2000s. The EU ratified the Kyoto Protocol in 2002 and adopted a series of legislative instruments including the EU ETS as a centrepiece of European climate policy into the future (Boasson and Wettestad 2013; Dupont and Oberthür 2015b; Jordan et al. 2010; Oberthür and Pallemaerts 2010).

In December 2008, the European Council reached agreement on the so-called climate and energy package of legislative measures that established

the main EU policy framework towards 2020. The package implemented the threefold targets for 2020 agreed by the European Council in March 2007: (1) to reduce GHG emissions by 20 per cent from 1990 levels, (2) to increase renewable energy shares to 20 per cent of final energy consumption and (3) to improve energy efficiency by 20 per cent. Focusing on the first two binding targets (rather than the non-binding, aspirational energy efficiency target), the legislative package included (1) a revised ETS Directive, (2) a decision on sharing the effort among member states to reduce GHG emissions not covered by the ETS and (3) a new Renewable Energy Directive with binding targets for 2020 for individual EU member states. The run-up to the Copenhagen Climate Summit in late 2009 also saw the adoption of further legislation such as a directive adding the aviation sector to the scope of the EU ETS and a regulation on mitigating CO_2 emissions from cars (Oberthür and Pallemaerts 2010). In addition, the European Council reached political agreement in October 2009 to reduce the EU's GHG emissions by 80–95 per cent by 2050, compared to 1990—effectively calling for the "decarbonisation" of the EU's economy. EU leadership aspirations at Copenhagen nevertheless failed to spur a new international climate agreement towards 2020 (Oberthür 2011).

While EU internal climate policy development slowed post Copenhagen in the light of several financial, economic, energy and political crises (Boasson and Wettestad 2013; Dupont and Oberthür 2015b), the European Council in October 2014 nevertheless made a significant step towards updating the EU climate policy framework to 2030. In particular, it agreed on three headline targets to (1) reduce GHG emissions by at least 40 per cent, (2) increase the share of renewable energy to 27 per cent and (3) improve energy efficiency by 27 per cent by 2030 with an option to increase this target to 30 per cent before 2020 (European Council 2014). While the first target is to be binding as in the past, the renewable energy target is intended to be binding at EU level (i.e. there will not be binding targets for member states) and the energy efficiency target is non-binding/aspirational. The European Council's agreement on a GHG emission reduction of at least 40 per cent served as the EU's input to the international climate negotiations leading to the Paris Agreement on climate change in late 2015.

By 2014/2015, the EU had already made significant progress towards its 2020 goals. It is set to (over)achieve its GHG emissions reduction and renewable energy goals, and it may also achieve its energy efficiency target if policy measures are well implemented. However, preliminary figures for

2015 show that advances in both renewable energy and energy efficiency slowed or even regressed somewhat between 2014 and 2015, and progress will need to accelerate significantly to achieve decarbonisation by 2050 (EEA 2016b). Realising more ambitious policy has proven challenging in light of the economic crisis and increasing internal opposition to strong climate action, especially from central and eastern European member states (led by Poland; see Skovgaard 2014, see Chap. 16).

In 2015 and 2016, the European Commission put forward a series of proposals to implement the 2030 framework. This includes proposals for updating the EU ETS for the period 2020–2030 and an Effort-Sharing Regulation as well as proposals for revised electricity market rules, energy efficiency (including the energy performance of buildings), renewable energy and the governance of the Energy Union. The policy process on these internal measures is expected to extend to 2018.

Overall, the EU's domestic and international climate policies have developed in tandem. The international agenda has provided important impetus for the EU to develop its domestic objectives and policies. The latter have in turn also informed the EU's international policy objectives and have been crucial for the EU's international credibility.

The EU's External Climate Policies

How has the EU influenced climate change governance arrangements beyond its borders? We focus on two interrelated key areas: (1) the EU's climate diplomacy in the UNFCCC and beyond ("dialogues and negotiations") and (2) EU support for and capacity building in developing countries. Subsequently, we illustrate how the EU promotes its domestic policies externally through capacity building and incentives, using the example of GHG emissions trading. We address both content and effectiveness and point out significant interconnections. Important driving forces and barriers specific to the context are highlighted. These factors are linked to internal EU processes and politics, to EU responses to a new context, and to broader (global) dynamics that either reinforced or undermined the EU's effectiveness.

Dialogues and Negotiations: EU Climate Diplomacy

The EU and its member states have been involved in climate diplomacy at various levels, with the UN negotiation process at its core (see also Chap. 3).

Multilateral negotiations under the UNFCCC generally form the major focus of EU climate diplomacy as they are seen as crucial for addressing the climate challenge. In this forum, the EU has traditionally acted as an international leader on climate change (Oberthür and Roche Kelly 2008). As the limitations of the UN process became clear, attention increasingly shifted to other venues. These include "minilateral" forums such as the Major Economies Forum on Energy and Climate, the G20, the G7, as well as bilateral and interregional relations with major partners around the world (see chapters in Part 3 of this volume). This minilateral and bilateral climate diplomacy complemented, rather than replaced, engagement in the UN negotiations, which continue to form a major focal point of EU climate diplomacy.

EU climate diplomacy requires coordination between the EU member states and EU institutions, in particular the European Commission. As climate change is an area of shared competence, the main actors in the EU's climate diplomacy are the European Commission and the member states acting through the Council of the EU/European Council, with limited place for the European Parliament. Accordingly, both the EU and its member states are parties to international climate treaties, and they are jointly responsible for implementing their obligations thereunder (each to the extent of their respective competences and responsibilities). They have traditionally tried to speak with one voice, requiring close coordination of international positions and accompanying activities. This coordination takes place through the existing Council structures, involving policy coordination in Brussels and close daily coordination of negotiation strategy at international meetings (see also Chap. 2). Such coordination has enabled the EU to become a fairly unified actor. Coordination of bilateral diplomatic contacts, and related exchange of information, occurs through a "Green Diplomacy Network" of officials of the foreign services of the member states and the European Institutions, including, since 2010, the European External Action Service (EEAS) (Oberthür 2011; see also Chap. 3).

With the entry into force of the Lisbon Treaty in December 2009, the EEAS and the European Parliament have risen as actors, though their significance has remained limited. The Lisbon Treaty, and more specifically Article 218 of the Treaty on the Functioning of the European Union (TFEU), conferred on the European Parliament the right to veto international treaties, hence enhancing its clout in the preceding international negotiations (at least on paper). In reality, the European Parliament

continues to play a lesser role in determining the EU's international position and strategy (Biedenkopf 2015). The EEAS, created by the Lisbon Treaty, has, over time, acquired a facilitative, coordinating and supporting role for EU climate diplomacy, including in bilateral outreach. It took the lead in developing and implementing a climate diplomacy action plan prior to the 2015 Paris Climate Summit, as approved by the EU Foreign Affairs Council—a practice that was retained in 2016 (Groen 2016). This includes coordinating the Green Diplomacy Network and related diplomatic initiatives carried out by the embassies of the member states and the EU Delegations around the world. The EEAS's role in determining EU policy and conducting the international negotiations is, however, small.

Over the years, the EU has successfully adapted to various internal and external challenges to its role in international climate policy. In the 1990s and early 2000s, arrangements for internal coordination and external representation were time-consuming (preventing outreach to international partners) and constrained effective EU negotiation strategy (as the negotiating team changed with the rotating Council of the EU presidency). Reforms implemented in the early 2000s largely mended these shortcomings by providing for streamlined coordination procedures and installing a team of EU "lead negotiators" from the European Commission and the member states that would conduct the negotiations over a longer period of time (see also Chap. 2; Delreux and Van den Brande 2013).

A different set of challenges occurred in the course of the 2000s as international negotiations turned from addressing industrialised countries' emissions to the emissions of all countries. This new setting also included the rise of the emerging powers and the re-engagement of the United States under President Obama, resulting in geopolitical competition and cooperation between the United States and China as climate superpowers (Oberthür 2016). Under these circumstances, the EU found itself as only a medium-sized power. This new framing of international climate politics materialised for the first time at the 2009 Copenhagen Climate Summit. It was one of the main reasons for the failure of the Summit to agree on a new international climate treaty, and of the EU to achieve its objectives. It signalled the end of an era of EU leadership in international climate politics, in which the EU constituted a crucial player whose influence could be taken for granted (Groen and Niemann 2013; Oberthür 2011; van Schaik and Schunz 2012).

The EU successfully adapted its strategy and approach to the changed circumstances. It positioned itself as what has been called a "leadiator"

(leader and mediator: Bäckstrand and Elgström 2013). The leadiator role involved a downscaling and moderation of the EU's international ambitions for climate protection that had run too far ahead of other major players. This provided the basis for both intensified coalition and bridge-building. Concretely, the EU and its member states initiated the Cartagena Dialogue for Progressive Action in 2010 as a nucleus of a broader coalition with ambitious developed and developing countries. Coalition and bridge-building was supported through targeted assistance to relevant developing countries (see also below). The new leadiator strategy for the first time materialised and brought concrete results in 2011 (Bäckstrand and Elgström 2013).

This adaptation of the EU's strategy has proved by and large effective. The launching of negotiations on a new global climate agreement in Durban in 2011 was achieved through an influential coalition with many smaller and vulnerable developing countries (Bäckstrand and Elgström 2013). The main achievement, though, was the 2015 Paris Agreement. In the Paris process, the EU achieved most of its—downscaled—objectives. In particular, the Paris Agreement (1) constitutes a binding international treaty, (2) obliges all parties to take on climate action plans (dubbed "nationally determined contributions"—NDCs) and to pursue related implementing measures, (3) foresees robust rules on transparency and accountability for all parties and (4) establishes a regular 5-yearly "stocktake" and an obligation for all parties to submit further strengthened climate action plans every 5 years. In addition, the Agreement affirms the well-established 2 °C target and envisages "efforts to limit the temperature increase to 1.5 °C above pre-industrial levels" (Art. 2.1(a)). It also establishes the goal to achieve a phase-out of net GHG emissions in the second half of this century (Art. 4.1). The EU succeeded in pushing the international process towards ambition through active diplomatic outreach and engagement and, especially, the formation of a "high ambition coalition" during the Paris conference itself. This coalition built on the earlier Durban coalition with the EU and vulnerable developing countries at its core and soon expanded to include even the United States and Brazil. The EU's cause was helped not least by the French conference presidency that skilfully exploited the widening room for manoeuvre, due to the high ambition coalition. It also benefited from more favourable climate geopolitics, with both the United States and China eager to seal a deal (Groen 2016; Oberthür and Groen 2017).

Over the years, the EU has faced challenges to its effectiveness in international climate governance, which stemmed from internal divisions of labour, problems of internal coordination and changing international contexts. It has managed to adapt (albeit sometimes slowly) to the reality of international climate negotiations to enhance its effectiveness, to the extent possible under given international developments and evolving domestic politics. While many of the fundamentals underlying the new EU leadiator strategy remain valid and in place, new internal and external challenges may call for further adaptations in the future. Some of the most important challenges ahead include the UK leaving the EU, the destruction of US climate policy under President Trump, the deep identity crisis of the EU and the rise of populist movements that has much intensified in the 2010s. It is too early to tell, however, how these developments may affect the EU's international climate policy and related diplomacy.

One particular challenge for EU climate diplomacy concerns external energy relations—both with the long-time suppliers of fossil fuels to the EU and those that may become new partners within the context of decarbonisation and climate change policies (Casier 2015). The traditional and still-dominant view of external energy relations places emphasis on energy security—namely, the security of supplies of (usually) fossil fuels to EU member states. This emphasis is generally in tension with decarbonisation objectives, which imply transitioning away from fossil fuel consumption sooner rather than later. Continued negotiations for supplies of fossil fuels risk locking the EU's energy system into carbon infrastructure beyond the timeframe during which a transition to decarbonisation is required (EEA 2016a). From a longer-term perspective, measures towards decarbonisation, such as improving energy efficiency and increasing shares of renewable energy, also achieve energy security objectives, reducing or eliminating this inherent tension. EU external energy relations could therefore benefit from a rethink, including higher degrees of policy coherence with overarching objectives to combat climate change (Dupont 2016; Dupont and Oberthür 2015a).

However, several procedural and political obstacles delay the EU's move beyond its traditional external energy relations paradigm. First, the EU's external energy relations are organised in a multilevel fashion, with competences over energy policy shared between the EU and member state level. The choice of energy mix remains up to the member states (Articles 192.2 and 194.2 of the Treaty on the Functioning of the European Union), and it is the member states that ultimately have the prerogative to

negotiate energy contracts for supplies from third states. While the role of the EU in external energy relations has certainly grown over the years (Goldthau and Sitter 2015; Stoddard 2016), member states have continued to pursue national external energy policies that prioritise the aim of accessing sources of energy. Enhanced EU-level involvement has yet to be translated into a coherent strategy towards decarbonisation (Dupont and Oberthür 2015a). Second, EU internal politics around climate and energy policy have become generally more fragmented (Dupont and Oberthür 2017). Ambitions towards a decarbonised society through strong renewable energy deployment and energy efficiency measures have slowed in the context of broader political processes, including the rise of populism, the economic crisis that started in 2008/2009 and the growing divisions between member states when it comes to energy priorities. Poland and the other Visegrad countries, for example, often prioritise short-term energy security over objectives to move to a clean energy system. Third, the extent to which existing climate and energy dialogues with partner countries are ambitious and move both parties further along the path towards decarbonisation seems dependent on the broader context of relations. For example, the dialogues on energy efficiency and renewable energy with Russia have been suspended, given the wider political tensions since Russia's annexation of Crimea (Khrushcheva and Maltby 2016). In relations with Norway, in contrast, both parties are interested in moving beyond traditional fossil relations, at least in the long term (Jevnaker et al. 2015). All in all, the EU also struggles to ensure coherence in external energy relations with internal and global climate policies.

Altering Utility Calculations and Capacity Building

The EU and its member states are the biggest providers of international climate finance. Generally, finance falls into the exclusive competence of the member states that have played the prime role in this field, both in international negotiations and on the ground. The EU itself has, however, contributed through its financial instruments, in particular its development assistance. Together the EU and its member states have provided more than half of all international climate finance, including more than 80 per cent of the contributions to three funds established under the UNFCCC: the Least Developed Country Fund, the Special Climate Change Fund and the Kyoto Protocol's Adaptation Fund. The EU and its member states also contribute about half of the funding of the Global Environment Facility

(GEF) and nearly half of the resources of the Green Climate Fund (established after the Copenhagen summit)—the two operating entities of the financial mechanism of the UNFCCC (European Commission 2015). Overall, the EU and its member states, according to their own figures, increased their international climate finance to €17.6 billion in 2016 (Council of the EU 2016). This compares to an international commitment by developed countries to provide $100 billion per year (about €85 billion at mid-2017 currency exchange rates) to developing countries by 2020 (which notably includes financial flows beyond public climate finance).

EU climate finance runs through both multilateral and bilateral channels. Multilateral channels include the aforementioned international climate-related funds, but also the World Bank, the UN Development Programme and others. Considering that EU contributions to the mentioned climate funds hardly exceed €4 billion, it is fair to assume that EU member states and EU institutions (including the European Investment Bank) provide the lion's share of their climate finance bilaterally to specific partner countries.

It is especially through bilateral assistance that the EU and its member states exert a strong influence on the specific use of the support provided and thus can employ it in a targeted way as a means of shaping policies beyond its borders. Such assistance has the double function of altering the utility calculations of recipient countries and enhancing their capacity to engage in climate action—it is difficult to distinguish and separate both and they frequently come in combination. EU member states also influence the policies and guidelines of the aforementioned multilateral funds. However, these policies and guidelines are negotiated compromises that will, at best, partially reflect the policy preferences of EU member states. The latter do not have a grip on the use of multilateral funds for specific projects or partner countries. In contrast, bilateral assistance and capacity building can more easily be targeted and employed in an instrumental way. Generally, support provided can constitute an important incentive to enhance cooperation among recipient countries and/or to engage in the particular activities for which funding is provided. Both these elements play a role in EU support for developing countries in climate policy.

A particularly prominent example of how EU support has shaped climate change governance beyond its borders relates to the preparation of climate action plans prior to the Paris conference of 2015. All countries were invited to come forward with climate action plans ("intended nationally determined contributions") "well in advance" of Paris. The EU

had supported even stronger language to oblige all countries to put forward pledges by a specific deadline. To ensure that as many countries as possible would submit climate action plans prior to the Paris conference, the EU and its member states not only exerted diplomatic pressure. They also, importantly, provided significant financial or technical assistance for the preparation of such plans to about 100 countries, together with partners such as the UN Development Programme and the United States (European Commission 2015, 6). In many cases these activities increased countries' capacity to develop scenarios and policies for future climate policy. This capacity building thereby significantly contributed to enabling and motivating countries to draft sensible climate action plans, an element that also supported the EU's efforts at coalition building in the negotiations (see above).

There is evidence to suggest that this assistance had significant effects on the elaboration of climate action plans prior to the Paris conference. Detailed process tracing accounts of the effects are not available, so other important contributing factors should be acknowledged. Such other factors include the normative push of the UNFCCC, the EU's "leadership by example" as it submitted its 2030 target early on in March 2015, and the emergence of broader international expectations and best practices for drafting climate action plans. The EU's activities and assistance may have synergised with and reinforced this broader context. More than 180 countries submitted climate action plans prior to the Paris conference (and even more afterwards): an important achievement in itself. Furthermore, many climate action plans contain elements that are in line with EU policy priorities and experiences, including goals for renewable energy, energy efficiency and the use of market-based instruments such as emissions trading (UNFCCC 2016: esp. 36). While it seems clear that EU assistance and outreach contributed to this result, EU action is not the only factor contributing to the success story. The United States, for example, also supported several key countries in their development of an INDC.

Thus, as with the EU's role in international climate negotiations discussed above, the EU has had to respond to a number of internal and external factors to ensure the effectiveness of its external role in the realm of capacity building and support for climate action in third countries. EU attention post-Paris has increasingly shifted from preparing climate action plans to implementing them. Many of the funding channels used to support the elaboration of climate action plans prior to Paris (including national development assistance and European projects) can now be

employed to follow up on implementation (and subsequently the further development of the plans). Both before and after the Paris conference, such EU support has reinforced efforts of broader coalition building for the international negotiations.

Exporting GHG Emissions Trading

The EU Emissions Trading System (ETS) is a prime example of a policy instrument that the EU actively promotes beyond its border, employing international negotiations, capacity building and targeted incentives. The EU ETS was developed in the late 1990s and early 2000s, partly in response to the inclusion of market measures in the 1997 Kyoto Protocol, and partly because the EU had failed to adopt its proposed carbon tax (Skjærseth and Wettestad 2008). It has undergone several rounds of development since it was first adopted in 2003 (Directive 2003/87/EC). The first phase from 2005 to 2007 was dubbed a learning-by-doing or pilot phase, which allowed for refinement of the instrument under a revised ETS Directive in 2009. The main shortcoming identified in this learning phase was an over-allocation of emission allowances to emitters, which resulted in lower-than-desirable prices on the EU carbon market. In the second phase of the ETS (2008–2012), which also coincided with the first commitment period of the Kyoto Protocol, allowances were allocated or auctioned by the European Commission, rather than member states, as the central overseeing authority. While the instrument became increasingly embedded as the centrepiece of EU climate policy, it faced continued difficulties due to oversupply of allowances, especially following the slowing production rates as a result of the economic crisis (Wettestad et al. 2012). Since 2012, a number of efforts to address the problems of the ETS have been tabled and adopted, including the "backloading" of allowances and a "market stability reserve", which aim to withdraw a number of allowances from the system until later years to create some scarcity to increase the allowance price (Egenhofer et al. 2011).

With the implementation of the EU ETS, the EU also became a protagonist of market mechanisms in the multilateral negotiations. It first played an active role in implementing the project-based mechanisms (Joint Implementation and the Clean Development Mechanism) of the Kyoto Protocol in the 2000s—after it had only reluctantly agreed to include them in the Protocol in 1997. In the negotiations on the Paris Agreement,

the EU argued for the inclusion of international market mechanisms—which eventually resulted in the inclusion of such mechanisms in Article 6 of the Agreement. The EU is highly active in the World Bank's Partnership for Market Readiness, a global network that provides capacity building and constitutes a platform for technical discussions and knowledge exchange on carbon pricing, which includes ETS and carbon taxes. The EU and some of its member states supply about 60 per cent of the Partnership for Market Readiness financing and share their experiences from more than 10 years of GHG ETS implementation (Biedenkopf 2016).

In addition, the EU has actively promoted the establishment of GHG ETSs bilaterally. Since the adoption of the EU ETS in the early 2000s, several countries and subnational jurisdictions have established their own GHG ETS. A number of additional jurisdictions are considering the adoption of GHG emissions trading (ICAP 2017). Designing, implementing and enforcing a GHG ETS is a challenging task that requires, among other factors, technical knowledge and expertise, infrastructure for the measurement, reporting and verification of GHG emissions, and carbon price modelling capacity. Given its extensive experience with implementing a GHG ETS, the EU has provided capacity building and support to a number of the jurisdictions that showed interest in adopting their own ETS. These efforts seem partially motivated by the EU's vested interest in ensuring that the non-EU ETS be effective. Should, in particular, the large Chinese national system be perceived as a failure, it will be difficult to promote the adoption of GHG ETS elsewhere, in other jurisdictions and at the international level.

The EU's closest relationship on, and most intensive support of, GHG ETS is with China. Interaction started in 2010 as part of the EU "GHG ETS Outreach to Developing Countries" programme, which included workshops and trainings. In 2014, a large-scale capacity building project with the title "Supporting the Design and Implementation of Emissions Trading Systems in China" was launched and financed with €5.5 million (see Chap. 14). It provided support and training to Chinese officials and business actors in seven pilot regions and, as the plans for a national Chinese GHG ETS became more concrete, increasingly at the national level. In 2017, a follow-up project was launched with a greater focus on national ETS activities. Encouraged by the positive experiences with the Chinese capacity building project, the EU started a similar 3-year project with South Korea in 2016. The project has a budget of €3.5 million and

is funded by the EU's Foreign Partnership Instrument. South Korea launched a GHG ETS in January 2015. The EU provides support for the implementation of this law with a consultation hotline, workshops and study visits to the EU. The emphasis is on benchmark-based allocation, auctioning and modelling. It also includes support for companies in their compliance with the ETS requirements and technological innovation. Verifiers will also receive training. EU capacity building support to both China and South Korea have established significant links, transferring some of the EU's experiences and expertise and enabling the jurisdictions to improve their domestic GHG ETS performance.

Facilitated by these targeted promotional efforts, the EU ETS has served as an example and source of experiences for others. Other jurisdictions could learn from both the mistakes and successes of this flagship EU climate policy instrument (Jotzo and Löschel 2014). In particular, the EU ETS has underperformed because of oversupplies of allowances that have kept the carbon price at levels insufficient to stimulate the transition towards decarbonisation. Another lesson was to limit free allocation and move to auctioning of allowances in order to prevent windfall profits. Interestingly, the later GHG ETS established by others have tended to repeat some of the EU's "mistakes" rather than implementing the lessons from the EU experience. This can be explained by national politics and contextual factors in the respective non-EU countries. For example, in both South Korea and China electricity prices are government controlled, which prevents electricity utilities from passing on the costs of carbon to their consumers, disabling one component of a market-based instrument. This can explain the inclusion of some indirect emissions in the scope of those systems. Non-EU domestic formal and informal regulatory institutions can differ from those of the EU, which can have significant implications for the effective implementation of a GHG ETS. Such domestic factors required adjustment of non-EU ETS designs and can explain why the process is complex (Goron and Cassisa 2017; Lo 2013).

Furthermore, the EU has employed its ETS to motivate other jurisdictions to limit emissions from international aviation. It adopted legislation in 2008 to include GHG emissions from international aviation under the remit of the EU ETS from 2012. The logic behind this decision was to use the EU's strong market position in international aviation. Landing in and taking off from the EU would be contingent on participation in the EU ETS, which would generate an incentive for European and international air carriers to lower their emissions and invest in innovative low-carbon

technologies (manipulation of their utility calculations). This measure faced a considerable international backlash. In this case, the EU's attempt to manipulate non-EU jurisdictions' utility calculations by restricting access to its aviation market was unsuccessful since it triggered extraordinarily strong responses from countries such as the United States, China, Russia, India and many others. However, the EU's internal moves pushed the global agenda on the issue of GHG emissions from aviation and, as a result, cooperation was sought under the International Civil Aviation Organization (ICAO) (Birchfield 2015). Until agreement was reached within ICAO in two steps in 2013 and 2016 on the introduction of a global market-based measure to help cap emissions from aviation at 2020 levels, EU measures to submit international aviation to its domestic ETS were paused so that only flights within the EU and to and from the European Economic Area—regardless of the airline—are included in the ETS.

The ETS is not the only example of external effects of EU domestic climate-related policies, however. The energy efficiency standards of products and policies to promote renewable energy also have external effects, both in terms of learning opportunities for other jurisdictions and also as an influence for transformation where external companies aim to access the European market with their products ("manipulation of utility calculations"). While we do not focus on these effects here, similar internal and external political dynamics can be witnessed, with the market effect particularly prominent in cases where global trade in energy-efficient products is concerned.

CONCLUSIONS

EU external climate policy remains closely tied to domestic EU climate policy. Driven by international policy developments and feeding into the EU's external climate policies, the EU has, especially since the turn of the century, developed a relatively comprehensive climate policy framework addressing various sectors, sources and drivers of GHG emissions. It has strengthened this policy framework in a stepwise process, including by stepping up its GHG emission reduction target from minus 8 per cent for 2008–2012 to minus 20 per cent for 2020 to at least minus 40 per cent for 2030. Other elements of the policy mix, including support for renewable energy and energy efficiency, have seen more variable progress. Overall, the EU's climate policy framework remains the most

advanced in comparison with other major economies, although it remains wanting if decarbonisation is to be achieved by 2050 (Dupont and Oberthür 2015a). Beyond informing and underpinning the EU's objectives and strategy in multilateral climate negotiations, the evolving domestic policy framework has also affected the EU's international credibility ("leadership by example") and frames its other external policies. The internal and external dimensions of climate and energy policies are hence closely intertwined.

The EU has had to adapt to significant domestic and international changes. Economic crisis and increasing domestic opposition to climate policy, rooted in fossil fuel interests and populism, have heightened internal divisions leading to less ambitious domestic policy. This, in turn, affects the perception of the EU as a leading actor on climate change internationally and its ability to shape effectively climate governance beyond its borders. Furthermore, external contexts, including the rise of the emerging powers and developments in US politics and US-Chinese relations, have limited the EU's international climate role. Under these challenging circumstances, the EU has demonstrated significant adaptive capacity so as to remain an influential player in international climate politics.

The EU has quite consistently been a major and reasonably influential player in international climate diplomacy and the UN climate negotiations ("dialogues and negotiations"). Over the years, it has seen some ups and downs and has responded to the various internal and external challenges by adapting its internal coordination arrangements and its negotiation strategy. Most recently, it has positioned itself as a "leadiator" (leader and mediator) and has intensified its activities and efforts beyond the multilateral UN framework towards minilateral and bilateral relations. In doing so, it was successful in co-shaping the Paris Agreement on Climate Change in 2015.

Influence in international climate diplomacy has also benefitted from the EU providing incentives ("manipulating utility calculations") and "capacity building" to developing countries. It thereby altered the incentive structure of the recipients and enabled them to pursue more ambitious climate policy objectives. Some EU member states have been in the lead in providing support to developing countries, a major lever of the EU's external climate policies. Such support has served to create trust and goodwill, including for the UN negotiations, and has been instrumental in promoting targeted policy developments in recipient countries, such as the development and implementation of climate action plans in the

context of the Paris Agreement. EU support has also played a prominent role in the international diffusion of the policy instrument of emissions trading—as another example of the close interconnection between EU domestic and external climate policies.

Further challenges are looming, however, both internally within the EU and externally (see also Chap. 16). The exit of the UK from the EU is likely to present a number of challenges to EU effectiveness in international climate policy: where the UK lately became a pusher of climate action both within the EU and with respect to EU external policy, its exit may strengthen the voices of reticent member states and weaken Europe's international voice. In the United States, President Trump is poised to reverse constructive engagement in international climate negotiations and the fruitful relations on climate change with China and the EU. This may raise the question whether the EU can fill the void of international climate leadership once more, possibly in cooperation with others. At the same time, demands for enhanced policy coherence are rising, for example with respect to the EU's external energy policy that has considerable potential to further reflect decarbonisation objectives. The internal and prolonged political and economic crises the EU is facing do not facilitate living up to these challenges. All in all, international climate policy is thus set to continue to test the EU's adaptive capacity.

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Water: Promoting EU Policy Through Dialogue and Capacity Building

Camilla Adelle, David Benson, and Kirsty Agnew

INTRODUCTION

The EU has a long history of water policy entrepreneurship that has generated a large body of experience and "lessons learnt", from which the EU has attempted to export its policy through several tools and mechanisms. For example, in 2002, the EU launched its own dedicated external water policy instrument—the EU Water Initiative (EUWI). Although originally focused mainly on water and sanitation issues in Africa, the initiative also aimed to use the EU's own expertise to support integrated water resources management (IWRM) outside of the EU's borders (European Commission 2002, 14). The EUWI has since spread to cover four other regions globally. In addition, the EU promotes its water policy through its wider international development policy (see also Chap. 5),

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which supports United Nations sustainability objectives, including those for water. Finally, the EU is now actively engaged in water diplomacy (see also Chap. 3) in promoting and brokering international agreements on the cooperative development of transboundary water resources. The extent to which the EU influences water governance globally through these policy tools and to what effect are therefore important, although largely unanswered, research questions.

This chapter explores the EU's attempts to export its water policy through these three policy tools (i.e. the EUWI, development policy and water diplomacy). It firstly sets out the EU's own internal water policies to show how they initially informed development cooperation through promoting IWRM; water, sanitation and hygiene (WASH); and water policy integration. The following section then presents the policy toolkit developed by the EU to promote its water policy externally before examining the effectiveness of external governance in this field.

Our analysis shows a shifting emphasis over time in the focus of the EU's external governance, away from exporting IWRM policy principles. The EU is now placing greater emphasis on mainstreaming water and sanitation in its development policy, promoting nexus governance solutions and supporting transboundary cooperation. The various factors that facilitate (and constrain) the EU's ability to successfully promote its water policy in third countries are therefore also explored.

Some of these factors relate to the country the EU is attempting to influence (e.g. its capacity to absorb and implement new water policies). In other cases, these factors concern the EU itself and its relationship to the third country in question (e.g. how far away the EU is from it). Other factors are more global, including influence from other international water actors. The final section therefore brings together some concluding remarks about the EU's ability to export its water policy, as well as the extent to which it can actually be considered *EU* rather than *global* policy. Here, lessons for the future of the EU's external water are provided.

THE EU'S INTERNAL AND EXTERNAL WATER POLICY OBJECTIVES

Water policy in the EU has developed in three semi-distinct phases, each with their own normative underpinnings (Benson and Jordan 2008). Faced with chronic transboundary water pollution problems that

transcended the capacity of individual member states to counter them, the European Economic Community (EEC) introduced several *first-generation* legislative measures after the mid-1970s (ibid.). The emphasis of the EEC's initial water policy was primarily on remediating water pollution threats through setting harmonized environmental quality standards, for example legal measures on bathing water, shell fisheries and surface water for drinking (Haigh 2005). Regulatory quality objectives were then adopted for restricting dangerous substances in water, along with exposure standards for drinking water (ibid.).

Second-generation policy measures, introduced in the early 1990s, were influenced by the prevention principle and sought to limit water pollution from agriculture and urban wastewater (Benson and Jordan 2014). Due to the rising costs of implementing these harmonized standards, and arguments between states over subsidiarity, the emphasis (by then) of EU water policy began to gravitate towards a more integrated, holistic approach under the Water Framework Directive (WFD) in 2000 (European Communities 2000).

Influenced by the sustainable development agenda of the 1990s, EU policymakers adapted the principles of integrated water resources management (IWRM) for the WFD. Based on the so-called Dublin Principles (WMO 1992), IWRM promotes: managing water resources at river basin or catchment scales; the optimization of water supplies; ensuring equitable access to water; management of demand through for example water pricing; inter-sectorial and multi-stakeholder decision-making; and, establishing policy mechanisms, norms and standards for supporting this approach (GWP 2012). The Directive is aimed at maintaining and improving the ecological quality of surface water (Mostert 525 in Partzsch 2008). It requires EU member states to publish river basin management plans—which may require international cooperation—identifying all human pressures and containing information on measures for achieving a "good" water status for all surface waters (lakes, rivers and coastal waters) and ground water (Haigh 2016). All waters must be classified by ecological status according to their biological, chemical and hydro-morphological characteristics. The plans are to be updated periodically (ibid). The Directive also mandates other IWRM principles such as public information provision and consultation in plan preparation, economic analysis of water use, cost recovery for water services, monitoring of water quality, and reporting of plan implementation.

These internal water policy principles have subsequently been reinterpreted and integrated into an emerging external water policy that seeks to influence non-EU countries globally. Central to this strategy was, initially, the WFD approach. Originally only intended to apply to EU member states, this model was also promoted to support IWRM in national and transnational contexts beyond the EU's borders, using the EU Water Initiative to export expertise (Dimas 2005; European Commission 2004; 2002).

A key document was the European Commission Communication Water Management in Developing Countries: Policy and Priorities for EU Development Cooperation (European Commission 2002). Published before the World Summit on Sustainable Development (WSSD) in Johannesburg in September 2002, it focused mainly on increasing access to water supply and sanitation while paying less attention to resource protection (Partzsch 2008). Nevertheless, the Communication argued that the European Commission could support IWRM outside of the EU's borders through development aid taking account of:

> Relevant expertise in water management policies within the EU (such as the establishment and implementation of the Water Framework Directive, a legally binding instrument that promotes in the EU the same principles put forward in this Communication for developing countries). (European Commission 2002, 14)

In addition, the EU's sustainable development agenda was another influence on external water policy objectives. By the early 2000s, the EU had adopted its first Sustainable Development Strategy (European Commission 2001). The Strategy committed the EU to supporting action in seven priority areas, including addressing global poverty and sustainable development. Integration of sustainable development was also required for both internal and external EU policies that impacted on the sustainable development of non-EU countries.

Responding to the 2002 Commission Communication on water management in a Resolution, the EU Development Council reiterated the EU's commitment to supporting the UN's Millennium Development Goals (MDGs) including under Goal 7 (on environmental sustainability) that aimed to halve, by 2015, the proportion of the global population without sustainable access to safe drinking water and basic sanitation (Council of the European Union 2002). While endorsing the need for

IWRM, based on the WFD, the Council also identified a requirement to integrate ("mainstream") sustainable water management into regional and national development policies (ibid.). Therefore, three main approaches or principles were thereby established for the EU's external water policy: (a) enhancing water access and sanitation for the MDGs, (b) exporting the WFD model of IWRM and (c) mainstreaming water policy. But how were these policy approaches then transferred and to what effect?

The Policy Toolkit

The EU has developed an ensemble of policy instruments to promote its external water policy. These can be divided into the EU Water Initiative, development policy, and international agreements and water diplomacy.

The EU Water Initiative

The EU Water Initiative has been the main targeted policy instrument for promoting external water policy. In May 2002, the EU Development Council's Resolution on the Commission Communication on water management pointed to the relevance of water scarcity and decreasing water quality, especially in developing countries (Council of the European Union 2002). The Resolution also referred to the launch at the upcoming World Summit on Sustainable Development of an "initiative for a strategic partnership" with governments and non-state actors, drawing on EU experience under the Water Framework Directive (ibid., 7). The initiative was launched in 2002 at the WSSD in the context of the MDGs and the Johannesburg Plan of Implementation (European Commission 2003).

The original focus of the EUWI was on Africa, which was seen as "an urgent priority" after a call from African Ministers to enhance efforts on the continent for achieving the Millennium Development Goals in relation to water (European Commission 2012a). At the beginning of the millennium, Africa was lagging behind most other regions in terms of its water and sanitation targets (WaterAid and Tearfund 2005). Sub-Saharan Africa was significantly short of meeting the MDG water target while the sanitation target was off track by half a billion people (WHO and UNICEF 2004). Furthermore, the Johannesburg Plan of Implementation, agreed at the WSSD in 2002, required the elaboration of national plans for improved water efficiency and IWRM by 2005 (UN 2002).

The EUWI has been implemented through several regional partner-ships or networks bringing together stakeholders in water policy reform in individual partner countries through so-called Country or National Policy Dialogues. These national networks are usually chaired by heads of gov-ernment agencies responsible for water management and involve ministries and government agencies, parliamentary bodies (European Commission 2015). European actors are also involved including those from DG DEVCO in the European Commission and the development agencies of EU member states. In principle, the private sector, NGOs, academics and water users associations also participate but in reality state actors tend to dominate (Partzsch 2008). The chairs of the National Policy Dialogues also come together in regional-level networks or working groups.

The initial focus of the EUWI was on Africa and an African Working Group (AWG) was established based on the EU-Africa Strategic Partnership on Water Affairs and Sanitation, also signed at the World Summit on Sustainable Development. Other partnerships adopted at the World Summit on Sustainable Development were those for Eastern Europe, Caucasus and Central Asia (EECCA)[1] and Latin America. Another partnership for the Mediterranean was agreed after the WSSD and the China Europe Water Platform was launched in 2012. All five regional partnerships come together at least once a year in a Multi-Stakeholder forum, which is usually held after the World Water Week.

The regional and national level networks are intended to share informa-tion and ideas around water policy. More specifically, in some regional components of the EUWI, key principles within the WFD are seen as integral to water governance reform. For example, the National Policy Dialogues in the EUWI in Eastern Europe Caucasus and Central Asia (EUWI-EECCA) work towards adopting so-called policy packages of spe-cific reforms in the water sector, in which key principles of IWRM and the WFD are adopted (European Commission 2015).

Facilitating high-level policy dialogues are based around the promotion of softer EU and international water policy norms. For example, they pri-oritize the WASH agenda and mainstreaming water policy, a key activity of the EUWI, especially within the regional networks. This dialogue princi-pally involves state officials such as Water Ministers, the European Commission and interested EU member states (European Commission 2009). According to the European Commission (2010, 13), this strategic dialogue has helped harmonize views and policies of the partners for sev-eral important initiatives.

In relation to the three main governance mechanisms set out in the introduction to this volume, the EUWI operates mainly through dialogue and negotiation. The EU attempts to persuade countries and regions to adopt its own and international approaches to water policy. While the EUWI helps coordinate donor funding for the water sector, it is primarily a political instrument based on dialogue rather than the distribution of funds.

Water in EU Development Policy

Parallel to the EUWI, the European Union allocates substantial development aid to the water sector in developing countries and especially in sub-Saharan Africa through which it can attempt to influence water governance in third countries. From 2004 to 2013, nearly €400 million per year was spent on the water sector, mainly pursuing the implementation of the MDG targets on water and sanitation (European Commission n.d.-a). During the development programming period 2007–2013, more than €2.2 billion was committed to the water sector, and water projects were implemented in over 60 countries (European Commission n.d.-b). The majority of the funding was spent on projects in African, Caribbean and Pacific (ACP) countries (69 per cent). Only 22 per cent was spent on "Neighbourhood" countries adjacent to the EU, while 4 per cent and 5 per cent was spent on Latin America and Asia respectively (European Commission n.d.-c). The blending of EU grants with private investment, loans from development banks and other sources means that the total investments leveraged by EU grants in the sector over the last development cycle amounted to around €32 billion (European Commission n.d.-b).

Reflecting the emphasis placed on the African water sector and the EUWI (see below), the EU created an ACP-EU Water Facility in 2004 as a dedicated fund for supporting water and sanitation services in African, Caribbean and Pacific (ACP) countries. This funding instrument had a budget of €712 million between 2004 and 2013, dispersed through three calls for projects in 2004, 2006 and 2010. In addition, a specific EU Millennium Development Goal Initiative distributed €266 million in ACP countries, which included funds for water, sanitation and hygiene (WASH) targets under MDG 7.

In the 2014–2020 development cycle, the EU is following the approach adopted by the wider international community for water and sanitation to

be seen not only as an independent sector but also as a horizontal element crucial in other sectorial policies (Ciccarelli n.d.; European Commission n.d.-b). Consequently, the ACP-EU Water Facility has been discontinued (European Commission n.d.-b).

The water sector is now supported by the EU in fewer partner countries. However, the EU is continuing with water initiatives in countries that identify water as a focal sector in their National Indicative Programmes, to be funded under the European Development Fund and the Development Cooperation Instrument (see Chap. 5). Under the National Indicative Programmes, drawn up in 2013, 20 countries have selected water as a focal sector (Ciccarelli n.d.). Water is also expected to be integral to several regional programmes (i.e. Neighbourhood, West and East Africa, Central and Latin America as well as Central Asia). Water will also be mainstreamed into food security and nutrition, agriculture, energy, regional integration, environment, and peace and security (European Commission n.d.-b). The EU also intends to focus on water for economic growth through support of the water-energy-agriculture nexus, as well as water governance, in relation to the management of transboundary water for peace and security (Dalamangas n.d.). So called "nexus" dialogues (i.e. linking the water, energy and agriculture sectors) and plans of actions will be supported through the Global Public Goods and Challenges Thematic Programme (see Chap. 5), which has allocated €81 million to WASH. This fund will also pay for cooperation on international waters in Africa as well as Water Centres of Excellence in Africa (Ciccarelli n.d.).

Whereas the EUWI primarily relies on dialogue to persuade countries to adopt EU and international water policy, the EU's development policy has mainly operated through capacity building. In some cases specific projects were funded in order to enable third countries to implement the new approaches to water governance discussed in the EUWI. Here, the two mechanisms (i.e. dialogue and capacity building) are intended to reinforce each other. This coordination was most evident in the ACP Water Facility, which directly resulted from AWG calls for increased sector funding.

International Water Agreements and Water Diplomacy

In addition to specific EU policy instruments such as the EUWI and the ACP Water Facility, the EU has long been party to multilateral water treaties that promote international water policy and standards. More recently

the EU has complemented this approach with broader water diplomacy, which links water governance to EU foreign policy objectives such as security and climate change (Council of the European Union 2013). Both of these approaches to the EU's water policy are characterized by a logic of dialogue and negotiation (see Chap. 1).

Europe has the largest number of transboundary rivers, lakes and acquirers in the world. Accordingly, the EU and its member states are party to multiple international water conventions. These include inter alia: the United Nations Economic Commission for Europe (UNECE) Water Convention (1992) on transboundary water cooperation, the UNECE Protocol on Water and Health (1999) and the United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (1997). In addition, EU member states are also party to separate river basin conventions (e.g. Danube; Elbe; Oder; Rhine 1999).

Water diplomacy is relatively new to the EU. In 2013, EU foreign ministers concluded that transboundary tensions over water access were rising globally with attendant dangers for regional stability, creating an opportunity for water diplomacy to promote cooperation based on EU experience (Council of the European Union 2013). Managing the effects of climate change and demographic and economic development as well as reconciling different uses of water resources, such as drinking water and sanitation, agriculture, food production, industry and energy, were seen as major water security challenges (ibid.).

An EU Water Security Mapping Initiative then identified individual member countries' engagement on transboundary water security across the world. The Nile basin, the Middle East, the Sahel region, the Mekong River and Central Asia were among areas of concern. The Foreign Affairs Council of the EU called on then EU foreign affairs chief Catherine Ashton to work with the countries concerned in brokering solutions. The Council also emphasized that EU external policy promoting water cooperation, particularly on development and environment, could "be built based on the long tradition and vast experience and knowledge of the management of transboundary waters in Europe" (ibid., 2). To this end the Council encouraged the promotion of international agreements on water cooperation (see above) as the basis for collaborative, sustainable and rule-based solutions to water security challenges and for subsequent regional or bilateral transboundary river basin agreements (ibid.).

EFFECTIVENESS OVER TIME AND SPACE

So how effective has the EU been in transferring its water policy approaches through these policy instruments? Analysis of the AWG and the EUWI-EECCA suggests that this process has been variable, both geographically and temporally, with the emphasis on policy transfer shifting from initial attempts to export IWRM principles through the regional EUWI initiatives to a more developmental agenda in the AWG.

Originally, the emphasis of the EU's external water policy was upon transferring IWRM (primarily through WFD principles), the MDG water targets and water policy integration. Transfer of the WFD has, however, been manifestly variable, with significant differences in uptake between regional Water Initiatives. Five countries were selected by the Africa Working Group for establishing "Country Dialogues" (European Commission 2006). However, the results were disappointing. A lack of resources and time for implementation confounded what was widely perceived as an externally driven exercise (Matz and Lofgren 2008). Slow implementation was also reported in five EU-funded transboundary river projects (European Commission 2012b).[2]

The AWG thereafter adopted a new approach, namely, facilitating high-level policy dialogues based around the promotion of "softer" EU and international water norms. Rather than WFD-type river basin planning (i.e. environmental principles), these policy dialogues were at first mainly concerned with the water, sanitation and hygiene (WASH) agenda (i.e. development principles), marking a significant shift in emphasis. Greater success was evident in the EUWI-EECCA, which has been more successful at transferring WFD principles at the national level through National Policy Dialogues. The close approximation of national water policies to the WFD is a core feature of the EUWI-EECCA (European Commission 2015) and all but one of ten countries in the EUWI-EECCA that had a National Policy Dialogue in progress in 2014 reported activities relating to the EU WFD principles (European Commission 2014). At the regional level, anecdotal evidence shows that the EUWI-EECCA has helped positively transfer ideas around the EU WFD and the nexus to specific countries, supporting the exchange of ideas, especially lessons learnt in water sector reforms within countries.[3,4,5]

It is difficult to determine whether the EU's approaches to enhancing water access and sanitation for the MDGs have been successful due to all possible contributing factors involved in achieving these goals. Some

successes are nonetheless evident in the implementing mechanisms established. After the relative failure of the Country Dialogues in the EUWI, the AWG's focus on high-level policy dialogues, focusing initially on the WASH agenda, did help increase the visibility and political commitment given to the water agenda in Africa. For example, in 2007 the AWG held an *e-conference* on sanitation that provided inputs for the Africa-EU Statement on Sanitation in 2008. This statement was endorsed by the African Union Heads of State, meeting in Sharm el-Sheikh in 2008, and also fed into the 11th African Union Summit Meeting the Millennium Development Goals on Water and Sanitation and AfricaSan + 5 Conference held in Durban that year (European Commission 2012b). Major outputs from this meeting were the AfricaSan Action Plan and the eThekwini Declaration. European members of the AWG were apparently influential in developing these joint Africa-EU statements, and also African ones.[6,7,8] The AWG was also instrumental in strengthening a water governance partnership at a continental level by strengthening the main African partners through technical and financial assistance (provided by the AWC Water Facility) (European Commission 2012b).[9,10] Before strengthening the African partners, the EU lacked suitable regional-level interlocutors, which could potentially facilitate the spread of "good" water policy including the WASH agenda.

However, actual outcomes of policy transfer are variable. While the international community collectively met the MDG goal of halving the proportion of people without access to safe drinking water in 2010 (WHO and UNICEF 2012), the situation in Africa—the original focus of EU external water policy—was less positive. By 2010, 89 per cent of the world's population, or 6.1 billion people, had improved drinking water sources (WHO and UNICEF 2012). However, only 61 per cent of people in sub-Saharan Africa had seen improvements to drinking water supplies, while the region contained over 40 per cent of all people globally lacking access to safe drinking water (ibid.). Despite the considerable funds spent by the EU on WASH through development aid, the ACP Water Facility and the MDG Initiative, the water-related targets of the MDGs are still struggling to be implemented in Africa. This is perhaps unsurprising considering the complexity of the problem.

Furthermore, it is too early in the 2014–2020 development cycle to assess the success of the EU's attempts to mainstream water issues into its development policy. The difficulties of integrating environmental objectives into EU development policy more broadly (see Chap. 5) would

indicate that caution is warranted. However, it is interesting to note that sanitation, hygiene and water interventions will be mainstreamed into food security programmes in over 60 countries supported by EU development aid in 2014–2020 (European Commission n.d.-c). A financial commitment of €3.1 billion has been made to implement nutrition sensitive interventions, among which WASH is the most relevant (European Commission n.d.-c).

While the transfer of the original water policy approaches or principles have therefore been mixed (especially in Africa), additional water policy principles have recently been promoted to potentially greater success. The water diplomacy agenda has created a new framing of external water policy as an EU foreign policy issue. Such diplomacy, it could be observed, also gives the EU opportunities to further enhance its *normative power* (Manners 2002) on the global stage. While mainstreaming is still a transfer objective, as discussed above the debate around water policy integration in EU development policy circles has shifted towards greater sectorial prioritization of nexus thinking around water, food and energy provision. The Global Public Goods and Challenges Thematic Programme (see Chap. 5) is one example of how nexus has now permeated EU development policy, creating a new discursive framing.

In summary, the EU's transfer of its water policy (and certainly of the WFD principles) has proved more effective in the EUWI-EECCA compared to the AWG, where the emphasis has shifted away from promoting EU water policy in individual countries to promoting the WASH agenda at a high political level regionally. In addition, new normative objectives have been added in recent years. Accounting for this variance can be attempted by examining the facilitating and constraining factors to the EU's external governance located within the EU itself, in the third country or region, or at the global level.

Constraining and Facilitating Factors

Analysis of the AWG and EUWI-EECCA reveals several influencing factors in the transfer of the EU's water policy to non-EU states. *Proximity* to the EU's borders and relationship to the Union have been important determining factors. Those countries in the EUWI-EECCA with Association Agreements with the EU (Ukraine, Georgia and Moldova) have a powerful motivation to transfer EU water policy as they are legally obliged to approximate items of EU legislation, including the WFD. In

this context the Association Agreement becomes a kind of engine for making the necessary reforms.[11] Each of these *association* countries also benefit from specific EU bilateral funding to approximate water legislation. Thus, in addition to the soft tools of the EUWI and EU development policy, which rely on the logics of capacity building and dialogue, for countries proximate to its borders, the EU can also manipulate utility calculations through conditional payments and the attraction of special status with the EU.

Countries further away from the EU in Eastern Europe (Armenia, Azerbaijan, Belarus) have not signed association agreements but are (mostly) still included in the EU Neighbourhood Policy and generally still consider it beneficial to cultivate good relations with the EU.[12,13,14] For the EECCA countries of the Caucasus and Central Asia, namely, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan as well as Russia, there is far less motivation to approximate the WFD. For these countries, the uptake of key principles of the WFD much more reflects adopting what is applicable to their circumstances.[15]

The degree to which the *priorities of the third country* coincide with those of the EU is also a significant factor, affecting uptake. In EECCA countries water is a *hot topic* regionally. The demand for technical and accompanying financial assistance in the water sector is high and some countries express a strong political commitment to working towards WFD principles.[16,17,18] The National Policy Dialogues, therefore, appear to be genuinely demand driven in this region. At the very least, the WFD principles appear to create little resistance and countries generally pick the principles for reform that they see as most relevant and feasible to their situation.[19]

By contrast, the WFD—primarily framed from an ecological perspective—failed to gain traction in African countries so that very quickly the focus switched to the WASH agenda (and less prescriptive international conceptions of IWRM) that better reflected the social and economic priorities of African countries. This WASH agenda is also now the main focus of the EU's development cooperation in relation to water, in part chosen by the governments of the partner country in line with the principle of country ownership (see Chap. 5).

Water policy mainstreaming may also prove problematic due to *limited alignment* (or *fit*) of this approach with the institutional capacity of some countries. The promotion of the nexus in developing countries has largely been driven by Germany.[20,21,22] Funds have also been provided by the

European Commission.[23] According to one interviewee, "if there is any enthusiasm for it from AMCOW [African Ministerial Council on Water] I am unaware of it. There may be the view that, OK if this is the concept of the donors then we can go with it".[24] Concerns exist that this more holistic approach may prove too far-reaching for African governments already struggling to coordinate the different aspects of water governance across different departments, let alone entirely different sectors of the economy (i.e. energy and food).[25]

The uptake of the EU's external water policy can also be constrained by the policy itself, particularly its *complexity* and *context specificity*. For example, the WFD is top-down, technical and prescriptive, also proving problematic to implement in many EU member states (Fritsch and Benson 2013). Exporting this model wholesale to third countries was, unsurprisingly, an overly optimistic strategy. This feature is especially evident in Africa where institutional capacity deficits existed at both the regional and national levels. African (and to some extent European) partners in particular prevented the transfer of specific policy elements through the Country Dialogues, which may simply have come too early in terms of the implementation capacity of the countries involved.[26]

Power asymmetries between the EU and third countries, in part brought on by capacity gaps, both inhibited and enabled the transfer of EU water policy. Differential power relations between African and the EU partners were so severe in the initial stages of the AWG that progress was hampered by a lack of trust. An NGO report in 2005 was particularly critical of the slow progress achieved, identifying a bias towards European officials rather than African partners, who lacked resources to participate in meetings (WaterAid and Tearfund 2005). Later efforts to support African partners through the ACP Water Facility eventually helped create a more balanced membership (Gray and Stewart 2009). Institutional capacity building by the EU in particular went a long way to establishing stronger African counterparts for the EU to engage with in the AWG.[27] Yet, a large gap in capacity between African and European partners may also at times have facilitated the high-level transfer of water policy from European donors to African partners, for example, in the drafting of joint declarations and policy statements: "I don't think that at the moment AMCOW have the capacity to independently establish a policy … alone without the support from consultants or without the push from donors".[28] This asymmetry in capacity may underlie the apparent transfer of the "nexus" agenda, which to some extent appears to be primarily donor driven.

Financial and economic constraints are evident for both the EU and African partners. This factor could be considered both endogenous to the financial context of individual countries but also exogenous in terms of EU support. The running of the AWG had limited funding (less than €4 million for three years). This in part indicated a lack of political commitment to the AWG from EU member states, who were supposed to contribute funds when they held the rotating co-chair. DG DEVCO also lacked personnel and resources to oversee the AWG.[29] Given these restrictions, it was perhaps ambitious to target the initiative at the regional level, that is, pan-African. With 54 members of the African Union, the diversity of cultures, languages and political contexts contained within the countries participating in the AWG is vast, making coordination and policy transfer more difficult than in smaller, more culturally similar regions (e.g. EECCA). For the African partners in the AWG the lack of a direct link between the activities of the AWG, such as the Country Dialogues, and the €700 billion Water Facility set up in 2004 was also controversial. There was a persistent perception by African and CSO members that AWG participation would automatically mean access to supporting EU resources.[30,31,32] Members struggled to grasp that the AWG was primarily a political instrument for policy dialogue and not a source of donor funding. This disconnection led to disappointment and then resistance to policy transfer. Ghana, for example, stopped its Country Dialogue after its funding proposals to the Water Facility were unsuccessful, perceiving that the Country Dialogue was leading to limited results.

The EU's external water policy discussed in this chapter was effectively its response to the international policy agenda so there was already a high level of global consensus surrounding them, which in turn facilitated efforts at transfer. To an extent, a normative consensus with other global actors was consequently another influential factor. For example, in the EECCA region, water policy reform was not new and several other international organizations and initiatives had operated regionally prior to the EUWI, thereby creating a consensus around water reform and a generally receptive environment for the EUWI.[33,34,35] The Organisation for Economic Co-operation and Development (OECD) has been operating its regional "Environment for Europe" programme since 1993, and a pre-existing water and sanitation network was subsumed into the EUWI.[36,37] The UNECE Water Convention and its 1999 Protocol on Water and Health has also proved influential in pushing for water policy reform in some countries.[38,39] Indeed, the implementation of the EUWI-EECCA is

also directly facilitated through activities of the UNECE and the OECD, who act as *strategic partners* (European Commission 2014). Similarly, IWRM was also heavily promoted in African states by international donors and global organizations such as the Global Water Partnership, which the AWG at times collaborated with. The EU itself had already effectively downloaded international approaches around IWRM, the MDGs and sustainable development mainstreaming and then re-exported them after integrating them into its policy objectives.

Conclusions

Over the past four decades, the EU has developed an innovative internal water policy based on several policy principles, namely, IWRM (in the form of elements of the WFD) and water mainstreaming. These principles were originally derived from international governance discourses and then subsequently (re)exported to non-EU states along with other priorities for WASH. Since the early 2000s, the EU has established several broad policy tools to promote the transfer of its external water policy, most notably the EUWI, in addition to prioritizing water objectives in its broader development policy. These tools have also been supported by dedicated funding mechanisms such as the ACP Water Facility.

Multiple factors have influenced the capacity of the EU to transfer its water policy. Several relate to the context-specificity of its policy. Most notably, the form of IWRM promoted by the EU was limited by the technical nature of the WFD model, which has proved incompatible with the realities on the ground in some developing countries. Power asymmetries between the EU and importing countries have also proved influential—though not always in ways one would expect: asymmetric power relations can create distrust and the rejection of "foreign" initiatives. Yet, the EU has enjoyed greater success in promoting policy approaches around prioritizing the WASH agenda through capacity building and political dialogue. Proximity to the EU also appears to be a strong facilitating factor, mainly because, for "association countries", the EU can use other (non-water) policy instruments to promote its water policy, relying on arguably more effective logics of coercion and incentives.

Other significant factors concerning the non-EU country are significant constraining influences, such as a lack of technical, financial and institutional capacity in importing countries and their incompatibility with some approaches. In some instances (such as the Country Dialogues

in the AWG), the ambition of the EU appears to have exceeded local realities. Where the EU has been more effective in its external water governance, alignment with the importing context appears critical, particularly around pressing societal needs such as poverty reduction through water access and sanitation. Global influences may also be influential, with the EU's attempts to export its policy often working together with other international norm promoters, but it is difficult to ascertain how much of the policy transferred are derived exclusively from the EU or elsewhere.

Much could therefore be learned for lesson-drawing on future EU external governance for water. Firstly, to be effective, the transfer of the EU's water policy cannot necessarily be achieved through downloading policy unaltered from its original EU context: in the case of the WFD, this model of IWRM is not entirely replicable in all developing country contexts. Secondly, "softer" policy principles around, for example, the WASH agenda have greater universal appeal to countries lacking capacity for more technical transfer since they allow a constructive dialogue to emerge that can have much needed development impacts. Finally, the transfer must be supported, not only financially but also technically, and there must be close links between instruments operating through dialogue and those operating through capacity building. In addition, knowledge transfer through nurturing local research capacities (e.g. the African Centers of Water Excellence) is a critical facilitating element.

Notes

1. The EUWI-EECCA focuses on 12 countries in Eastern Europe, the Caucasus and Central Asia, namely, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.
2. Telephone interview, expert, ANBO, 19 October 2015.
3. Telephone interview, official, OECD, 1 December 2015.
4. Telephone interview, expert, Syke, 1 December 2015.
5. Telephone interview, expert, OECD, 15 December 2015.
6. Telephone interview, official, European Commission, 23 September 2015.
7. Telephone interview, independent expert, 15 October 2015.
8. Telephone interview, expert, Women for Water, 21 October 2015.
9. Telephone interview, independent expert, Georgia, 11 December 2015.
10. Telephone interview, expert, SANWATCE, 7 December 2015.
11. Telephone interview, official, European Commission., 14 December 2015.

12. Telephone interview, official, OECD, 1 December 2015.
13. Telephone interview, official, European Commission., 14 December 2015.
14. Telephone interview, expert, OECD, 15 December 2015.
15. Telephone interview, expert, OECD, 15 December 2015.
16. Telephone interview, expert, Syke, 1 December 2015.
17. Telephone interview, independent expert, Georgia, 11 December 2015.
18. Telephone interview, expert, Syke, Finland, 11 December 2015.
19. Telephone interview, expert, OECD, 15 December 2015.
20. Telephone interview, independent expert, 15 October 2015.
21. Telephone interview, expert, Women for Water, 21 October 2015.
22. Telephone interview, official, GIZ, 28 October 2015.
23. Telephone interview, official, GIZ, 28 October 2015.
24. Telephone interview, expert, Women for Water, 21 October 2015.
25. Telephone interview, independent expert, 15 October 2015.
26. Telephone interview, expert, Women for Water, 21 October 2015.
27. Telephone interview, independent expert, 15 October 2015.
28. Telephone interview, independent expert, 15 October 2015.
29. Telephone interview, independent expert, 15 October 2015.
30. Telephone interview, official, European Commission, 23 September 2015.
31. Telephone interview, expert, SIWI, 6 October 2015.
32. Telephone interview, expert, ANEW, 9 October 2015.
33. Telephone interview, official, OECD, 1 December 2015.
34. Telephone interview, expert, OECD, 3 December 2015.
35. Telephone interview, expert, UNECE, 21 December 2015.
36. Telephone interview, official, OECD, 1 December 2015.
37. Telephone interview, expert, OECD, 3 December 2015.
38. Telephone interview, expert, UNECE, 21 December 2015.
39. Telephone interview, independent expert, 21 December 2015.

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Biodiversity: Strong Policy Objectives Challenged by Sectoral Integration

Marianne Kettunen

INTRODUCTION

Despite international efforts, global biological diversity continues to decline at a rapid pace. Strengthening biodiversity conservation across the globe, in developing and developed countries, is therefore of great importance to avoid irreversible losses. The European Union (EU) is engaged in biodiversity policy by seeking to halt the loss of biodiversity and ecosystem services within its own territory as well as by engaging in conservation efforts at the international level through its external biodiversity policy (European Commission 1998, 2006, 2011).

The first EU Biodiversity Strategy was adopted in 1998 and then followed up by an action plan and succeeding strategies in 2006 and 2011. The biodiversity strategy sets out the Union's objectives to halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020 while at the same time stepping up the EU's contribution to averting global biodiversity loss (European Commission 1998, 2006, 2011). These objectives are underpinned by the global biodiversity targets that were established by the 1992 UN Convention on Biological Diversity (CBD).

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The international targets aim at conserving and sustainably using biodiversity and ecosystem services by 2050, and were agreed at the tenth Conference of Parties (COP10) to the CBD in 2010 (CBD Conference of Parties 2010).

The EU Biodiversity Strategy recognises that the EU derives benefits from global biodiversity while, at the same time, its consumption patterns contribute to the loss and degradation of biodiversity beyond its borders. With regard to its external dimension, the strategy commits the Union to combatting the global biodiversity crises by minimising the EU's global biodiversity footprint (i.e. minimising impacts of EU internal policies and consumption patterns on biodiversity loss outside the EU) and by purposefully addressing biodiversity concerns as an integral part of the broader EU external environmental governance.

This chapter outlines the EU's external biodiversity policy, the objectives pursued and the mix of governance mechanisms used. The main external policies and activities consist of active participation in several global biodiversity-related conventions, the integration of biodiversity into EU trade agreements, the regulation of trade in certain biodiversity resources, and the building of non-EU countries' capacity as a part of the EU's development cooperation. The chapter subsequently explores the effectiveness of these mechanisms and activities in achieving the EU's external ambitions, focusing on two key external biodiversity objectives set out in the EU 2020 Biodiversity Strategy: curbing illegal wildlife trade and mobilising resources for biodiversity conservation in third countries. The analysis shows that, while several dedicated instruments for external action are in place, the overall framework for both delivering and monitoring the EU's global biodiversity objectives is fragmented at best. The chapter concludes by discussing the key challenges of EU external biodiversity policy and the further need for monitoring its effectiveness.

The EU's Global Biodiversity Objectives

The EU has explicitly pursued biodiversity objectives not only inside but also outside its borders since its first Biodiversity Strategy, which was adopted in 1998 (European Commission 1998). This strategy recognised the need for the EU to respond to the global biodiversity crises and identified the CBD as the key international framework for action, stating that the EU "plays a leading role world-wide in furthering the objectives of the

Convention" (European Commission 1998, 2). Since then, external biodiversity action has been an explicit focal area of the EU's biodiversity policy, including both the EU 2010 Biodiversity Action Plan adopted in 2006, and the 2020 Biodiversity Strategy adopted in 2011 (European Commission 2006, 2011).

The EU's Biodiversity Strategy for 2020 outlines a set of dedicated policy actions aimed at helping to avert global biodiversity loss (Target 6 of the strategy), a number of these activities explicitly focus on external biodiversity policy: reducing indirect drivers of biodiversity loss by systematically including biodiversity in trade negotiations and dialogues with third countries (Action 17); increasing the volume and improving the effectiveness of EU funding for global biodiversity (Action 18) while screening overall EU development cooperation action to identify and minimise any negative biodiversity impacts (Action 19); and ensuring that the benefits of nature's genetic resources are shared fairly and equitably (Action 20).

These objectives and actions require coordination with other EU policy sectors including trade and development cooperation. Furthermore, synergies between the EU action on biodiversity and other environmental measures such as climate mitigation and adaptation are a key element of the Biodiversity Strategy. This includes the EU's promise to promote enhanced cooperation between the CBD and the UN climate change and desertification conventions to yield mutual benefits (European Commission 2011). Consequently, while the strategy does not include an explicit objective or target on policy coherence for global actions on biodiversity, this can be considered as an implicit part and one of the key purposes of Action 19.

Policy Instruments and Governance Mechanisms

The EU pursues its objectives on global biodiversity conservation through a number of policy instruments that can be categorised according to the three governance mechanisms outlined in the introductory chapter to this volume, namely, dialogues and negotiation, manipulating utility calculations and capacity building. The progress in implementing its external biodiversity actions is monitored as a part of the EU Biodiversity Strategy (European Commission 2015a) with information provided by the different relevant European Commission services, such as the Directorate-General for International Cooperation and Development.

Dialogues and Negotiations

The EU is party to several global biodiversity-related conventions, which serve as the main vehicles for the EU to project its objectives and activities to the global context with the aim of influencing biodiversity conservation outside its borders and aligning its own policies and actions to global biodiversity concerns. The international conventions include not only the CBD but also its protocols for biosafety (Cartagena Protocol 2003) and access and benefit sharing (Nagoya Protocol 2014), and a number of conventions specific to certain conservation topics such as the International Tropical Timber Agreement (2011) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES 2015). The EU also participates in transnational policy and expert networks such as the International Platform for Biodiversity and Ecosystem Services (IPBES), an intergovernmental body that has been tasked to provide assessments of the state of biodiversity and of ecosystem services in support of global decision-making. While membership of IPBES is open to states only, the EU both contributed to its establishment and continues to provide expertise through its different biodiversity-related initiatives (European Commission 2017a, b, c). Finally, the EU also contributes to the budget of some of the conventions and networks, for example, the CBD secretariat.

A review of the list of attendees to the meetings of convention under the different conventions reveals that over the past five years the EU has been present in most of these meetings. The EU has played a proactive role in pursuing its position and objectives in the global arena. For example, it actively participated in the negotiations of the CBD Nagoya Protocol, in particular in the later stages of the process, successfully arguing for its position and functioning as a mediator between different negotiating blocks (Oberthür and Groen 2015). Similarly, the EU has played a proactive role in CITES, pushing for more ambitious objectives related to regulating wildlife trade (see below).

Manipulating Utility Calculations

Since 2009, the EU has negotiated bilateral free trade agreements (FTAs) with third countries that include environmental provisions (see Chap. 4 of this volume, European Commission 2009, Morgera 2012, Jinnah and Morgera 2013). From the perspective of biodiversity, the key feature of these "new generation" FTAs is their systematic inclusion of explicit references to the

biodiversity-related conventions as a part of their sustainable development and environmental protection chapters (Morgera 2012). Sustainability impact assessments (SIAs) are carried out prior to the FTA negotiations to consider the possible trade-offs and synergies between biodiversity and trade. Furthermore, each FTA includes arrangements to monitor the implementation of its trade and sustainable development provisions, including provisions directly or indirectly relevant to biodiversity (European Commission 2017d).

Only 3 of the roughly 45 preferential trade agreements in place, including both FTAs and other trade agreements, contain specific articles on biodiversity (European Commission 2015b, 2017e): the EU FTAs with Colombia/Peru, Moldova and Georgia. While this reflects the rather recent emergence of the new generation FTAs, the very limited level of explicit biodiversity integration in the context of the existing EU trade agreements clearly leaves a considerable room for improvement.

In addition to trade agreements, the EU has two dedicated instruments targeting the nexus between biodiversity and trade explicitly: the Forest Law Enforcement, Governance and Trade (FLEGT) initiative (European Commission 2003) and EU Wildlife Trade Regulations (European Communities 1997). FLEGT and the related EU Timber Regulation on the obligations of actors who place timber and timber products on the market (European Communities 2010) aim to reduce illegal logging inside and outside EU borders by ensuring that no illegal timber or timber products can be sold in the EU. At the same time, they also provide support to shift towards a sustainable forestry sector in timber-producing countries (see Chap. 9).

The Wildlife Trade Regulation implements CITES, controlling the international and EU internal trade in wild animals and plants. By regulating trade from non-EU countries to the Union, this legislative framework has direct impacts on actors and biodiversity conservation outside the EU. This influence derives from the EU's status as one of the largest importers of wildlife and wildlife-related products globally. Import restrictions result in a loss of a substantial export market and thereby help to minimise biodiversity loss caused by trade in endangered species (UNEP-WCMC 2013). The Wildlife Trade Regulation and its related trade bans can lead and have actively been used to pursue policy objectives outside the EU, in both the CITES negotiations and in individual non-EU countries.

Capacity Building

Following the 1998 Biodiversity Strategy, the mainstreaming of biodiversity into EU development cooperation became one of the key instruments to pursue its global biodiversity objectives (see Chap. 5 of this volume, European Commission 2001). The policy instruments outlined in Chap. 5 such as the Development Cooperation Instrument and the European Development Fund can be used to channel financial support to conservation efforts such as the Biodiversity for Life flagship initiative, which is further discussed below. The planning and screening processes that aim at ensuring environmental policy integration in general also help to identify any potential negative biodiversity impacts of EU development programmes and projects.

The number and content of the specific biodiversity-related actions that the EU supports financially depend predominantly on the partner countries' priorities (see Chap. 5). A review of the EU Biodiversity Strategy reported that only 5 per cent of the National or Regional Indicative Programmes include biodiversity as a specific priority sector for cooperation, whereas 24 per cent have included a priority sector significant for biodiversity (7 and 30 out of 125 programmes in total, respectively). The latter include sectors such as climate change adaptation and mitigation, and forestry and agriculture, which means that the significance to biodiversity can either be synergetic by indirectly financing biodiversity conservation or it can avoid negative impacts. As regards the screening for possible negative impacts through Strategic Environmental Assessments and Environmental Impact Assessments, the 2015 review of the Biodiversity Strategy reports that biodiversity is not explicitly addressed in the screening process, but that nevertheless a range of relevant indicators such as protected areas, environmental services and introduction of alien species are considered when assessing the possible impacts (European Commission 2015b).

A dedicated new EU initiative for biodiversity—the Biodiversity for Life (B4Life) flagship initiative—was adopted in 2014 under the Development Cooperation Instrument Regulation and is a part of the Global Public Goods and Challenges Programme (see Chap. 5). B4Life provides an overall framework for all EU cooperation activities that target biodiversity as a principal objective, helping to coordinate and create synergies between activities financed both under the Global Public Goods and Challenges Programme and different regional and national

development cooperation programmes (see Chap. 5 of this volume, European Commission 2014). It aims to achieve this by concentrating EU efforts in three priority areas including good governance of natural resources, ecosystem conservation for the purpose of food security, and ecosystem-based solutions for a green economy. It also explicitly supports combating illegal wildlife trade in partner countries, which supports the implementation of EU policy on global wildlife trade. Besides mobilising funding, B4Life's aim is to provide a platform for networking and knowledge sharing among different stakeholders, including the support of biodiversity integration in the policy dialogues between the EU and partner countries. The initiative is implemented with the support of a dedicated B4Life EU-level support facility responsible for technical support, especially coordination, knowledge exchange and capacity building.

The Effectiveness of EU External Biodiversity Policy

The mix of mechanisms of EU external biodiversity policy outlined above forms an interconnected framework, with a number of mutually supporting instruments. Generally, the EU capacity building efforts are systematically used to support the other two categories of instruments, targeting global priorities identified under the international conventions and further defined in the EU Biodiversity Strategy. This section discusses two case studies that offer concrete insights into this interplay while also evaluating the effectiveness of the EU measures.

Regulating Global Wildlife Trade

In force since 1975, the CITES convention on international wildlife trade uses trade provisions to protect more than 35,000 species of animals and plants through a licensing system of permits and certificates that requires the authorisation of the import and export of all species covered by the Convention. Even though the EU as single unit became a party to CITES only in 2015—after the entry into force of a CITES amendment allowing regional economic integration organisation to join the Convention—it has fully implemented CITES via the Wildlife Trade Regulation since 1984. This resulted from the fact that external trade policy is an exclusive EU competence.

The Wildlife Trade Regulation is regularly used to provide additional EU safeguards, so-called stricter domestic measures, that go beyond global CITES requirements. The regulations require importers into the EU to take action not only with respect to species listed as threatened with extinction by CITES but also species listed as possibly threatened with extinction. The stricter measures are implemented by the EU member states that assess the sustainability of imports. Member states control whether the information provided by the exporting country is adequate, verify the legal origin of the specimen, assess the suitability of accommodation for live specimens, prevent the introduction of invasive alien species into the EU, and assess whether there are any other factors that may militate against the import (European Commission 2017f). By implementing stricter controls to wildlife imports than agreed at the global level, the EU is proactively using its Wildlife Trade Regulation as a means to influence both global and domestic policy in non-EU countries. Stricter EU measures can trigger an increase in the level of ambition at the global level and/or put further pressure on third countries that are subject to trade restrictions.

The implementation of the EU-specific CITES framework has resulted in and is facilitated by a dialogue between individual EU member states, the European Commission and authorities of EU trade partners, which addresses technical questions and capacity gaps (UNEP-WCMC 2013, 2015). To improve the effectiveness and the third countries' ability to comply with EU wildlife trade framework, the EU also supports capacity building in implementing sustainable wildlife trade regulation measures in trading partner countries as part of Union's development cooperation activities such as the B4Life framework (European Commission 2014). This includes the establishment of enforcement networks and capacity building in species monitoring and cross-border information sharing.

According to an assessment of EU wildlife trade data, over the period of 1997–2013, nearly 1700 species in 211 countries and territories have been subject to trade restrictions at some point, with both the species affected and the regional focus of trade restrictions shifting over time (UNEP-WCMC 2014a, b, 2015). The assessment indicates that in more than 90 per cent of cases, EU trade restrictions of wild-sourced species or parts of species successfully reduced the reported commercial trade levels in that specific wild-sourced taxa to the EU. More importantly, in more than 70 per cent of cases, they also appeared to have been successful in

reducing global trade in the respective species from the country subject to the EU trade restriction, which suggests a de facto reduction of pressure on populations of threatened species in non-EU countries. Yet in some cases, EU trade restrictions have led to shifts to different countries of origin from where the respective wildlife specimens are imported. The new sources often are countries that lie outside the natural range of the species and the traded specimens are bred in captivity.

The EU's own compliance with its wildlife trade framework and the consistent implementation of the regulations across EU member states, such as carrying out border controls, putting in place procedures for customs inspections, is crucial for delivering concrete outcomes both at the global level and in the countries of origin (Sina et al. 2016). Overall, the EU regulatory framework to combat wildlife crime is deemed to be rather robust and fit for purpose (European Commission 2014). However, insufficient and uneven enforcement has been identified as a concern (Sina et al. 2016). Effectiveness in the countries of origin is also strongly dependent on the non-EU country's capacity to cope with the EU framework, including both the managing authorities and exporters (UNEP-WCMC 2015). A survey of selected EU trade partners (18 authorities from 15 countries) concluded that among the partner countries' authorities the awareness of EU trade restriction policies and procedures is relatively high, with the majority of respondents aware of the EU's regulations and what they entail. Some of the non-EU authorities explicitly stated that, in response to feedback from the EU, "steps had been taken in their country to address the issues of concern" (UNEP-WCMC 2015, 10).

The effectiveness of EU policy on global wildlife trade thus appears relatively high. The EU also pursues relatively ambitious objectives by unilaterally adopting controls that are stricter than those required by CITES. However, while a reduction in trade should improve the conservation of a species whose existence is threated by trade (e.g. Roe et al. 2002), sometimes unintended outcomes can be the consequence. For example, a decrease in trade might reduce the incentives for local communities to maintain wild populations or the habitats of a certain species (UNEP-WCMC 2015). Another unintended consequence can occur when the closure of the EU market leads to a situation in which non-EU markets where prices are lower absorb the specimens that otherwise would have been exported to the EU. This can result in a possible increase of the number of specimens that are harvested to achieve the same financial

revenue (Dickie et al. 2011). From this follows that in order to be truly effective, the changes induced by EU policy on wildlife trade need to be accompanied with changes in the non-EU country's conservation policy framework, ensuring that measures are put in place to achieve positive overall impacts of the reduced trade in endangered species. Dialogues and capacity building could support such policy change in jurisdictions that are receptive to such measures.

The EU wildlife trade framework can also be used to influence the global policy dialogue in the context of CITES. EU processes can serve as an early warning system, flagging sustainability issues and uploading them to the CITES arena. There are several examples in which scrutiny by EU member states has resulted in highlighting the potential negative impacts of trade in wild populations. This has led to cooperation and capacity building efforts with trade partner countries to address the situation (Dickie et al. 2011). The EU's import suspension on hard corals has been cited as such a case in which awareness among Indonesian authorities on the need for managing coral trade more sustainably was raised. Compared to the more cumbersome and lengthy CITES process, the EU wildlife trade restrictions can be a quick and effective way to deal with some cases of concern (UNEP-WCMC 2015). Overall, the EU's accession to CITES, which was accompanied by the mobilisation of EU resources, demonstrates the EU's commitment to play a stronger role in the global fight against wildlife trafficking (Sina et al. 2016).

Mobilising Resources for Global Biodiversity Conservation

Increasing the volume and effectiveness of EU funding for global biodiversity is a dedicated objective of EU biodiversity policy. Consequently, the level of funding in support of biodiversity conservation, directly or indirectly, is one of the key aspects monitored by the EU. Official data from the 2007–2013 funding period reveals that in general there has been an increase in development cooperation funding for biodiversity as a primary objective under the EU budget, from around USD 109 million per year (2008–2010 average) to USD 135 million (2011–2013 average). This translates into an increase from around €104 million to €128 million in 2017 prices (OECD ODA 2017a). The most significant increase has taken place in the indirect funding for biodiversity, which denotes projects that identify biodiversity as one of their secondary indirect objectives, from around USD 459 million (2008–2010 average) to USD 627 million

(2011–2013 average). This translates into an increase from around €437 million to €597 million in 2017 prices (OECD ODA 2017a).

During the 2014–2020 period, the funding from the EU budget is foreseen to remain at a similar level, with an estimated total of €800 million to €1 billion (around €114–140 million per year) budgeted for projects with biodiversity as their direct objective (European Commission 2014, 2015b). Of this estimated 2014–2020 budget, €250 million is allocated for biodiversity directly under the Global Public Goods and Challenges Programme and delivered through the B4Life framework. In comparison, EU support to the global climate change agenda seems considerably more substantial, with the annual financial allocation from the EU budget to climate-related development cooperation estimated at around €207 million and €1.5 billion for climate as primary and secondary objective, respectively, in 2014 (OECD 2017b).

The increase in funding since 2008 and improvements in the integration of environmental objectives into the programming process (see Chap. 5) provide an indication of the EU's attempts to more actively and effectively pursue its global biodiversity objectives. The ultimate effectiveness of funding needs to be examined by assessing the actual uptake and outcomes of individual programmes or projects. In general, the EU reports that the establishment and management of protected areas is one of its key focal areas (European Commission 2017g). In this regard, the EU monitoring framework for development cooperation—the International Cooperation and Development Results Framework—includes one dedicated indicator for measuring the success of EU financial support in delivering biodiversity conservation, namely, the number of hectares of protected areas managed with EU support (European Commission 2015c). In programmes completed between mid-2013 and mid-2014, over 13 million hectares of protected areas in partner countries had been managed with support from the EU budget (European Commission 2016b). Support to sustainable forestry is stated to form the second-most significant form of biodiversity-related external action, including support and capacity building for the implementation of the EU Timber Regulation (European Commission 2017g). As an indicator to measure the effectiveness of this priority, the EU Results Framework monitors the rate of (net) forest cover change in the partner countries. However, given the results framework was only launched in 2015, the results do not yet allow for exploring any trends.

Geographically, EU external biodiversity policy focuses on biodiversity-rich areas where a high level of threat to ecosystems and species is combined with limited means to address these threats (European Commission 2014, 2017g). The least developed countries, in particular in Central Africa, form principal EU partners in this regard (European Commission 2016c). In 2014–2020, over 60 per cent of the total foreseen funding allocation for biodiversity originates from the EDF and is targeted to the African and Pacific countries (European Commission 2015b). The country-specific review carried out in the context of the EU Results Framework reports that national protected area networks received financial support from the EU in a total of seven partner countries between July 2013 and June 2014 (European Commission 2016b). This represents less than 5 per cent of the total number of the around 150 EU partner countries in the 2014–2020 period, whereas 49 of these countries have reported climate change strategies developed and/or implemented with EU support.

EU policy documents, including the 2020 Biodiversity Strategy and the 2016 EU Action Plan against Wildlife Trafficking, express a clear goal to seek synergies between the EU external policies by aligning EU development cooperation support with the EU instruments that aim at curbing global illegal trade in wildlife and timber (European Commission 2016a). For example, one of the recent EU development cooperation initiatives funded within the B4Life framework focuses on minimising the illegal killing of elephants and other endangered species (€12.3 million). The EU also has supported global initiatives such as the International Consortium for Combating Wildlife Crime and the UN Office on Drugs and Crime programme on illegal wildlife trade in Southeast Asia (€1.7 million and €5.5 million, respectively).

A dedicated assessment and strategy supports wildlife conservation in Africa (European Commission 2015d), with €819 million devoted to sub-Saharan Africa under the 2014–2020 DCI and EDF (€114 million per year), approximately half of which is foreseen to target issues related to wildlife protection against poaching and trafficking (European Commission 2016c). Table 8.1 lists the programmed development cooperation funds for biodiversity in sub-Saharan Africa under the 2014–2020 EU budget. While this represents a substantial commitment from the EU side, the estimated funding needs for carrying out the recommended wildlife protection actions in sub-Saharan Africa would rather amount to around €7.7 billion over a 10-year period (around €770 million per year).

Table 8.1 Programmed development cooperation funds for biodiversity in sub-Saharan Africa under the 2014–2020 EU budget

Budget line	Total (€ million)
European Development Fund (EDF)—national (Democratic Republic of Congo, Ethiopia, Chad and Zimbabwe)	233
European Development Fund (EDF)—regional (West Africa, Central Africa and Southern/Eastern Africa)	213
European Development Fund (EDF)—intra ACP countries	130
Development Cooperation Instrument (DCI)—Pan-African global issues	40
Global Public Goods and Challenges Programme—Biodiversity and Ecosystem Services	150
Total	819

Source: European Commission (2016c, 55)

To conclude, there is clear evidence that the EU actively uses its development cooperation assistance to mobilise funding for biodiversity conservation in non-EU countries, including the programming process with partner countries as a means to support capacity building and generate concrete conservation action in third countries. Furthermore, the EU undoubtedly aspires to synergetically use its development cooperation support and trade-related external biodiversity policy. However, the EU monitoring framework for development cooperation provides very limited evidence for the actual impacts and effectiveness of the EU's investment in partner countries, including final conservation outcomes, possible changes in partner country policies and whether EU actions have managed to mobilise further national financing for biodiversity (see Chap. 5). Finally, even though the financial allocations from the EU development budget signal an ongoing and even slightly increasing commitment to biodiversity, they remain limited in comparison to the efforts related to climate change.

CONCLUSIONS

EU external biodiversity policy includes relatively strong unilateral biodiversity objectives and activities as well as active involvement in international conventions such as CITES. The framework uses a range of external policy instruments, in particular trade restrictions and incentives, and capacity building through EU development cooperation.

Those instruments in general seem to be compatible with, and respond to, the EU's global biodiversity objectives. However, this chapter also reveals that EU external biodiversity policy seems rather ad hoc and fragmented, consisting of a range of different types of instruments and relying heavily on integration into other policy domains such as trade and development cooperation. Several challenges to effective implementation remain.

The integration of biodiversity objectives into both the EU's trade agreements and development cooperation with non-EU countries remains limited. Increased efforts to improve biodiversity integration into trade agreements are however noticeable (European Commission 2015b) and, for example, the EU Action Plan against Wildlife Trafficking foresees trade-related measures as one of the key EU actions to combat wildlife trafficking. While frameworks for screening for possible negative impacts of trade and development cooperation investment on the environment exist, it seems that they still need to be applied in a more systematic and vigorous manner in the area of biodiversity.

It is also evident that the existing monitoring framework for EU external biodiversity policy still falls short of assessing the actual effectiveness of these actions. The key monitoring framework—the assessment of progress in implementing the EU Biodiversity Strategy—seems non-comprehensive and provides information primarily on the progress of the process without assessing the impacts and effectiveness of EU policy in a comprehensive manner. Furthermore, no consideration is given to assessing the EU's role in influencing the global biodiversity policy agenda through its efforts in international biodiversity fora such as the CBD. Given the heavy reliance on policy integration, the monitoring of EU external biodiversity action relies greatly on the information collected and provided in other policy domains, further complicating the provision of detailed and explicit information on biodiversity objectives. In this regard, the Results Framework for monitoring EU development cooperation outcomes, adopted in 2015, is a welcomed improvement. However, the framework's biodiversity-related indicator could be complemented by other indicators in the future, especially given that the number of hectares of protected areas supported by EU funding reveals very little on conservation success on the ground.

EU involvement in global wildlife trade, including both negotiations and implementation, is an area in which evidence clearly points to effective achievements in implementing the EU's global commitments and policy

objectives. The available data indicates that the EU bans on wildlife trade have effectively contributed to limiting global trade of targeted species over the past decades. It also shows that the different EU avenues for external policy can be used in an interlinked manner, with the implementation of the EU's own instruments feeding into the global dialogue and negotiations. Insufficient and uneven levels of enforcement across the EU have been identified as key barriers for the effectiveness of EU wildlife trade policy (Sina et al. 2016). Furthermore, while understanding of EU wildlife trade legislation in non-EU countries is increasing, the lack of awareness of the regime and its processes still hinders engagement by trading partner authorities, which in turn may impact on actions taken (UNEP-WCMC 2015). Thus, while there are indications that communication and outreach to wildlife trade partner countries is working, capacity building efforts remain crucial to retain and increase the level of awareness.

As regards the financial support to global biodiversity conservation, the EU seems to deliver on its objectives to increase contributions in the context of development cooperation and external assistance. However, the level of funding from the EU budget allocated to support external biodiversity policy remains considerably low when compared to climate change. Furthermore, the emphasis on biodiversity-related actions in the context of national and regional priority setting still seems to leave significant scope for improvement, especially when compared to climate change.

Beyond the actual level of financing provided to partner countries, available information only permits limited conclusions with regard to the effectiveness of EU efforts to boost biodiversity conservation and introduce changes in conservation policies in partner countries. The EU Action Plan against Wildlife Trade foresees pioneering improvements to this situation, with dedicated action for beneficiary countries to report on how the measures against wildlife trafficking funded by the EU have been effective in addressing the problem, using indicators such as the number of seizures and successful prosecutions (European Commission 2016a). While such detailed reporting and monitoring of all biodiversity-related aspects might not be feasible, selecting a number of key target areas for EU development cooperation effectiveness in the area of biodiversity might be possible. One such key aspect could be the extent to which global donor funding to a non-EU country functions as a catalyst to mobilise further national funding for biodiversity and facilitates access to funding for biodiversity conservation from new sectors such as tourism

(Kettunen et al. 2014). Given that the lack of financing is commonly considered as one of the key hindrances to achieving biodiversity conservation goals (UNEP 2011, Parker et al. 2012, Kettunen et al. 2017), such developments would demonstrate true effectiveness of EU external biodiversity policy.

To successfully implement EU external biodiversity policy, coherence between biodiversity and other key EU external policies, especially trade and external assistance, appears crucial. Without such coherence there is a risk that the effectiveness of biodiversity policy is undermined by other policy objectives. Similarly, illegal wildlife trade can negatively affect businesses such as wildlife tourism and economic development. Therefore, it can undermine sustainable development in non-EU countries and be counterproductive to broader EU developmental and environmental foreign policy interests and funding efforts (Sina et al. 2016).

Finally, this chapter highlights that the EU's efforts in curbing global wildlife trade and building capacity on other conservation initiatives requires attention not only to the coherence between EU policies and instruments but also to policy coherence in partner countries. For example, in the case of wildlife trade, it is crucial to ensure that, when trade in threatened species diminishes, measures are in place to ensure that this does not lead to unintended consequences for conservation such as diminished interest in conserving habitats in which the species lives. This need for policy coherence further stresses the importance of using EU external biodiversity instruments such as trade regulation and capacity building in a cooperative and coherent manner.

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Forests: A Multi-sectoral and Multi-level Approach to Sustainable Forest Management

Pauline Pirlot, Tom Delreux, and Christine Farcy

INTRODUCTION

Forests supply multiple services to society: they provide shelter, food and tradable goods; contribute to air purification, water cleaning and soil preservation; provide animals with natural habitats; and contribute to nature conservation and climate change mitigation. In order to fulfil these functions, forests need to be managed in a sustainable way. Such "sustainable forest management"[1] is the main recurring theme in the EU's external forest policies that are discussed in this chapter. Although the EU Treaties do not include provisions for a common forest policy and the EU does not have a competence on forests as such, it has developed various policies promoting sustainable forest management. The EU consequently uses its competences in fields related to forests (such as environment, climate

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change, internal market and trade) to support and enhance the sustainability of forests. The EU's external forest policies are thus broad in scope and characterised by a high degree of fragmentation. Not only are they based on multiple forest-related competences, they are also carried out at different levels of governance. The EU indeed conducts these policies globally (e.g. under United Nations (UN) umbrella), regionally (e.g. in Forest Europe) and bilaterally (e.g. through trade agreements with timber-exporting countries).

This chapter analyses the external dimension of EU forest policies in these multiple venues.[2] It is structured as follows. The next section presents the various external forest policies of the EU, distinguishing between internal policies with an external dimension, bilateral policies and multilateral policies. Different sectors (e.g. climate change, biodiversity preservation, trade, sustainable resources management) and governance mechanisms of these policies (e.g. manipulating utility calculation, capacity building and persuasion) are identified. The following section assesses to what extent and under what conditions the EU external forest policies can be considered effective. Overall, the chapter reveals that the EU conducts external forest policies through several mechanisms that are designed to complement each other. Yet, it also shows that their effectiveness in terms of goal achievement is still limited.

EU Forest Policies with an External Dimension

This section sets out the external dimension of EU forest policies in internal, bilateral and multilateral venues. Each venue has a specific focal issue. Table 9.1 summarises the different venues and policies described in this section. The first sub-section discusses internal forest and trade policies with an external dimension. The second sub-section elaborates on a bilateral trade policy instrument, the Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreements (VPAs). The last sub-section describes multilateral forest, trade, climate and resources management policies conducted in regional and global venues.

Internal Forest Policies with an External Dimension

EU Forest Strategies
In an attempt to create a framework of action supporting sustainable forest management, the Council adopted a Resolution on a Forestry Strategy

Table 9.1   Main venues of EU external forest policies

Level	Sector				
	Forest-focused policies	*Trade and internal market*	*Climate change*	*Sustainable land management*	*Biodiversity preservation*
Internal	EU forest strategies	EU Timber Regulation			
Bilateral		FLEGT VPAs			
Multilateral	Forest Europe; UNFF	ITTO	UNFCCC: LULUCF and REDD+	FAO; UNCCD	CBD

for the EU in 1998 (Council of the EU 1998). It was updated in the following years by subsequently the EU Forest Action Plan (European Commission 2006) and the EU Forest Strategy (Council of the EU 2014). These nonbinding strategies constitute the basic framework for the EU's forest policies. Rather than providing concrete measures, they present general frameworks for action, identify key principles and establish general priorities to strengthen the sustainable management of forests in and beyond the EU. The two most recent strategies pay more attention to the external dimension of forest policies by emphasizing the growing importance of globalisation and by calling for a strengthened and pro-active EU involvement in international processes for sustainable forest management. They also refer to other EU strategies that are relevant to forests, such as the EU Biodiversity Strategy and the EU Bioeconomy Strategy.

Internal Market Policies with External Forest Relevance
In 2003, the Commission proposed a key instrument concerning the placing of timber on the EU's internal market. The EU FLEGT Action Plan (European Commission 2003) aims at combatting deforestation by reducing illegal logging acting on the demand (EU) and supply (non-EU timber producers) side of timber trade, hence promoting forest sustainability worldwide. The Action Plan has led to two complementary policy instruments. The first one, the EU Timber Regulation, deals with access to the EU internal market. The second one, the FLEGT VPAs, are bilateral agreements with third countries and is further analysed in the next section.

The Timber Regulation aims to control the import of timber and to increase the trade of legally harvested timber on the EU market (Council of the EU 2010). Although the Timber Regulation applies within the EU jurisdiction, it contains elements with extraterritorial effects (Levashova 2011, 291–292). The import of illegal timber and timber products on the EU market is not allowed in any EU member state. Access to EU market is thus made conditional upon legal logging practices in exporting countries. Hence, by using its "market power" (Damro 2012), the EU aims to manipulate non-EU countries' utility calculations and to externalise norms of legal forest logging to third countries. Non-EU timber suppliers and EU timber importers must verify the legality of the timber they are handling, the so-called "due diligence". In practical terms, timber suppliers must provide EU importers with proof that national and international commitments on legal timber sourcing are respected.

Bilateral Forest Policies: The FLEGT Voluntary Partnership Agreements

The second element of the FLEGT Action Plan is the VPAs, which are bilateral trade agreements with non-EU timber-producing countries (Council of the EU 2005). The two VPA objectives are reflected in the two main components of the policy: trade on the one hand, and governance and law enforcement on the other hand (respectively *T* and *LEG* in FLEGT). The goal of the VPAs is to support flows of legal timber to the EU market while ensuring forest sustainability in non-EU countries.

In VPA partner countries, timber producers that testify their good forest governance are provided with a FLEGT licence. In turn, they are provided with a facilitated access to the EU market as these licences comply with EU Timber Regulation requirements. Hence, aiming to manipulate the utility calculation of non-EU timber exporters, the EU ensures that only legal timber enters its timber market (Fishman and Obidzinski 2014, 262; Savaresi 2012, 156–157) and that national law and good forest governance are enforced in VPA countries.

So far, the EU has concluded VPAs with six countries (Cameroon, Central African Republic, Ghana, Liberia, the Republic of the Congo and Indonesia). Negotiations on nine more VPAs are in progress, in the same regions (with Côte d'Ivoire, Democratic Republic of the Congo, Gabon, Laos, Malaysia, Thailand and Vietnam) as well as in South America (with Honduras and Guyana). The EU started developing a common framework to tackle illegal logging (European Commission 2003), engaging in

negotiation and persuasion to convince VPA countries to adopt standards of good forest governance. To adapt to local realities, VPAs foresee that stakeholders should participate in these dialogues (Overdevest and Zeitlin 2013, 3).

The core of a VPA is the requirement by the partner country to establish a Legality Assurance System, which aims at identifying, monitoring and providing a licence to legally (according to national law) harvested timber products destined to EU market (Overdevest and Zeitlin 2013). These legal requirements must be met before an export license is issued by the partner country. Under the VPA framework, partner countries and the EU must establish a Joint Implementation Centre, which monitors the implementation of the VPA (Council of the EU 2005, Article 5). At the time of writing, VPAs are still in the launch phase and only one licence has been delivered (in Indonesia).

VPA countries do not always have financial and institutional capacity to implement the FLEGT principles. To address this need, VPAs foresee that the EU engages in capacity building when needed, providing technical and financial support to VPA countries to support and/or ensure the implementation of the governance reform necessary to get the license (Council of the EU 2005).

Multilateral Forest Policies

In the multilateral venues where the EU conducts external forest policies, sustainable forest management is either the main focus (in Forest Europe and the United Nations Forum on Forests (UNFF)) or addressed from the perspective of sustainable land management (Food and Agriculture Organisation (FAO) and UN Convention to Combat Desertification (UNCCD)), climate change (United Nations Framework Convention on Climate Change (UNFCCC)), trade (International Tropical Timber Organization (ITTO)) or biodiversity preservation (Convention on Biological Diversity (CBD)).

Regional Forestry: Forest Europe
Forest Europe was created in 1990 at the regional, pan-European level to address common opportunities and threats to European forests. Forest Europe gathers European countries and the EU[3] for dialogue and voluntary commitments on forests and forest management. Forest Europe negotiations offer the EU a platform to spread its forest policies and principles outside its borders, in particular in the context of EU enlargement (Hughes et al. 2005). By disseminating its policies through dialogue and persuasion, the EU anticipated that the harmonisation of national forest

programmes stimulated by Forest Europe could lead to changes in forest policies in potential future member states.

Moreover, the EU also uses persuasion and dialogue in Forest Europe to promote sustainable forest management at the global level. In 2011, in a reaction to the failure of negotiating a global convention on forests in the UNFF, negotiations on a regional treaty on forests were launched in the framework of Forest Europe (Delreux and Pirlot 2017). The EU and other Forest Europe signatories intended to upload their regional agreement, once concluded, to the UN level.[4] Hence, by its activities in Forest Europe, the EU tried to influence the global forest regime. However, the EU could not convince all negotiators and Forest Europe signatories could not agree which UN body would be used for this purpose (the FAO or the UN Economic Commission for Europe), as a result of which the negotiations on a binding regional forestry agreement were postponed (Forest Europe 2015).

Global Forestry: United Nations Forum on Forests
The UNFF, created in 2000, has the objective to "[manage, conserve and develop sustainably] all types of forests and to strengthen long term political commitment to this end" (Economic and Social Council 2000) and adopts general nonbinding guidelines to address international forest issues.

The EU has been a relatively progressive player in the UNFF, trying to persuade UNFF members to adopt a binding global agreement on forests since the inception of the Forum[5] (Edwards and Kleinschmit 2013), while opposing the establishment of a global forest financing mechanism. Not being able to conclude a global forest convention had two major consequences for the EU. First, at the most recent sessions of the UNFF, the EU adopted a more pragmatic and realistic stance as it supported less ambitious but more feasible targets (Delreux and Pirlot 2017). This allowed the EU to build bridges between the major UNFF players. Second, the EU shifted its negotiation locus on a binding agreement on forests from the global level to a regional venue, Forest Europe (see previous section).

Sustainable Land Management: The Food and Agriculture
Organization and the UN Convention to Combat Desertification
The main instruments of the EU to support third countries in the field of sustainable land management—especially forested land—are programmes

that are jointly designed with the FAO and the UNCCD. Providing capacity building to enhance sustainable forested land management, these programmes follow a common logic: once an agreement is reached on the terms of a programme, the EU provides money and the implementation takes place under the umbrella of the FAO or the UNCCD.

A first example is the EU-FAO FLEGT Programme (2003–2016), a two-phase partnership to assist third countries in meeting FLEGT Action Plan objectives (2003–2012, 2012–2016), such as for integrating local stakeholders to FLEGT activities and tracing and observing harvest. Hence, through bilateral cooperation with the FAO, the EU intends to assist third countries in achieving FLEGT objectives. The programme calls for project proposals by domestic stakeholders and the EU provides financial assistance (from the European Development Fund when ACP countries are concerned—see Chap. 5) so that the FAO can implement the capacity building projects. Through such "cheque book foreign policy", the EU supports sustainable forest management beyond its borders. Approximately 90 projects have been launched to date, mainly in Asia, Africa and Latin America. They primarily aim at integrating local communities and stakeholders to FLEGT activities, at traceability and control of wood, at fostering transparent and independent observation of harvest practices and at improving information, knowledge, private sector initiatives and domestic and regional market (Food and Agriculture Organization 2016).

Second, the EU aims to enhance agriculture competitiveness—including forestry—in neighbouring (Southern and Eastern) countries through providing capacity building under the European Neighbourhood Program for Agriculture and Rural Development (2011). That programme is designed jointly with the FAO and implemented with the support of the UN Development Programme and the UN Industrial Development Organization.

Third, the EU is active in the context of the UNCCD (1992) to address the negative effects of desertification, soil degradation and drought. In this context, the EU runs a partnership with the UNCCD and the FAO, the Action Against Desertification. The idea is here that the presence of forests increases natural buffers to droughts and floods, aiming to progress in sustainable land management, tackle hunger, boost food security and restore deteriorated soils in African, Caribbean and Pacific (ACP) countries.

Climate Change: The United Nations Framework Convention
on Climate Change

The EU participates in two forest-related climate policies under the UNFCCC framework: land use, land use change and forestry (LULUCF) and reduce emissions from deforestation and forest degradation (REDD+). Developed and developing countries must account for emissions and removals from human-induced LULUCF activities, while developing countries must reduce emissions from deforestation and forest degradation (REDD+).

For a long time, the EU argued that accounting for carbon emissions and removals from LULUCF sector is too technical and still too inaccurate to be considered a reliable tool to be included in overall carbon accounting (Boyd et al. 2008; Savaresi 2012, 162). The EU was also concerned that LULUCF accounting may encourage countries not to take other actions to reach their emission targets, endangering for instance, the transition to a green economy (Boyd et al. 2008). Since the Paris Agreement entered into force, emissions and removals from LULUCF are regulated under the UNFCCC. LULUCF accounting is now "land-based", meaning that deforestation, land use and land management are accounted for. This makes LULUCF accounting more flexible and more accurate (European Commission 2016b).

Also within the UNFCCC framework, the EU contributes to UN-led projects to reduce emissions from deforestation and forest degradation in developing countries (REDD+). REDD+ is a financial mechanism that provides economic incentives to developing countries for keeping their forests standing, undertaking voluntary actions to reduce their emissions and in this way contributing to climate change mitigation (Dooley and Ozinga 2011, 163; McDermott 2014). The EU is one of the major donors to REDD+ (Angelsen et al. 2012, 117). It finances international initiatives that support the implementation of REDD+ and contributes to sustainable forest management in developing countries through the EU REDD Facility. The EU's REDD+ policy is meant to be mutually supportive with its FLEGT Action Plan. When a country participates in both, its REDD+ and FLEGT authorities can pool their resources (material, human and cognitive) in an attempt to strengthen the administrative capacity in that country (Dooley and Ozinga 2011; Ochieng et al. 2012; European Forest Institute 2014).

Trade: The International Tropical Timber Organization

The ITTO is a forum for cooperation between tropical timber-producing and consuming countries (Eikermann 2015). It was created by the 1983 International Tropical Timber Agreement (ITTA), which promotes "the expansion and diversification of international trade in tropical timber from sustainably managed and legally harvested forests and […] the sustainable management of tropical timber producing forests" (ITTA, Article 1 (a)). As successors to the first ITTA (1983), a second (1994) and a third (2006) ITTA were negotiated.

The EU mainly provides the ITTO with financial contribution to be used for FLEGT VPA-related capacity building activities. Moreover, in 2013, the EU and the ITTO signed a contribution agreement to implement a project entitled "Independent market monitoring: analysis of the reception of FLEGT licensed timber on the EU market as framed by VPAs" (International Tropical Timber Organization 2014). The ITTO here serves as the independent authority conducting the market monitoring. It develops a database of intra-EU timber trade flows. This is a response to the demand by the VPA partner countries to scrutinise the concrete changes in the EU timber market and to assess whether the EU market appreciates the FLEGT licenced timber.

The ITTO-Convention on International Trade in Endangered Species of Wold Flora and Fauna (CITES) Programme is also mostly financed by the EU. It provides tropical timber-exporting countries with support to ensure that their CITES-licensed timber complies with sustainability and conservation requirements. As CITES licences can supplement FLEGT VPA licences, the EU optimises the implementation of FLEGT VPAs through the ITTO-CITES Programme.

Biodiversity Preservation: The Convention on Biological Diversity

Although the 1992 Convention on Biological Diversity (CBD) does not explicitly mention forests, they are transversal to achieve most CBD objectives. Sustainable forest management is thus crucial for biodiversity preservation (Rosendal 2006, 84). The Conferences of the Parties to the CBD have recognised the role of deforestation and forest degradation in biodiversity decline (Schmitt et al. 2009, 25–30), as a result of which the CBD Aichi Targets were established (Earth Negotiations Bulletin 2010). Building upon these outcomes, the EU established its Biodiversity Strategy for 2020 (European Commission 2011b) and its Agenda for Change

(European Commission 2011a), which have an important external component. In response to its international commitments, the EU also launched the Biological Diversity for Life (B4Life) Flagship Initiative (2014), through which it financially supports developing countries to reach their CBD targets and to enhance the prevention of irretrievable loss of biodiversity worldwide (European Commission 2014) (see Chap. 8).

Besides, the EU provides strong political support to the inclusion of forests in the work of the CBD. Specifically, the EU substantially influenced the adoption of the CBD Strategic Plan for Biodiversity 2011–2020, including the Aichi Targets (Delreux 2012, 217–220). The Strategic Plan provides an overarching strategy for protecting biodiversity and provides a more explicit role for forests, as a subject and active actor of biodiversity protection.

Effectiveness of EU Forest Policies' External Dimension

This section explores how effective the EU's external forest policies are. The first sub-section examines whether the EU achieves its objectives. Policies from the previous section will be used as examples. The second sub-section investigates the factors explaining EU effectiveness.

Assessing the Effectiveness of EU External Forest Policies

As suggested in this volume's introduction, two dimensions of the effectiveness of the EU's external forest policies are assessed: (1) the extent to which the EU is able to influence international debates on sustainable forest management and non-EU countries adopt EU rules and principles and (2) the extent to which the EU rules are actually implemented. Evaluating the EU's effectiveness in the this area is not easy because the policies are recent.

Adoption of EU Forest Principles
In order to assess the extent to which external actors adopt EU forest principles, the three mechanisms that can lead to international adherence are examined: dialogue and persuasion, leading by example and manipulating the utility calculation of non-EU countries (see "Introduction").

First, the EU's ability to influence debates through dialogue and persuasion seems rather limited. For instance, the preference of the EU for a legally binding agreement on forests has not been achieved despite the EU's efforts to promote it, particularly in the UNFF (Delreux and Pirlot 2017). It is principally in venues at the global level that the EU's effectiveness is rather low. In smaller, regional and bilateral venues (such as Forest Europe and VPAs), the EU has been able to spread its principles on sustainable forest management a bit more effectively. Yet the EU has also been criticised on the way it conducted dialogues and persuasion in the bilateral VPAs. For instance, some stakeholders involved in VPA negotiations felt they could not influence the negotiations (Lesniewska and McDermott 2014; Jonsson et al. 2015; Schmitz 2016, 86; Wodschow et al. 2016, 7). Likewise, before the start of the VPA negotiations, the EU had to convince non-EU states on the desirability of the VPA model and it proactively engaged in dialogues with non-EU countries, which ultimately followed the EU approach. However, the fact that third countries adopted the EU's VPA approach was primarily the result of EU's power politics, as the case of the Cameroon VPA illustrates: the "VPA process [with Cameroon] was a result of indirect diplomatic pressure from the EU rather than a voluntary request from the Government" (Wodschow et al. 2016, 5).

Second, international adherence can be achieved by third countries following the example of EU forest policies. In some cases, existing VPAs generated interest in other non-VPA countries to start VPA negotiations with the EU. For instance, Bolivia, currently a non-VPA country, demonstrated interest in concluding a VPA (Carden et al. 2012). Similarly, Myanmar is interested in a VPA as it could help the government in its combat with internal rebellious forces that are financed through illegal timber trade (Springate-Baginski et al. 2014).

Third, certification is considered a potentially effective mechanism to export norms of sustainable forest management (Savaresi 2012; Rametsteiner and Simula 2003). Timber exporters from VPA countries receive a certificate for good forest governance. Although it cannot be excluded that in the long run VPA countries can internalise these principles, so far the reality on the ground has been different. One of the main problems with the VPAs is that stakeholders in third countries do not always see the benefits of good forest governance and prefer the benefits of the original system, which resists norm internalisation (Lesniewska and McDermott 2014; Wodschow et al. 2016).

Implementation of EU Rules

The second dimension of the effectiveness of the EU's external action on forests is the actual implementation of EU policies, leading to behavioural change. Already within the EU, implementation problems exist for the policies discussed above. A number of member states are currently not fully implementing the Timber Regulation, as they are not carrying out legality checks (Trishkin et al. 2015, 1393; European Commission 2016a; Jonsson et al. 2015). Furthermore, there are great discrepancies between member states in the resources allocated to the establishment of the authority that has to monitor the compliance of non-EU timber exporters and EU importers with the Regulation (European Commission 2016c; Jonsson et al. 2015).

Since the adoption of the FLEGT Action Plan, timber export to the EU has decreased (Jonsson et al. 2015, 19–20). For instance, Cameroon, a VPA country, exports less timber to the EU (Wodschow et al. 2016, 4–6). On the one hand, this might just be the result of a transition period, at the end of which tropical timber exports could reach their pre-FLEGT Action Plan level. In this scenario, it would mean that the policy is effectively implemented, leading to the desired behavioural change. On the other hand, it is also possible that the decreasing trend is continued and that tropical timber is exported to markets with less stringed access principles than the EU market. In this scenario, the policy would turn out to be ineffective.

The FLEGT Action Plan modified to some extent timber export in a number of third countries. The Timber Regulation triggered change in timber exporters towards sustainable forest management. In Russia, for instance, most producers have adapted their logging operations to the Regulation (Trishkin et al. 2015, 1385). Some VPA countries have improved their forest governance and the amount of illegal timber that is traded worldwide is decreasing (Jonsson et al. 2015). It is, however, unclear whether that is (partly) caused by the EU and the VPAs. Some studies show that VPAs have led to a reduction of illegal timber trade while others come to the conclusion that VPAs had so far a limited impact on decreasing illegal timber trade (Jonsson et al. 2015, 12–14).

There are indications that programmes through which the EU cooperates with a third institution, namely, the UNCCD, FAO and the ITTO, have resulted in behavioural change in partner countries. Changes prompted by the EU-FAO Programmes are visible in some countries (such as Gabon, Columbia, Panama and Costa Rica), but not

in others (such as in Cameroon) (Food and Agriculture Organisation 2017). The countries in which the programmes are effectively implemented principally show more stakeholder participation, more expertise sharing and more transparency in forest management and logging. Similarly, EU-ITTO projects seem to have promoted activities to encourage sustainable forest management (ITTO-CITES 2015). Likewise, in beneficiary countries, wood harvest monitoring systems were set up and law enforcement was enhanced (ITTO-CITES 2013). Finally, as a result of the Action Against Desertification programme (run by the EU, the FAO and UNCCD), the "Great Green Wall of Africa", a vast forested zone running from West to East of Sahara-Sahelian desert, was built under the auspice of the African Union (Food and Agriculture Organization 2016).

Factors Affecting the Effectiveness of EU External Forest Policies

This section analyses key factors that affect the effectiveness of the EU's external forest policies. As outlined in the introduction to this volume, three sets of factors are distinguished: the EU negotiation arrangements, the negotiation context and the capacity of non-EU countries to implement EU norms and rules.

EU Negotiation Arrangements

The internal EU arrangements used for formulating and defending external forest policies have an impact on the latter's effectiveness. The transversality of the forest issue is particularly important here, as it implies that different interests, practices, sectoral approaches and institutional units that represent them are involved in the internal decision-making process. In the Commission, forestry policies are spread between several DGs (mainly DG Climate Action, DG Agriculture, DG Environment, DG Development and cooperation, DG Trade and DG Industry), each having their own perspective on forestry. Depending on the forestry issue at stake, a different DG mostly takes the lead.

In the Council of the EU, forest issues are mainly discussed in three working parties (on forestry, on commodities, and on international environmental issues) under three Council configurations (respectively the Agriculture and Fisheries Council, the Foreign Affairs Council and the Environment Council). Member states officials participating in these working parties have different domestic affiliations. For instance, forests

are dealt with by the ministry of energy in Sweden, by the ministry of agriculture in France, by the ministry of environment and food in Denmark and by the ministry of enterprise in the United Kingdom, triggering even more diversity in the forest talks. On top of that, there are various kinds of forests in the European continent and EU member states have different interests in forest management, leading to different national approaches to forests. While the forest sector constitutes a great share of Finland's or Latvia's economy, this is less the case in a country like the Netherlands. Other member states with less forest resources are more interested in social forestry or timber import.

Yet, despite these multiple contexts, interests and objectives as well as the various policy fields through which forests are approached, the EU is mostly able to come to a common position that is defended in the negotiations with third countries. The precise negotiation arrangements vary from venue to venue, with the EU for instance negotiating differently in bilateral VPA negotiations than in global UNFCCC or UNFF negotiations.

Negotiation Context

The second set of factors affecting the EU's effectiveness relates to the external negotiation context. Whether the EU is able to persuade states to adopt its principles on forests depends partly on the relative power of the EU in the negotiation venue at stake. It is more likely that the EU will realise its objective when negotiating a bilateral VPA with a small state compared to a situation where it negotiates in a global forum in the UN context. Moreover, single timber-exporting countries are often more demanding for having access to the EU market than the EU is a demanding party for timber from that country.

EU effectiveness is also influenced by the international constellation of interests in which the EU acts. Global negotiations on forests are generally characterised by a cleavage between industrialised and developing countries. In this North-South dynamic, the EU faces countries with less reformist positions (such as Brazil, China and Indonesia) than the European position. For instance, within the UNFF, the EU has been a demanding party for a legally binding agreement on forests, yet developing countries and the United States opposed this demand (Delreux and Pirlot 2017). By contrast, in a regional venue like Forest Europe, the EU finds itself more surrounded by like-minded countries. Its effectiveness in shaping international debates is consequently higher there than in many global venues.

Capacity of Non-EU Countries to Implement EU Rules and Principles
Finally, EU's effectiveness depends on the capacity of third countries to implement and enforce EU rules. Their capacity relies on material and human resources (the existence of institutions able to support and implement the agreement, the presence of expertise and knowledge, and financial resources) as well as ideational support (a civil society willing to carry out reforms to achieve FLEGT principles). One of the main problems in the actual implementation of VPAs by developing countries is their lack of institutional and financial capacities to implement FLEGT principles, which obviously hampers the effectiveness and implementation of EU external action (Springate-Baginski et al. 2014; Eba'a Atyi et al. 2013). Besides, some domestic stakeholders may benefit from the pre-VPA system (such as benefits from corruption) as a result of which they oppose reforms towards sustainable forest management (Schmitz 2016; Eba'a Atyi et al. 2013). These domestic factors of third countries indeed often hinder EU effectiveness.

Mitigating these material, human and ideational limits and enhancing policy effectiveness was one of the rationales behind the partnerships the EU developed with multilateral institutions. The programmes implemented by the FAO and the ITTO aim explicitly at supporting FLEGT principles implementation in third countries. They provide capacity building (technical and financial support) to reach given FLEGT objectives.

Conclusion

Despite its lack of forest competence, the EU has developed an array of policies, actions and measures with external relevance for forests in various forest-related fields, all seeking to pursue sustainable forest management. The EU uses various instruments and mechanisms to do so. Aiming to manipulate their utility calculations, the EU incentivises third countries in developing sustainable management of forests, as it is the case with the Timber Regulation and the VPAs. The EU also contributes to capacity building in third countries. By financing projects outside its borders and forest-related activities conducted by other international organisations, it aims to promote and to implement sustainable forest management worldwide, particularly when it comes to FLEGT principles. In this regard, the EU provides financial means to outsource capacity building. Moreover, the EU uses dialogue and negotiation in an

attempt to persuade third countries to increase forest governance by disseminating information in multilateral venues.

The various external forest policies of the EU are characterised by varying levels of effectiveness. While some EU external forest policies are more effective than others, behavioural change in third countries towards sustainable forest management is rarely achieved. To improve its effectiveness, the EU has designed synergies and complementarities between various forestry policies and venues. The EU integrates different issue areas in its forest strategies, to encourage sustainable forest policies in a consistent manner. This means that forest governance should serve several purposes (such as agriculture, stakeholders participation, job creation, trade, nature protection, climate change mitigation and recreational activities) jointly. The EU does so purposefully, but its success is so far unclear or limited. Besides, the EU addresses possible overlaps, coordination and cooperation between different international policies. It is the reason why FLEGT VPAs and REDD+ now try to make the most of each other creating in situ cooperation and coordination. Consequently, EU external actions in forestry relate tightly to each other. For example, while EU FLEGT VPAs necessitate capacity building, the EU relies on collaborating with the FAO and the ITTO to mitigate the limits of its bilateral agreements.

Finally, the EU cannot always reconcile all its objectives. Incoherent and even conflictive policy objectives continue to exist. For instance, trade and nature protection pull forests in opposite directions. The former often call for intensive monocultural fast-growing trees, which may hamper the biodiversity protection objectives of the latter. While zooming out from sustainable forest management as such, the EU is not always as consistent in carrying out external policies as it claims.

NOTES

1. There is no single definition of "sustainable forest management" and the concept is sometimes politically contested. Yet, for this chapter, we consider sustainable forest management as the stewardship and use of forests to achieve balanced and sustainable socio-cultural, environmental and economic objectives, serving the present and the future.
2. In this chapter, a venue is a *locus* that can be activated by the EU to carry out external action. It can take the shape of an international organisation, but also of an international agreement.

3. The signatories to Forest Europe are 46 European countries and the EU.
4. Interviews of two European Commission officials involved in EU forest policy-making and EU international forest negotiations, November 18, 2014, and May 5, 2016, Brussels. Interview of an EU Member state official involved in international forest negotiations on behalf of the EU, July 8, 2016, Louvain-la-Neuve.
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Chemicals: Pioneering Ambitions with External Effects

Katja Biedenkopf

Introduction

The European Union has evolved as relatively ambitious driver of internal and external chemicals policy. It has been an active participant in international negotiations, oftentimes advocating comparatively ambitious multilateral chemicals treaties. Strong domestic EU chemicals policy provides a solid baseline for the Union's international engagement, generating a unified common position and activities. The EU's large global chemicals market share and the high degree of globalisation of the chemicals industry lend the EU a certain degree of leverage to alter non-EU countries' utility calculations. This can lead to increased receptiveness of certain countries to engage in dialogue and capacity building provided by the EU. Yet, the international policy context and positions of other major players such as the USA and China have conditioned the EU's effectiveness.

Regulating chemicals is an important contemporary challenge. Chemicals transcend our daily lives. Most consumer products contain or are produced with the use of various types of chemical substances. Despite their near ubiquity, for a significant number of chemicals only incomplete

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information about their intrinsic properties and uses is known or centralised in a database (Allanou et al. 2003a, b; Selin 2013, 109–110, 118–119). Consequently, not all risks to humans and the environment are known and regulators cannot act upon them. As past high-profile incidents have shown, some chemicals can have severe consequences. For example, asbestos was hailed as efficient flame retardant and soundproofing material in the first half of the last century. It became a popular construction material before scientific evidence suggested, with increasing certainty, that exposure to asbestos can cause debilitating lung diseases. In the early 2000s, European countries and, shortly afterwards, the EU banned asbestos. As illustrated by this example, in the past chemicals regulation often reacted only after major incidents had occurred.

Exploiting the benefits of chemicals while minimising their risks has been part of the environmental and industrial policy in most industrialised countries since the 1960s. The EU has regulated risks posed by chemicals since 1967 when it introduced labelling and classification rules. In 2007, an ambitious and comprehensive reform of European chemicals regulation entered into force. The Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals—generally abbreviated as REACH Regulation—goes beyond previous EU and international chemicals policy in its scope and ambition (Biedenkopf and Park 2012, 783–787). It builds the centrepiece of EU chemicals policy and provides the basis for much of the EU's external chemicals policy.

This chapter focuses on industrial chemicals. Pesticides and cosmetics policy are closely related but not central to this analysis. The next section provides an overview of the EU's chemicals regulation and the objectives of its external chemicals policy. This is followed by an overview of the EU's multilateral, bilateral and unilateral activities in chemicals governance processes. The effectiveness of the EU's activities in both multilateral and bilateral settings is evaluated in the subsequent section. It uses two case studies—the Stockholm Convention on Persistent Organic Pollutants and EU-South Korea bilateral interaction—to illustrate details. The concluding section relates the findings of this chapter to the broader context of EU external environmental policy.

EU Chemicals Policy and Objectives

The EU and its member states have pursued relatively ambitious positions in multilateral chemicals negotiations and can be considered unilateral pioneers in adopting chemicals legislation that is more ambitious and

comprehensive than previous EU and non-EU policy. The EU's internal chemicals policy is highly intertwined with its international activities and objectives. It provides the basis for its international objectives and contributes to EU unity since the comprehensive and relatively ambitious EU chemicals law REACH constitutes the baseline on which all member states have agreed.

In the realm of multilateral chemicals policy, initially individual EU member states and later the EU as an entity have been a driving force. Sweden has been one of the most active European countries by pioneering chemicals policy from 1969 onwards and by pushing for ambitious international agreements (Selin 2010, 190–191; Vogel 2012, 156–158). Other EU member states including Denmark, the Netherlands and Belgium also attempted to influence international developments. For example, they called for a global chemicals framework convention in the late 1990s, which however was opposed by the USA and other non-EU countries because allegedly the negotiation process of such a comprehensive agreement would be too cumbersome and complex (Krueger and Selin 2002, 338–339). Instead, international efforts resulted in a set of legally independent chemicals conventions that address specific chemical groups or activities and are described in the next section. In the negotiation process that led to those more specific and narrow Basel, Rotterdam and Stockholm Conventions, some EU member states and the EU were driving forces with consistently more ambitious positions relative to most other countries' positions (Biedenkopf 2016, 68–71).

The EU's relatively ambitious international positions are backed up by comprehensive and pioneering domestic chemicals policy. The uploading of EU regulation to the international level by pushing for the alignment of international rules with EU rules can generate advantages or abolish disadvantages for actors that are active on the EU market and therefore must comply with European requirements. The transaction costs of compliance with international rules are reduced when they mirror pre-existing EU requirements. Uploading EU rules can also level the playing field with other actors in the global chemicals market, removing competitive disadvantages for those covered by EU rules. These considerations appear part of the motivation for the EU's international activities.

The common and relatively ambitious domestic policy basis was developed in the course of the 1990s and early 2000s, when the EU increasingly recognised the fact that existing policy did not adequately address the potential problems that chemicals could cause. In 2006, it introduced

a major overhaul of its internal chemicals regulation by adopting the REACH Regulation,[1] which can be considered a pioneering piece of legislation since it goes beyond prior EU and international legislation by taking a more comprehensive and systematic approach than previously existed (Biedenkopf and Park 2012; Hansen and Blainey 2006; Scott 2009; Williams et al. 2009). While the REACH Regulation cannot be considered flawless, it raised the bar for chemicals policy.

The REACH Regulation responds to a number of shortcomings of previous EU chemicals policy, which also resembled the situation in many other non-EU countries. Pre-REACH EU chemicals legislation was a complex smorgasbord of 40 different pieces of regulation dating from various decades. EU procedures to assess and regulate chemicals appropriately were long and complex. European chemicals policy did not produce sufficient data to assess all risks the chemicals could pose to workers, consumers and the environment. For chemicals that were newly placed on the EU market after 1981, producers were obliged to conduct toxicity testing and their risks were assed prior to their admission to commerce. For chemicals that had been placed on the EU market before 1981—so-called existing chemicals—such provisions did not apply. These chemicals constitute almost 99 per cent of the volume of chemicals on the EU market. Their assessment was slow and reactive to incidents rather than anticipatory, namely, assessing (and possibly regulating) their risks before they could cause harm. By adopting the REACH Regulation, the EU streamlined and ratcheted up its chemicals policy. The European Chemicals Agency (ECHA) was established as a central actor in implementing the new procedures (Biedenkopf 2015, 107–121; Biedenkopf and Park 2012, 783–787; Schomaker and de Avila 2009, 16–17).

The REACH Regulation addresses previous shortcomings by introducing a systematic approach that follows three successive stages: First, companies must *register* the chemicals that they place on the EU market in quantities above one metric tonne per year, per producer. This involves the submission to ECHA of specified data on chemicals' intrinsic properties and the ways in which they are used. It thereby extends to existing chemicals the requirement to gather chemicals data. This abolition of the distinction between new and existing chemicals aims at evaluating all significant chemicals that are in use today, thereby better anticipating possible risks while in the past chemicals often were regulated reactively only after certain harm had been caused. Second, the submitted data and the respective chemicals' possible risks to humans and the environment are *evaluated*.

Third, chemicals that are found to pose a risk can be categorised as so-called substances of very high concern. Those substances may only be placed on the EU market if their producer has received prior *authorisation* by the EU authorities, which is granted for cases in which the risk is adequately controlled or the socio-economic benefits outweigh the costs. The EU regulator can also impose fully-fledged *restrictions* of chemicals.

The REACH Regulation is implemented in a staged approach with the last of three registration deadlines in 2018. For this reason, an assessment of the actual level of ambition and its effectiveness cannot be conducted yet. The extent to which the regulation will deliver the expected results remains to be seen. Some adjustments have already been made to improve its functioning in response to observed shortcomings. This includes the easing of the burden on small and medium-sized enterprises (SMEs) and the way of conducting the completeness checks of the registration dossiers.

EU-internal and international chemicals policy is based on the so-called precautionary principle, which addresses uncertainty in the relationship between a hypothesised cause and effect. It is based on the logic that in cases of identified threats of damage, the absence of full scientific certainty should not be a reason for delaying response measures. In the area of chemicals policy this stems, amongst others, from the fact that risk assessments are conducted through experiments on animals and with other laboratory methods through which estimations for the effects on humans are extrapolated (Steel 2011, 356). The precautionary principle was first mentioned as an underlying principle of EU environmental policy in the Maastricht Treaty (Article 130). Also the REACH Regulation is "underpinned by the precautionary principle" (Article 1.3). The precise interpretation of the principle varies however, leaving the principle subject to much debate and controversy (Löfstedt 2014; Karlsson 2010; Hansen et al. 2007).

Based on its domestic chemicals policy, the EU engages in external chemicals policy at various levels of governance. The following section outlines these multilateral, bilateral and unilateral activities.

EU External Chemicals Policy

The EU employs a mix of policy dialogue, capacity building, and the manipulation of third countries' and non-state actors' utility calculations resulting from the size and globalisation of the EU's chemicals market. It is active at the multilateral and bilateral level and also acts unilaterally

when it manipulates others' utility calculations. Policy dialogue and capacity building require some responsiveness and willingness to collaborate by others. These mechanisms cannot be activated unilaterally. Moreover, intentionality and active EU engagement in dialogues, negotiation, capacity building and manipulating utility calculations do not exclude an active role by the non-EU partner. Rather, EU external chemicals policy mostly can be characterised as a mix of EU and non-EU-driven processes.

This section does not claim to provide an exhaustive description of all activities but rather aims at sketching the different mechanisms of EU external chemicals policy by highlighting the main activities and illustrating them with some examples. It first outlines the EU's role in multilateral negotiations, then discusses bilateral activities, before outlining the EU's unilateral external chemicals policy.

Multilateral Chemicals Policy

In multilateral contexts, the predominant mechanism through which the EU pursues its external chemicals policy objectives is dialogue and negotiations. In multilateral negotiations this contributed to the adoption of the different international conventions, and the EU is an active diplomatic actor in their implementation and further development, using bargaining, argumentation and persuasion. This also applies to interaction within some other multilateral organisations such as the Organisation for Economic Co-operation and Development (OECD), which deals with some technical harmonisation in the area of chemicals management.

Global chemicals governance consists of a complex web of international, regional and national arrangements, some of which are legally binding and some voluntary. At the international level, four main binding treaties are complemented with a voluntary approach. They are partially overlapping but legally independent. The 1989 *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal* mandates that countries must be informed of an external actor's intention to export hazardous waste into its territory and grant permission prior to the transaction taking place. The 1998 *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides* imposes similar requirements for a predefined set of hazardous substances and pesticides: Exporters must inform potential importing countries about their intention and receive their prior consent. The 2001

Stockholm Convention on Persistent Organic Pollutants bans and restricts the production, use and trade of persistent organic pollutants (Chasek et al. 2014, 131–151; Selin 2013, 111–116). The 2013 *Minamata Convention on Mercury* controls the life cycle of mercury in a number of products and industrial processes (Selin 2014, 7–16).

Some EU member states and, in the course of time, increasingly the EU as an entity have tried to advance international negotiations and treaties. In the mid-1990s, European countries, including the Netherlands, Belgium and Denmark, advanced the discussion of a global framework convention on chemicals, similar to the climate change framework convention. The opposition was however too strong so that these initiatives did not yield significant results. The efforts can instead be seen as part of the momentum that led to the adoption of the Rotterdam and Stockholm Conventions (Biedenkopf 2016, 66).

In international chemicals negotiations, the EU has a relatively consistent track record of advocating for comparatively ambitious positions. For example, in the context of the Basel Convention, it supported and ratified the 1994 so-called Basel Ban, which amends the convention by adding a ban of hazardous waste exports from OECD countries, the EU and Liechtenstein to all other countries. This ban has not entered into force (yet) since the threshold of ratifications has not been reached. The complete trade ban was already subject to the negotiations of the convention itself but opposed by a USA-led coalition (Chasek et al. 2014, 122–123). The EU demonstrated exemplary leadership (Liefferink and Wurzel 2016, 10) in this case not only by ratifying the amendment but also by unilaterally transposing the Basel Ban into its domestic legislation through the adoption of the 2006 Waste Shipments Regulation[2] in the absence of an international obligation (Dreher and Pulver 2008, 313–314).

Another example of the EU's active role in driving international chemicals policy can be found in the case of the 2006 Strategic Approach to Chemicals Management (SAICM). The SAICM 2020 goal can be traced back to the 2002 World Summit on Sustainable Development, which in turn was predominantly initiated by the EU and bears similarities to a provision in the EU's sustainable development strategy that was adopted in 2001 (Selin 2010, 170). The Minamata Convention negotiations are another case of the EU pursuing a position more ambitious than most other parties' positions. The EU advocated a default ban of mercury in products and process to which a list of exemptions could be added. The USA and Canada favoured a reverse logic in which the default option is

allowing the use of mercury except for specified uses. The former tends to be more ambitious than the latter. Ultimately, the convention combines both approaches (Selin 2014, 9).

The European Chemicals Agency (ECHA) and the European Commission also collaborate with partners within the OECD. They are active participants in working groups and task forces, including test guidelines, standardisation of reporting formats, and software and databases. The harmonisation of reporting formats, for example, facilitates compliance by companies but also cooperation amongst regulators, both of which can also foster the external reach of the REACH Regulation, which is further outlined below in the section on the unilateral activities.

Bilateral Chemicals Policy

Dialogue, cooperation and capacity building are the predominant mechanisms of the EU's bilateral relations with a number of countries in the field of chemicals policy. Bilateral interactions involve the exchange of chemicals data, chemicals assessments and experiences with the design and implementation of chemicals policy. This includes formal and informal contacts.

International dialogue and cooperation is enshrined in the REACH Regulation. Its Article 120 explicitly mentions cooperation with non-EU countries and the sharing of data with non-EU regulators. The ECHA and the European Commission interact with non-EU chemicals regulators and in some instances also non-state actors. This includes regulatory dialogues with partners such as China, South Korea and the Russian Federation. The ECHA has signed memoranda of understanding with regulators in four countries, namely, Australia, Canada, Japan and the USA. These bilateral agreements emphasise the exchange of (non-confidential) information, best practices and scientific knowledge.

For example, interaction with the USA includes a 2010 Statement of Intent signed by the US Environmental Protection Agency and the ECHA, which formalises technical cooperation and the sharing of experiences and best practices. Study visits of US regulators to the ECHA and the other way around have been organised. Other examples of study visits are a Japanese Ministry of Environment visit to discuss EU chemicals management on 16 March 2017 and a Taiwanese Environmental Protection Agency visit on the development, implementation and monitoring of the EU chemical legislation on 3–5 April 2017.

Given the EU's strong presence in the global chemicals market and its high import and export shares, chemicals regulation has been included in trade negotiations between the EU and various countries, since the 2010 Korea-EU Free Trade Agreement. The (unsuccessful) EU-USA negotiations on a Transatlantic Trade and Investment Partnership are an illustration of this. Cooperation on chemicals was a substantive element of the negotiations. It was controversial because EU and US chemicals regulations differ significantly and NGOs voiced the concern that the agreement could undermine European health and envrionmental protection standards. Nonetheless, issues such as classification and labelling of substances, coordination on the selection of priority chemicals, the facilitation of data exchange between regulators and the exchange formats were subject to the negotiations (Chemical Watch 2016b).

Capacity building is part of different EU programmes and addresses various non-EU countries. For example, as part of the European Neighbourhood Policy, the ECHA provides technical assistance to countries on chemicals safety. In 2009 an Instrument for Pre-accession Assistance project was launched to provide training and assistance to enlargement countries. A second project ran from 2011 to 2014 and a third from 2015 to 2018. Another example is the Environmental Technical Assistance and Information Exchange Facility financed by the European Commission's Directorate General for the Environment. It includes chemicals-related capacity building activities. More precisely, it finances expert missions to non-EU countries, training seminars and workshops, and EU study visits.

Unilateral Chemicals Policy

The REACH Regulation can have different external effects, not all of which are intentional and part of a conscious strategy of the EU. First, the internal EU processes established by REACH extend to non-EU actors. Second, data that the ECHA collects as part of the REACH registration process can be used by non-EU regulators. Third, the REACH Regulation can provide inspiration and a model for advanced chemicals regulation from which non-EU jurisdictions could learn (Biedenkopf 2015, 121–134). These pathways of external influence are supported in part by the EU. For example, some EU Delegations in non-EU countries engage in chemicals policy promotion.

Extending EU-internal processes to non-EU actors who are active in the EU market by requiring them to test chemicals, communicate risk information along the supply chain and possibly make them subject to authorisation or restriction requirements can have a direct effect on practices and chemicals handling in non-EU countries. It can contribute to alleviating a certain environmental problem beyond EU borders by minimising the impact of hazardous substances on workers, the population and the environment. In this way it does not necessarily lead to the adoption of improved chemicals policy in the respective non-EU country where the external effect occurs but it can de facto contribute to addressing a chemicals-related problem. This process can be considered *extended* governance, since the EU extends its internal processes and requirements beyond its borders (Lavenex 2004).

Extended governance can trigger the adoption of chemicals policy in a non-EU jurisdiction when the affected entities—mostly companies—lobby in favour of similar requirements and legislation in their home jurisdiction. Their motivation for doing so tends to be linked to competition with other domestic companies that do not interact with the EU and therefore are not obliged to comply with the same rules (Vogel 1997). Lobbying by chemicals companies in favour of policy similar to REACH can also be motivated by the attempt to avoid the adoption of different, incompatible rules. A different set of rules that is not compatible with the EU requirements can lead to additional costs and disrupt production processes.

The REACH Regulation extends beyond the EU's geographical borders by including non-EU companies in its scope. All rules apply to any actor who is active on the EU market regardless of headquarter. If they want to continue their market activities in the EU, they must comply with registration, evaluation, authorisation and restriction rules. Almost 25 per cent of all registrations that were submitted by May 2013 came from so-called Only Representatives, which are EU-based representatives of non-EU companies (Chemical Watch 2013). This demonstrates the REACH rules' high degree of border permeation. The actors who link the EU and non-EU systems are however not the governments themselves but rather private organisations.

Effectiveness of EU External Chemicals Policy

This section seeks to identify factors that can contribute to explaining the effectiveness of EU external chemicals policy by zooming into two case studies. The first is a case of the multilateral level of governance, namely,

the Stockholm Convention. The second focuses on bilateral interaction between the EU and South Korea. The main data sources are policy documents, statements by officials and academic literature. The case study of the Stockholm Convention is also based on the analysis of the reporting of the negotiations that led to the adoption of the Stockholm Convention published in the Earth Negotiation Bulletin. The case study of South Korean chemicals policy is additionally based on interviews with experts who are/were involved in the South Korean chemicals process.

The Stockholm Convention

The 2001 Stockholm Convention regulates a specific group of chemical substances, so-called persistent organic pollutants (POPs). Those substances are highly toxic to humans and animals, remain intact in the environment for a long period of time, can travel long distances and accumulate in humans and animals. Initially, the convention eliminated or reduced 12 individual POPs, the "Dirty Dozen" (Hagen and Walls 2005; Karlaganis et al. 2001). In the course of time, additional substances were added.

The EU together with Canada was a driving actor pushing for an ambitious Stockholm Convention (Chasek et al. 2014, 136; Selin 2013, 113; 2010, 170). Sweden and Canada had initiated and financed some scientific assessments of POPs prior to the negotiations (Selin 2010, 171) and the EU took the lead in the negotiations (Delreux 2011, 113). During the negotiations, the EU proposed a broader scope of substances (15 individual POPs) than ultimately were adopted. The European position was opposed by the USA and Japan (Chasek et al. 2014, 136). Only on the question of how the financing mechanism should be organised did the EU and the USA agree, namely, using existing organisations like the Global Environmental Facility. On this issue the Group of 77 and China, representing developing countries, pushed for establishing a new financing mechanism (Delreux 2011, 113; Karlaganis et al. 2001, 218–219). The Stockholm Convention's financial mechanism is incorporated in the Global Environmental Facility's activities. The EU-USA coalition did thus achieve their objectives on this aspect of the negotiations.

Another of the EU's ambitious proposals, relative to other parties' positions, was to allow the convention's Conferences of the Parties (COPs) to add new substances to the convention's annexes based on the precautionary principle (Karlaganis et al. 2001, 218). Especially when it became clear that 12—rather than the 15 POPs for which the EU pushed—would be included in the final convention, the EU, together

with Norway and Switzerland, pushed for flexible procedures to include additional substances at later points in time (Delreux 2011, 113). The USA and other parties, including Australia, Japan and New Zealand, supported more stringent control by the parties and the taking of decisions based on evidence of risk. The tensions result from different interpretations of the precautionary principle. The ultimate Stockholm Convention's text constitutes a compromise between these two positions (Chasek et al. 2014, 138–139). It refers to the precautionary principle in its Article 8 but it also establishes an elaborate process that includes strict rules for the party proposing the addition of a new substance, establishes a POPs Review Committee and designates the COP as the final decision-making.

It can thus be deducted from the course of the negotiations that the EU could wield some influence on the wording and provisions of the Stockholm Convention but this influence was conditioned by the USA's strong role. When the USA and the EU agreed on a position, their influence seems quite strong, while conflicting positions between the EU and the USA seem to have resulted in a compromise between them. This appears to be grounded in the global chemicals market shares that these two jurisdictions held at the time. However, in recent years other countries have emerged as large players in chemicals imports and exports and, with this also in terms of influence in international chemicals negotiations. The EU still is one of the largest chemicals producers, users, importers and exporters with about 20 per cent of global chemicals sales (Cefic 2012). Only China sells larger volumes of chemicals on the global market accounting for an about 25 per cent share. The US market share is about 15 per cent.

The 12 POPs that were eventually included in the original Stockholm Convention had already been regulated in the EU. This can explain the homogenous EU preference and the absence of significant differences amongst member state negotiation positions. There were minor differences with countries including Denmark, Sweden, the Netherlands and Germany pursuing slightly more ambitious positions than countries such as the UK (Delreux 2011, 113, 117). The USA also had already ceased production of 10 of the 12 POPs. The two remaining were unwanted by-products (furans and dioxins) whose release had been reduced already (Hagen and Walls 2005, 49–50). Existing domestic chemicals regulation can thus be assumed to contribute to fostering EU unity and a strong negotiation position in multilateral settings.

EU-South Korea Cooperation

Chemicals regulation in South Korea dates back to 1991 when the country introduced its Toxic Chemicals Control Act. In April 2013, the Korean Assembly adopted a major revision of Korean chemicals legislation by adopting the Act on the Registration and Evaluation of Chemicals, often referred to as *Korea REACH*. The similarity of the name with that of the EU legislation suggests similarities in the content of both laws and a certain degree of connection between them. The adoption of the Korean law seven years after the introduction of the EU REACH Regulation also suggests that the EU law could have influenced the design of the Korean chemicals law, which indeed happened to some extent. EU REACH and Korea REACH are connected through learning processes and market interdependencies (Biedenkopf 2013).

The Korean REACH Act entered into force in 2015. It includes provisions on the registration of chemicals, the screening of chemicals to identify hazardous ones, hazard and risk assessments of products containing hazardous substances and the sharing of chemical substance information. The regulatory process and requirements resemble those of the EU. Chemicals that are placed on the Korean market in quantities of more than one metric tonne per year per producer must be registered. Yet, this registration requirement does not apply to all chemicals above the quantity threshold. It only applies to the so-called designated substances. The authorities select a subset of chemicals, which must be registered. This provision is however likely to be aligned with the EU requirements in the future since the Korean Ministry of Environment issued a proposal in December 2016, which would make the Korea REACH Act more similar to the EU REACH Regulation by requiring all existing chemicals above one metric tonne per year per producer to be registered.

The EU and the Korean chemicals laws are both based on a systematic approach, composed of three consecutive steps: the gathering of data about chemicals and their uses is followed by the evaluation of the data, which can lead to regulatory measures restricting or banning the use of chemicals. They abolish the distinction between new and existing chemicals and shift the responsibility for generating hazard data from the authorities to the manufacturers of chemicals. The criteria for chemicals to qualify as substances of very high concern are virtually the same in the EU and South Korea. Both laws include the requirement that information about the risks and safe handling of chemicals must be communicated amongst

different actors along the supply chain (Biedenkopf 2013, 169–175). These and some other elements are novel aspects that were first adopted by the EU and later also implemented in South Korea. The striking similarities suggest a certain degree of learning or emulation by South Korean policy-makers from the EU pioneering policy.

Similar problems and the growing recognition that they needed to be addressed by reformed chemicals regulation created a receptive context and willingness to engage in a dialogue with the EU. South Korea faced similar shortcomings in its pre-2013 chemicals regulation as the EU did pre-REACH. These include a lack of data on the hazards and the uses of chemicals, slow progress in assessing chemicals and regulating risks, and a low degree of innovation for safer alternatives (Williams et al. 2009, 554–555; Hansen and Blainey 2006, 270–271; Schwarzman and Wilson 2009, 306). Only 15 per cent of existing chemicals had been evaluated under the pre-2013 Korean regulatory framework.[3]

The South Korean interest to cooperate with the EU on chemicals regulation also seems to be grounded in the entwinement of both chemicals markets through trade flows and connected supply chains. Through this channel the EU REACH Regulation can exert effects on South Korean chemicals policy. This corresponds with the mechanism of manipulating utility calculations. Chemicals manufacturing, chemicals-related industries and consumer markets in the EU and South Korea are interconnected. Compliance with EU REACH requirements can change costs and benefits of complying with similar rules in South Korea. Manufacturers that have already invested in compliance with EU rules are well prepared to comply with similar South Korean rules. The interdependence between the EU and South Korean chemicals markets is significant and trade in chemicals has intensified in recent years.[4]

South Korean and EU regulators interacted directly with each other to exchange experiences in formal and informal dialogues. Information about chemicals policy design but also chemicals data can play a role in South Korean policy-making processes. In the drafting of the Korea REACH Act, Korean authorities assessed the EU REACH Regulation and integrated certain elements in their own legislation (Chemical Watch 2011, 25). For example, delegations of South Korean regulators visited the ECHA to discuss EU experiences with its REACH pilot projects (Fallström Mujkic 2012, 12). Subsequently, South Korea implemented similar pilot projects (Biedenkopf 2013, 181–183). The EU thus actively supports learning processes through bilateral dialogues.

The EU-South Korea Free Trade Agreement (see Chap. 4) also plays an important role in establishing political dialogue and enables the EU to foster chemicals policy developments in South Korea. It established a Working Group on Chemicals, which met for the first time in 2012. Both sides exchanged views on cooperation on the implementation of Korea REACH and technical cooperation. Possibilities for exchanges of personnel were discussed (European Commission 2013, 6). At its meeting in 2013, plans were made to exchange contact information to facilitate technical cooperation (European Commission 2014, 8). When the group met in June 2014, the Korean delegation informed the EU about the implementation of the Korea REACH Act and the EU provided an update on its measures supporting SMEs under the EU REACH Regulation. Further technical cooperation was agreed (European Commission 2015, 6–7). In 2015 a number of aspects pertaining to the implementation of the EU REACH Regulation and the South Korean REACH Act were discussed, including risk management methods, the compatibility of the South Korean IT system with OECD formats and ensuring confidentiality of registered chemicals under Korea REACH (European Commission 2016, 8). The intensity and technical detail of EU-South Korea interaction in the context of the Free Trade Agreement appears to have grown as time and the implementation of the South Korean chemicals act progresses.

In June 2016, two database systems were launched to match South Korean companies with EU chemicals data owners. A European service provider and the Korea Chemicals Management Association established similar platforms that aim at facilitating the exchange of data between EU and South Korean companies. The aim is to help lead registrants find owners of data so that they can purchase this data rather than duplicate expensive and lengthy testing. The purchase and use of existing data can accelerate the registration process (Chemical Watch 2016a). This is an example of non-state cooperation and dialogue that nonetheless fosters an effect of EU chemicals policy on South Korean chemicals policy and its implementation.

Conclusions

The EU is a major player in international chemicals policy and has left its mark on many agreements and, to some extent, non-EU domestic chemicals policy. However, it has not been able to dominate international policy and cannot single-handedly steer decisions. The positions of other major

players, most notably the USA, China and India, seem a crucial factor that conditions EU activities and influence. The receptiveness to engage with the EU appears important for bilateral external chemicals policy.

The EU has remained a relatively stable actor, not always the most ambitious but with a continuous tendency to promote a relatively high level of health and environmental protection. The level of ambition is always relative. Much more ambitious positions than those advocated by the EU can certainly be imagined but are de facto not advocated by any negotiation party. The level of EU ambition in international chemicals negotiations and external policy in general, therefore, has been considered relative to the other players. Compared with most other countries, the EU's internal and external chemicals policy is more ambitious. This is expressed in the REACH Regulation as well as EU positions in international chemicals negotiations.

The EU has been effective to some extent in shaping multilateral chemicals policy but it could not sway developments single-handedly. Historically, negotiations resulted in international agreements when the USA also actively participated in the process. This can be seen as the result of their large share of the global chemicals market, lending both entities significant influence and power on international negotiations (see Chap. 15). Negotiation results often ranged somewhere between the more progressive European and the more cautious US position. These dynamics have changed with emerging economies, in particular China and India, becoming key players in global chemicals production and trade, which gives them a growing leverage in international negotiations and conditions the EU's external governance toolbox. The Minamata Convention was in part achieved because China and India eventually altered their positions (Selin 2014, 7–16). Finding consensus has become more complex. The EU's relative influence has declined, making persuasion and diplomacy towards a larger number of countries essential.

The USA's characteristics as an international chemicals actor have fluctuated significantly with its political leadership. With President Obama's election progress could be made on a number of international negotiations, regardless of the USA's non-ratification of most of the main chemicals conventions. The conclusion of the Minamata Convention is the prime example of the changed dynamics between the Bush and the Obama presidencies. The USA was actively involved in the negotiations and acceded to the convention, which arguably has made the convention possible at all (Andresen et al. 2013). Accession was possible since the con-

vention did not require the adoption of new US legislation, which enabled joining the convention by depositing an Instrument of Acceptance without prior Senate consent. The international constellation of positions and interests has dramatically changed with President Trump's term of office. This also has implications for the EU's role in international chemicals policy.

Strong EU-internal chemicals policy fosters the Union's unity and a strong negotiation position in multilateral settings. Since all EU member states agreed on the pioneering REACH Regulation and are implementing it through its various processes such as registration and evaluation, they have a strong common baseline. In combination with the motivation to defend the competitiveness of the EU chemicals industry, this common ground builds the basis for relatively ambitious positions without much internal controversy.

Non-EU countries' receptiveness to engage in bilateral dialogue and capacity building appears a precondition for transferring EU chemicals policy abroad. Yet, not only chemicals policy design but also the data that is generated in the course of its implementation, reporting formats and requirements as well as IT tools are examples of other elements pertaining to the REACH Regulation that are subject to bilateral dialogue and capacity building. Given the high degree of complexity, chemicals regulation is an area in which a number of countries require assistance to achieve certain policy goals. This has been recognised by the EU and led to the inclusion of chemicals-related technical assistance in the European Neighbourhood Policy and the European Commission's global outreach. The chemicals industry's high degree of globalisation, which leads to a high degree of interdependence, seems to have contributed to fostering non-EU countries receptiveness to EU external chemicals policy. Dialogue, cooperation and outreach to receptive partners seems all the more important in times of complex US politics and in light of the sea change that President Trump induced in US environmental policy. While in the past strong EU-US partnership has driven international chemicals policy forward, emerging economies have developed into additional important players that merit due attention and can yield noteworthy power.

Notes

1. EU Regulation No. 1907/2006.
2. EU Regulation No. 1013/2006.

3. Author's personal communication with experts on South Korean chemical regulation, 19 June 2012; presentation by South Korean chemicals regulation expert, 26 June 2012.
4. Eurostat Extra-EU trade of chemicals and related products (SITC 5): http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do

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Countries and Regions

Latin America: A Pragmatic Approach and a Modest Contribution

Roberto Dominguez

Introduction

This chapter examines the European Union's (EU) external environmental policies towards Latin America. It does so by observing the contribution of the EU, in conjunction with other parallel factors, to environmental governance in Latin America over the past two decades. The chapter finds that the transfer of EU environmental norms and policies is limited in light of: (a) the modest political and economic leverage of the EU in Latin America; (b) the implementation, albeit problematic, of international environmental rules, norms and policies in Latin America; (c) transformation in Latin American societies leading to an internal demand for better environmental standards; and (d) bilateral environmental cooperation with other international actors, particularly the United States. These four factors all contribute to improving environmental governance in Latin America in which the contribution of the EU's external environmental policies is relatively modest, especially in light of the scale of the environmental challenges the region faces as well as the lack of economic resources and administrative capacity to tackle them.

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Embracing a pragmatic approach based on limited resources, the EU environmental programmes in Latin America have focused on bolstering the capacity of governments in the region to improve environmental standards concerning matters such as climate change, renewable energy, deforestation and accessibility to potable water (European Commission 2014). This chapter analyses the EU's external environmental policies using the three logics of the EU's external environmental governance as outlined in the introductory chapter of this volume: dialogue and negotiation, manipulating utility calculations and capacity building. The effectiveness of these efforts is difficult to assess in light of the largely complementary role of the EU in influencing public policies in Latin America.

The chapter begins by exploring the context of the environmental agenda in Latin America. The second part contextualizes the environmental governance framework of EU-Latin American relations, particularly concerning dialogues and utility calculations. The third section examines EU regional and bilateral programmes in Latin America focused on a variety of forms of environmental capacity building. The final part of the chapter sets out four factors that can help account for the effectiveness (or lack thereof) of the EU's external environmental governance in Latin America.

Contextualizing the Environmental Agenda in Latin America

Since the 1970s, environmental awareness has risen in Latin America as governments and civil society increasingly embraced the preservation of ecosystems as a valid objective of public policies. The environmental challenges, the capacity to respond and the extent to which each country contributes to these challenges, however, varies across Latin American countries. Taking climate change, for example, the region as a whole produces only 9 percent of global greenhouse gas emissions; the main source of emissions is the energy sector, which accounts for 42 percent of the region's total emissions (the global pattern is slightly less than three quarters of the total); the second and third sectors by emissions are agriculture (28 percent) and changes in soil use and forestry activities (21 percent), respectively (Economic Commission for Latin America and the Caribbean 2014). Based on current economic trends and environmental practices, projections indicate that the region's emissions from the energy and agricultural sectors will continue to climb while those associated with deforestation and repurposing land will decline (Economic Commission for Latin America and the Caribbean 2014).

The relatively modest greenhouse gas emissions, compared to other regions or countries, do not, however, preclude the effects of environmental degradation. Latin America is endowed with a wealth of natural resources and biodiversity—it is the world's richest biological area fielding roughly 40 percent of the world's plant and animal species (IDB 2016). However, dramatic changes in the climate have brought substantial increases in rainfall on the western coast of South America while many areas further inland have suffered from drought. The enforcement of environmental policies and laws is also a challenge leading to rapid deforestation in South America despite the increased coverage of terrestrial protected areas from 8.8 percent to 23.4 percent between 1990 and 2014 (United Nations 2015).

The overarching position of Latin America in global climate change and environmental negotiations tends to align with that of the Global South. However, strategies and priorities vary across countries within the region. For instance, in the context of addressing the commitments made in the 2015 Paris Agreement, Latin American countries are already implementing policies to reduce greenhouse gas emissions. The two largest greenhouse gas emitters in the region—Mexico and Brazil—in particular are making sizable reductions. However, only one country in the region, Costa Rica (discernibly the most advanced Latin American country regarding environmental policies), set the ambitious target of achieving carbon neutrality by 2021, while also becoming the first country to negotiate the sale of forestry carbon credits (World Bank 2013). Considerable efforts are still ahead if the commitments made under the Paris Agreement are to be met: by 2050 Latin America will have to stop deforestation and reduce emissions from agriculture and other non-energy sources. This entails cutting consumers' energy use by 40 percent through improvements in efficiency, decarbonizing 90 percent of its power sector while electrifying its entire transportation sector, and replacing high-carbon energy sources like oil and gas with zero carbon sources, such as solar or wind energy (Viscidi and O'Connor 2016).

Shaping the EU-Latin American Environmental Agenda

Based on the review of the array of interactions between the EU and Latin American countries, the environmental agenda is largely defined and shaped through three different mechanisms. The first is the regular dialogue that the EU holds with Latin America as a region as well as with

sub-regions and individual countries, which allows identifying the areas of consensus and potential cooperation. The second mechanism is the allocation of EU resources (aid) and development of legal mechanisms (association agreements), which is emblematic of the actor's utility calculations reflected in tangible instruments and normative and legal frames for the implementation of environmental policies. The third is the implementation of EU environmental programmes that target specific areas of cooperation and, from the perspective of this chapter, aim to contribute building the capacity of Latin America to address environmental concerns.

Dialogues and Negotiation

The main dialogue mechanism in operation between the two regions is the EU-Latin American Summit, which meets every two years. The first summit was held in Rio in 1999 so for almost two decades the EU and Latin American countries have outlined, revised and adapted a comprehensive agenda in these summits ranging from strengthening multilateralism to combating terrorism and implementing environmental cooperation (Dominguez 2015b). While both regions share the assumption that a balanced ecosystem is a collective good, reaching an agreement on a common strategy to preserve these collective environmental goods has been more controversial. Nonetheless, the summits have laid a foundation for identifying areas of cooperation in a variety of fields that both parties consider pertinent.

A brief review of the environmental agendas in the summits reveals that there is a broad array of areas that both regions have agreed to work on. However, the Declarations resulting from the summits condense a variety of high-level consensuses in decidedly broad and diplomatic language. For example, the Santiago (Council of the European Union 2013) and Brussels (Council of the European Union 2015) Declarations both reference clearly a common commitment to adhering to the principles and practices of international environmental legal frameworks such as the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity, the Sendai Framework for Disaster Risk Reduction 2015–2030 and the needs of the Small Island Developing States.

In addition to the environmental agenda inserted in the main summit agenda, meetings between ministers of environment of both regions became more frequent, particularly after the 2008 Lima Summit,

in different formats at the summits themselves or at bilateral level with individual countries. Most of the topics include climate change related developments, renewable energy, disaster preparedness, natural resource management, forest and biodiversity preservation, and desertification (Council of the European Union 2008).

While this general environmental consensus is positive in both the high-level summits and ministerial meetings, the environment is not high in priority on the bi-regional agenda. The Santiago and the Brussels Declarations as well as speeches of EU officials indicate that economic affairs top of the agenda while the environmental variable is placed in a mid or lower position in the hierarchy of priorities (Dominguez 2015a; Mogherini 2015). For example, in January 2015, the EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, participated in the meeting of the Community of Latin American and Caribbean States (CELAC) in Costa Rica and presented her views on the bi-regional priorities. Most of the statements in her speech pertained to economic related issues such as investment and medium and small enterprises, in addition to security, technical innovation and education; environmental sustainability was mentioned only peripherally (Mogherini 2015).

While the EU-Latin America summits provide a framework for bi-regional cooperation on the environment, more specific channels of cooperation are pursued through dialogues with individual Latin American countries. EU dialogues with Brazil and also Mexico are particularly relevant. Since 2006 the annual EU-Brazil Dialogue on the Environmental Dimension of Sustainable Development has reviewed the state of bilateral cooperation between the two entities (Boniatti-Pavese 2013). In the sixth and most recent meeting of this dialogue, which took place in Brasilia in January 2014, the focus was on the collaboration between the United Nations Forum on Forests (UNFF) and Brazil, biodiversity, wildlife trafficking, and the priorities for bilateral programmes and projects (European Commission 2016a). The EU-Mexico High Level Dialogue on Environment covers themes of mutual interest including the conservation and sustainable management of natural resources, biodiversity, international environmental governance, sustainable production and consumption, urban environment and chemicals/pesticides. The sixth dialogue took place in Mexico City in 2015 and focused on the environmental dimension of the Agenda 2030, illegal wildlife trafficking, forest management, biodiversity, chemicals and waste, as well as bilateral and regional cooperation (European Commission 2015b).

Manipulating Utility Calculations

Association agreements and aid allow analysing the environmental areas where both parties have agreed to cooperate as well as identifying the main aspects where the EU and Latin America recognize potential benefits. However, the nature of both instruments opens differentiated leverages for advancing the environmental agenda of the EU or Latin American countries. On the one hand, both parties negotiate the areas of cooperation in association agreements that depend on mutual acceptance of decision makers and approval of domestic legislative bodies; on the other hand, the EU is able to determine the areas and the amount of resources allocated to environmental aid, regardless of the input of Latin American partners.

The EU has signed three association agreements with Latin American countries, which include environmental provisions that reinforce good environmental practices already implemented and stimulate new ones. Association agreements are more complex instruments than standard free trade agreements (FTAs). The former are international agreements that the European Union has concluded with third countries with the aim of setting up an all-embracing framework to conduct bilateral relations (from democracy and human rights to environment); the latter aim at opening up markets on both sides as well as increasing the stability and predictability of trade. In contrast to dialogues, which are by nature indicative of non-binding goals, association agreements are approved by respective legislative bodies and entail binding legal commitments. However, while environmental provisions are included in three association agreements with Latin American countries (Mexico, Chile and Central America) and two free trade agreements (one with Colombia and Peru and another with Ecuador), their main goal is to provide a framework for promoting good environmental practices and cooperation. These provisions have evolved considerably from the first EU association agreements with Mexico (1997) and Chile (2000) to the most recent ones with Central America (Honduras, Nicaragua, Panama, Costa Rica, El Salvador and Guatemala) (2010). While only a few environmental provisions were included in the original EU-Mexico association agreement, the number of areas included under environmental sections has increased in the recent association agreements. For instance, the EU-Central America Association Agreement includes in Title V several articles on the environment, natural disasters and climate change; other references to environmental cooperation are peripherally

included in the articles focused on non-environmental sectors, such as the logistical management of natural disasters (Article 51), industrial cooperation (Article 64), energy (Article 65) and mining (Article 66).

In addition to inserting environmental provisions in association agreements (and so making a closer relationship with the EU conditional on the adherence with certain environmental provisions), the EU uses development aid as an incentive for environmental activities in Latin America at two different levels: regional and bilateral. Regarding the former, based on the Development Cooperation Instrument (DCI) (2014–2020; see Chap. 5), the regional aid to Latin America is limited relative to other regions: In 2014, Latin America received just four percent of EU's total aid, as opposed to sub-Saharan Africa or Asia (South and Central Asia as well as the Far East) which received 17 and 15 percent, respectively (European Commission 2015a). Despite of the limited resources allocated to Latin America, the environment has increasingly become more resourced over the past two decades, especially in its regional programme for Latin America: under the previous iteration of the DCI (i.e. 2007–2013) mitigating deforestation, climate change, water accessibility and natural disasters received €34 million (or 6.1 percent) out of the total budget (€559 million) while an additional €29 million was allocated to the sub-regional counterparts (Central America received €20 million and the Andean Community €9 million) (Durán Lima et al. 2014).[1] For the period 2014–2020, the DCI budgeted €925 million to Latin America; under the Continental Programme (Component 1) €300 million are allocated directly to environmental sustainability and climate change, with another €40 million allocated to climate change and disaster management in the Sub-regional Programme for Central America (Component 2) (European Commission 2016d). This means that in these regional programmes the EU is able to use the allocation of resources as an incentive to pursue its environmental objectives.

EU bilateral aid to Latin America features two characteristics: the number of recipients is more limited in response to the benchmark of Upper Middle Income Country (UMIC) status; and the demand of resources for environmental policies is overshadowed by other priorities in the national agendas. Thus, Latin America is grouped in three categories of countries. Eight countries are not eligible for bilateral aid because they have reached the UMIC status (Argentina, Brazil, Chile, Costa Rica, Mexico, Panama, Uruguay and Venezuela). A second group of three countries (Peru, Ecuador and Colombia) are expected soon to improve their economic

situation and consolidate their UMIC status to graduate from bilateral cooperation under the DCI. However, in December 2013, the European Parliament, European Commission and the Council of the EU decided to make an exception and continue EU cooperation with these three countries for a phase-out period of 2014–2017. At the bilateral level, EU aid focuses on specific areas that are top priorities in the national agendas of recipients. Three examples provide an overview of the variety of national priorities and how the environmental variable becomes dispersed in light of other priorities. For the period 2014–2020, EU aid to Guatemala (€186 million) is allocated to food security, conflict resolution, peace and security and competitiveness (European Commission 2017b); aid to Nicaragua (€204 million) concentrates on productive sector with a focus on rural areas, effective education for employment and adaptation to climate change as main sectors (European Commission 2017c); and Bolivia (€281 million) receives assistance for a budget with three priorities, namely, justice reform, curtailing drug trafficking and integrating water management (European Commission 2017a).

Another instrument pertaining to environmental policy is the Partnership Instrument, in which the EU cooperates with partners around the world to advance the Union's strategic interests and tackle global challenges. Under objective 1 of Article 1.2 of the Partnership Instrument Regulation, Mexico and Brazil are identified as strategic countries that can support the EU developing collective approaches and responses to challenges of global concern such as energy security, climate change and environment. Given the Partnership Instrument's limited budget (€960.4 million) for 2014–2020, the Partnership Instrument seeks complementarity with other EU external instruments. For the implementation of cooperation for objective 1 of Article 1.2 mentioned above, the EU allocated €126 million for the period 2014–2020 for the Americas (including Brazil, Mexico and other Latin American countries) (European Commission 2016e).

Another source of funding that incorporates environmental projects is the European Investment Bank. Under the current mandate covering the period 2014–2020, the European Investment Bank has been authorized to lend up to €2.3 billion for operations in Latin America supporting EU cooperation strategies, including complementing other EU development and cooperation programmes and instruments. While European Investment Bank projects oriented towards environmental sustainability, climate change mitigation, greenhouse gas reduction, renewable energy and energy efficiency, and carbon captures and storage are included in its

agenda, little data exists about the extent to which these contribute to environmental objectives (European Investment Bank 2013).

Dialogues, association agreements and allocation of resources are key components of the EU environmental policy in Latin America. The general trend in these three components indicate that in spite of the limited focus on Latin America in EU external relations, environmental concerns have increased in relevance regarding the bi-regional agenda. In a context of limited resources, both sides of the Atlantic seek to produce tangible improvements for Latin American environmental conditions. As will be explained in the following section, most EU environmental programmes to Latin America share the common denominator of building and/or bolstering the capacity of Latin American countries to achieve their environmental goals effectively.

Capacity Building Programmes

Latin American governments are responsible for identifying environmental priorities, designing institutions for policymaking and implementing decisions that ameliorate environmental degradation. Unfortunately, the capacity and resources of these governments do not always meet the growing expectations in this regard. The EU's capacity building activities in Latin America have focused on four main areas: climate change, renewable energy, water accessibility and deforestation. Out of six programmes, three are still active or are about to expire (EUROCLIMA, WATERCLIMA and RALCEA), while three have already concluded (EURO-SOLAR, CLIMACAP and FLEGT South America) (see Table 11.1). It is unclear whether the programmes will be renewed or replaced by alternatives.

Training, network formation and capacity building have been important goals of EUROCLIMA and CLIMACAP. The Lima Declaration (2008) established EUROCLIMA to facilitate EU-Latin America cooperation on climate change issues with a budget for €5 million. From 2010 to 2013, more than 700 Latin American government officials and scientists across 18 countries attended training on innovative techniques for researching climate change scenarios. EUROCLIMA has supported the preparation of guidelines on adaptation and mitigation policies, in addition to outlining plans of action as well as extrapolating findings of studies assessing the social and economic impacts of climate change, including fiscal policies and public finance (EUROCLIMA 2017). During the eighth EU-Latin American bi-annual Summit in Santiago in January in

Table 11.1 EU environmental programmes in Latin America

Environmental area	Programme	Focus
Climate change	EUROCLIMA I (2010–2013) and II (2014–2016) and Integrated Climate Modelling and Capacity Building in Latin America (CLIMACAP)	Capacity building, training networks
Renewable energy	EUROSOLAR	Capacity building, infrastructure
Water	Latin American Network of Centers of Excellence in Water (RALCEA) and Watershed and Coastal Management in the Context of Climate Change and the Caribbean (WATERCLIMA)	Information networks
Reforestation	Forest Law Enforcement, Governance and Trade (FLEGT) South America	Capacity building

2013, in which Latin America was organized under the CELAC for the first time, the European Commission extended EUROCLIMA until 2016, with an allocated budget for the period of 2014–2016 of €11.4 million (EUROCLIMA 2017). On the other hand, the European Commission provided funding of €750 million for the Integrated Climate Modelling and Capacity Building Project in Latin America (CLIMACAP) project from 2012 to 2015 (European Commission 2014). The project was led by the Energy Research Centre of the Netherlands and implemented in partnership with leading European and Latin American universities, think tanks and institutes. The project aimed to strengthen modelling capacity to support climate change mitigation strategies in key Latin American countries and regional groupings. It also aimed to generate cross-model comparison analyses and scenarios up to 2050 that focus on issues such as the economic impacts of policy measures, mitigation costs and potentials, and costs and pathways for reaching specific emission reductions (CLIMACAP 2014).

In contrast to EUROCLIMA and CLIMACAP, which are focused on developing networks and training officials and scholars, EURO-SOLAR focused on reducing poverty on the ground in isolated rural communities by providing sources of renewable solar and wind energy. The programme covered eight of the least developed countries of Latin America (Bolivia, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay and

Peru) and provided 600 beneficiary communities with a hybrid system of photovoltaic panels, in some cases combined with a small back-up wind generator. The implementation period ran from 2007 to 2013, and the total budget invested was €36.4 million, 80 percent of which was financed by the EU (EURO-SOLAR 2013). This programme has been considered quite successful and became a model to be replicated in other regions in light of innovation capacity and direct impact on local communities (European Commission 2014).

In the area of water policy, two capacity building programmes have been implemented. The Latin American Network of Centres of Excellence in Water (RALCEA) project supported the establishment of a network of knowledge centres in the water sector, mainly based in universities and research institutes. The EU supports a similar network in Africa (see Chaps. 7 and 13). RALCEA aimed to promote policies based on sound information and evidence in the water sector by supporting the development of a network of knowledge centres. To this end, the programme reinforced the coordination of activities among several research centres and monitors what policy decisions are being implemented. From 2010 to 2015, the European Commission provided €2.25 million of the project's €2.5 million budget (EuropeAid 2014a). The second programme in the water sector is WATERCLIMA LAC, which aims to improve watershed and coastal management in the context of adapting to climate change. Starting in 2014 with an anticipated duration of four years, this programme is being implemented in the Latin American and Caribbean region with a total projected budget of €8.7 million, of which €7 million has been granted by the European Commission (EuropeAid 2013).

Reforestation

Reforestation is one of the key areas of environmental policies in Latin America because forest degradation is the main source of greenhouse emissions in the region and scientific studies suggest that policies which halt destruction of forest cover will be key to stabilizing worldwide greenhouse emissions (Vosti et al. 2011). The EU seeks to contribute to reforestation in Latin America through the EU FLEGT Action Plan and the United Nations' Reduction of Emissions from Deforestation and Degradation (REDD). With a budget of €1.2 million, the EU's FLEGT South America programme (2011–2014) aimed to bolster the capacity of South American governments to develop initiatives which reduce illegal

logging and bring timber trade in line with EU FLEGT targets (EU-FLEGT 2014) (see Chap. 9). Although deforestation problems in Latin American countries require more resources than EU cooperation can provide, a brief analysis of deforestation problems and related policies in Ecuador, Peru and Colombia (countries where EU FLEGT was implemented) indicates that international cooperation (including from the EU) supports, but does not substitute, the active engagement of Latin American governments in reversing deforestation (Grantham Research Institute on Climate Change and the Environment 2016b, c, e). The other EU contribution in the area of reforestation is the REDD+, in which the EU REDD Facility participates by supporting partner countries in improving land use governance as part of their effort to slow, halt and reverse deforestation. In Latin America, the EU REDD Facility has developed synergies with the EU FLEGT Action Plan in countries such as Honduras and Guyana (EU REDD Facility 2016).

In the case of the EU's two Strategic Partners[2] in Latin America, Brazil (2007) and Mexico (2008), EU cooperation in the area of reforestation is decidedly limited when compared with the scale of the challenge as well as the other initiatives at play. In their study about EU-Brazil environmental relations, Afionis and Stringer (2014) argue that while the 2007 strategic partnership has revolutionized overall bilateral relations, the environment dimension has struggled to keep up, with insufficient EU funding being the primary reason for the scarcity of joint actions in this field. For instance, one of the EU projects aimed at protecting biodiversity and poverty reduction through forest conservation in Southern Bahia (2005–2009) with an EU contribution of €1.5 million (77 percent of the total budget) (EuropeAid 2014b). While the immediate positive impact of this EU programme strengthens EU-Brazil relations, it is limited in the context of the dimension of bio-diversity and poverty problems that Brazil is facing today. In this regard, producing a synergy between nationally driven initiatives and those supported by international organizations is a key element to advance the effectiveness of environmental programmes. Some examples include the coordination between the National Plan on Climate Change, the national REDD+ draft law, public debate about development of Brazil's National REDD+ Strategy, and the 2010–2020 Low Carbon Agriculture Programme (Grantham Research Institute on Climate Change and the Environment 2016a). In Mexico, relevant examples include the new National Forestry Programme 2014–2018, which created a basket of 17 indicators to evaluate the implementation of the Strategy objectives for

2018; national and municipal forest inventories which are to be created and linked to the REDD+ Measurement, Reporting and Verification (MRV) system based on the latest UNFCCC guidelines. As of June 2014, there were 11 REDD+ projects and around 38 forest initiatives initiated in Mexico (Grantham Research Institute on Climate Change and the Environment 2016d).

The environmental programmes and projects mentioned above (climate change, renewable energy, water, reforestation) contribute to building the capacity of Latin American countries relative to environmental governance: allocating resources, seminars, networking activities and the provision of equipment, among others, are substantive actions. If the benchmark is the EU activity in itself, then the assessment is quite positive. The impact of these actions, however, is more difficult to assess and little information is available to answer important questions on the effectiveness of these activities in pursuing the EU's external environmental objectives: How effective is the training they received? What is the capacity of participating officials to transform practices and policies? What alternative resources are said officials receiving from other governments and international organizations? Is the EU training only addressing a very small share of their environmental capacities? Furthermore, despite increasing resources allocated to more innovative environmental programmes, the impact of the EU's activities in this area is modest in light of both the scale of the challenge as well as the range of other international actors also seeking to contribute and influence Latin America's evolving environmental governance regime. The contribution of the EU to Latin America's forest policies in a larger context puts in perspective the contribution of the EU's environmental cooperation in Latin America.

Explaining the EU's Contributions to Environmental Governance in Latin America

Four factors converge to help account for the pattern of the EU-Latin American environmental relationship observed above. The first is the modest political and economic leverage of the EU in Latin American: the four largest Latin American economies represented only 4.4 percent of EU's total trade in 2015. Brazil was ranked the 10th EU trade partner (1.9 percent), followed by Mexico (ranked 14th representing 1.5 percent), Argentina and Chile (ranked 36th and 38th, respectively, representing 0.5 percent each). In contrast, total EU trade with the United States

reached 17.6 percent and with China 14.8 percent (European Commission 2016b). While the relevance of Latin America to individual EU countries varies due to historical roots (particularly in the cases of Portugal and Spain), the overarching economic and political weight of Latin America in the EU's international relations remains quite limited. From the Latin American perspective, the EU represented 7.7 percent of Mexico's total trade, 14.4 in the case of Chile and even larger shares in Colombia (15.6) and Brazil (19.6) (European Commission 2016b). The varied role of the EU in the area of trade indicates that Latin American countries interact with other regions and countries that often display more economic and political leverage than the EU, particularly the United States and China.

The second factor is the implementation, albeit problematic, of international environmental rules, norms and policies in Latin America. While the region experiences an increasing demand for environmental preservation, the immediacy of other social and economic pressures extracts resources from the environmental agenda. Conducive circumstances for strengthening environmental policies such as the absence of interstate-armed conflicts for several decades, the consolidation of electoral democracy, and steady economic growth are overshadowed by a level of criminal activity in some cities that is among the highest in the world, pervasive corruption ingrained in the institutions of certain countries, and high inequality endemic to the region. These latter trends constrain the further development of the environmental agenda in Latin America. While climate change is one of the most defining elements of the environmental agenda of our generation, governments of Latin American countries must allocate significant resources to address immediate citizen insecurity or extreme poverty, often subsequently marginalizing environmental concerns. The intrinsic problem is that the economic structures are still based on extractivist economic models (Araujo et al. 2014) leaving the region highly susceptible to oscillations in the international prices of commodities, a situation which eventually becomes detrimental for increasing environmental standards. Some examples are emblematic of this problem: Venezuela has cut budgets as plummeting oil prices slash the country's export income; Peru has relaxed environmental regulations to clear the way for major mining projects in an effort to augment production in the face of falling prices of copper, gold and other metals; and Brazil, hurt by slumping prices for iron and soybean exports, is expected to cut spending and eliminate tax breaks to shore up government finances (Neumandec 2014). In other words, some urgent or immediate priorities and vulnerabilities such as inequality, levels of citizen

security and commodity-oriented economic structures impact (often negatively) the implementation of environmental policies in Latin American.

The third factor that helps account for the pattern of the EU-Latin American environmental relationship observed is the transformation in Latin American societies leading to a demand for better environmental standards. While at the regional level environmental cooperation remains to a great extent based on exchanges of experiences, state and civil societies increasingly demand policies for environmental preservation. The 2016 Cartagena Declaration is one of the most recent regional political manoeuvres facilitating environmental cooperation in the case of climate change. The Declaration created a regional cooperation platform to better advance mitigation, adaptation and loss and damage resulting from climate change, as well as to facilitate biodiversity protection, waste and chemical management, cut short-lived pollutants, and reinforce the 10-year framework of programmes on sustainable consumption and production patterns in accordance with the 2030 Agenda for Sustainable Development (Climate Policy Observer 2016). From the perspective of individual states, several countries, including Colombia, Brazil, Chile, Mexico and Peru, have all identified significant investment opportunities in renewable energy and are now exploring how carbon markets can be engaged to support such investments. According to the International Finance Corporation, Latin America and the Caribbean are likely to see up to USD 1 trillion of clean energy investment opportunities by 2040, of which USD 600 billion are expected to materialize by 2030 (United Nations Framework on Climate Change 2016). Also, most Latin American countries have one or more renewable resource-specific laws (e.g. geothermal law or biomass law) and 19 Latin American countries practice the setting of national renewable energy targets providing a clear indication regarding the level of renewable energy development and the timeline for implementation envisioned by governments (IRENA 2015). The role of civil society organizations advocating environmental preservation is also very important. These organizations are quite active in Latin America and operate along a wide range of environmental topics, for example the World Rainforest Movement, a globally active organization that operates in subtropical regions of the globe and the Chilean Resistance to Environmentally Destructive Projects, a grassroots organization that scrutinizes the impact of governmental environmental projects (United Nations Environment Programme 2010). In some cases, these environmental groups are organized around large coalitions such as the Brazilian Forum of NGOs and Social Movements for

the Environment and the Development (FBOMS), a broad coalition of various NGOs and Social Movements operating in Brazil that lobbies and collects data for sustainable development practices, renewable energy, environmental protection and other related issues.

The fourth factor that helps account for the pattern of the EU-Latin American environmental relationship observed is bilateral environmental cooperation with international organizations and the United States. From the information gathered in this chapter, there is no evidence that the environmental role of the United Nations, World Bank or the United States competes with EU programmes in the Latin America. By and large, global and regional environmental goals coincide with actions implemented by local governments in Latin America. As part of commitments with international organizations, all Latin American countries are signatories to the Paris Agreement (United Nations Framework on Climate Change 2017),[3] while 20 mayors in the region are part of the C40 LAC Cities pledge to set and publicly report targets to reduce greenhouse gas emissions, before the end of 2017 (United Nations Framework on Climate Change 2015). In the case of REDD+, for example, some important synergies accompany the efforts of other international actors, including the EU, and local governments, while the Inter-American Development Bank funds the Sustainable Energy Facility for the Eastern Caribbean) (CARICOM Today 2015). Regarding the United States, environmental policies to the region operate by using two instruments at least: funding and environmental clauses in FTAs. Regarding funding, mostly through the Environmental Protection Agency, the United States provides funding for several programmes including the Sustainable Energy Capacity Building Initiative Caribbean Region (2014–2016) and the Caribbean Energy Security Initiative (ECPA 2017). On the other hand, the inclusion of environmental standards in FTAs has reinforced domestic and international trends of greening economic growth in Latin America. Out of its 20 free trade agreements in force worldwide, the United States has signed 6 with Latin American countries. Bilateral Environmental Cooperation Agreements and/or Environmental Cooperation Commissions have been signed and created respectively between the United States and Mexico (1994), Chile (2003), Peru (2006), Panama (2012) and Colombia (2013) (Hussain and Dominguez 2015). In addition to Environmental Cooperation Agreements, the Environmental Protection Agency programme in Latin America and the Caribbean works on three different areas: (a) strengthening the capacity to implement and enforce environmental laws, policies, and programmes; (b) advancing

greater use of economic incentives; and (c) promoting public participation and transparency in environmental decision-making (Environmental Protection Agency 2015).

In sum, the EU's efforts to strengthen environmental practices in Latin America manifest in a context of parallel reinforcing factors such as international cooperation provided by other countries/organizations and domestic greening forces within Latin American states oriented towards preserving ecosystems; but it is also constrained due to other priorities of the national agendas of the countries and their limited resources to address them. Against this background, low economic and political interdependence between the EU and Latin America in conjunction with the fact that EU aid to Latin America is quite minimal, the EU leverage is decidedly modest relative to regions closer to the European neighbourhood or with regions where the relationship between the two regions is stronger.

Conclusions

Preservation of the environment is increasingly a significant part of public policies worldwide. This goal is shared firmly in the Euro-Latin American relationship as well. However, each country and region contributes to environmental degradation differently and, more importantly, is equipped with differing capacities to respond and adapt to environmental challenges. The review and evaluation of EU environmental policies towards Latin America reveals that dialogue at the bi-regional and bilateral level, association agreements and allocations of resources all feature in the Euro-Latin American environmental relationship. Environmental topics have risen up the bi-regional agenda, albeit in a context of limited resource allocation.

This chapter has argued that seminars, networking activities, provision of equipment and allocation of resources are focused on supporting and developing Latin American abilities and capacities rather than on substituting the responsibility of local governments to address environmental challenges. The goal of capacity building embedded in the programmes examined involve some level of innovation shared with the recipients of said programmes, be they officials and scientists (e.g. EUROCLIMA) or poor communities (e.g. EUROSOLAR). Far from the EU's more pronounced ability to transfer its environmental policy to its close neighbourhood (see Chap. 12), environmental policies in Latin America are shaped by a broader variety of factors, including, but not limited to, the intensity of economic relations with other external partners and the supply of environmental

programmes from various international organizations. In this regard, for a rough yardstick, EU environmental programmes in Latin America could be considered as successful if measured exclusively by the number of out-puts or actions. But such assessments would hardly consider the impact or outcomes of such policies. Given this, if the evaluation of those EU pro-grammes is put in a larger context where national policies, the participa-tion of non-state actors and cooperation from other donors interact, the EU external environmental policy is but one component among many others positively influencing the environmental capacity of Latin American countries.

Notes

1. Sub-regional programming (Central America, the Andean Community and MERCOSUR), totaling 195 million euros for the multiannual period 2007–2013, was the kind of multilateral cooperation that provided the most support for regional integration processes in Latin America.
2. Over the last decade, the EU has set up 10 strategic partnerships with a range of important countries: Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa, South Korea and the United States.
3. Ten Latin American and Caribbean countries were still working on the rati-fication process as of February 2017: Chile, Colombia, the Dominican Republic, Ecuador, El Salvador, Haiti, Jamaica, Surinam, Trinidad and Tobago and Venezuela.

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Neighbourhood Countries: Promoting Environmental Protection Close to Home

Aron Buzogány

INTRODUCTION

Given the geographic proximity of the European Union to the neighbourhood countries in Eastern Europe and the Mediterranean, defining the EU's relationship towards this region has been seen as a priority over the last decades. The policy framework regulating these relations, the European Neighbourhood Policy (ENP), offers privileged relations for the 16 states in the EU's east (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) and south (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria and Tunisia). The main instruments of the ENP are jointly agreed-upon Action Plans which identify a number of key priorities in policy areas such as political dialogue and reform, people-to-people contacts, trade, justice and home affairs, energy, transport, social policy and environment. While one would expect that the external dimension of EU environmental policy is likely to be particularly well-developed, environmental policy is a secondary policy field in the ENP scheme (Buzogány and Costa 2009). Adding an environmental dimension to the EU's relations with neighbouring states has been a protracted process that

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was subject to numerous setbacks (del Castillo 2010). An external green agenda gathered force during early 2000s when the EU exported its whole environmental *acquis* comprising close to 200 directives into the Central and East European states. However, due to the lack of conditionality in the neighbourhood policy, expectations about the EU's impact on neighbouring states were tempered. Recent studies on the effectiveness of EU environmental policies in the neighbourhood countries show that there is variation regarding both how much these countries show interest in adapting to EU environmental norms and also the specific policies they choose (Wetzel 2011; Ehrke 2010; Buzogány 2013; Schulze and Tosun 2013; Lesser 2009; Costa 2010; Nizhnikau 2015, 2016).

This chapter analyses EU external environmental policy towards the neighbourhood countries by placing the main emphasis on the domestic level (i.e. the target states) to explain variances in outcomes. This will underline the argument that in order to understand success and failure factors of EU external environmental governance, the careful adjustment to the necessities of the recipient countries is of great importance. Following the framework outlined in Chap. 1, this chapter differentiates between three mechanisms through which the EU seeks to export environmental governance to the neighbourhood states (see also Costa 2010; Buzogány and Costa 2009; Knill and Tosun 2009; Barbé et al. 2009; Börzel and Risse 2012). These pathways of influence imply different targets. The first is the EU's *manipulating utility calculations* mechanism. While this first mechanism addresses the willingness of actors to support policy change, the second, the *capacity-building mechanism*, is geared towards their capacity to do so. In the case of ENP manipulating utility calculations and capacity building are very closely related. The main possibility for differentiation is that the manipulating utility calculation mechanisms can be a leverage pushing a jurisdiction towards adopting a certain policy and changing its preferences in this regard, while the capacity-building mechanism aims at enabling jurisdictions that are willing to adopt a policy but are not able to do so due to lacking capacity. Finally, policy change is also possible through socialization through the *dialogues and negotiations mechanism*. Having signed international agreements increases the pressure on domestic politicians to adopt the policy and gives domestic pro-reform constituencies the opportunity to demand reforms.

The remainder of the chapter is organized in six sections. The next section provides an overview of the inclusion of environmental policy issues

in EU external policy-making. This is followed by sections highlighting how the EU employs the three mechanisms highlighted above in its external environmental policy towards neighbourhood countries. Throughout the chapter, the regional emphasis will be on Eastern Europe, mostly using the examples of Ukraine and Georgia to illustrate distinct developments. Most of the information provided here is based on case studies carried out in the two countries between 2009 and 2015. Where appropriate, secondary information from other studies is used to provide a more comprehensive overview. The empirical sections are followed by a section that discusses the effectiveness of these strategies and of the EU's environmental policy in the neighbourhood in general.

EU Environmental Policy in the Neighbourhood

The EU's neighbourhood policy was defined by Commission President Romano Prodi as "more than a partnership, less than membership" and aiming to "share everything but institutions" with the neighbouring countries (Prodi 2002). The increased attention to regional developments in the neighbourhood has resulted in launching the *Union for the Mediterranean* and the *Eastern Partnership Initiative* (EaP). The EaP offers the Eastern neighbourhood countries access to the EU's internal market based on the Deep and Comprehensive Free Trade Agreements (DCFTAs). Institutionally, the ENP has developed as an isomorphic replica of accession policy (Tulmets 2007). In the field of environmental policy, this was reflected by the use of the term—just like in the case of former accession states—"legal approximation" in early ENP Action Plans when addressing the need of adoption of the EU *acquis* into domestic legislation. However, references to "approximation" were gradually replaced in the documents by the term "convergence" which is understood to refer to a gradual and less comprehensive form of alignment (Dupont and Goldenmann 2010). This change in terminology recognizes the need for flexibility and the limited ability of the EU to influence change in the neighbourhood countries.

Nevertheless, a somehow weakened principle of conditionality was partially maintained and translated from the accession policy at least to those countries in Eastern Europe that are willing to consider closer relations with the EU (Ukraine, Moldova, Georgia and, partially, Armenia). Based on the "more-for-more" principle, the EU employs here its manipulating

utility calculations and capacity-building mechanism: Neighbourhood countries get more financial grants, loans and capacity-building assistance if they perform in accordance with EU expectations. While an EU-commissioned large-scale expert study involving all ENP states and Russia has highlighted the social and economic benefits of enhanced environmental protection along EU policy lines (ten Brink et al. 2011), the main incentive for convergence with EU environmental standards remains the selective access for goods to the EU's single market (Buzogány 2016a). This is reflected also in the institutional set-up of neighbourhood country relations. There are four main Eastern Partnership priority areas, called EaP Multilateral Platforms: institutions and good governance, mobility, market opportunities and interconnections (energy and transport). Environmental policy is discussed under the heading of market opportunities (economic integration and convergence with EU policies). The adoption of the Roadmap at the Autumn 2013 Eastern Partnership Summit and the subsequent Association Agreements/Deep and Comprehensive Free Trade Areas (AA/DCFTAs) concluded with Georgia, the Republic of Moldova and Ukraine in 2014 has made the field of environmental policy subject to regular monitoring by the European Commission.

The Multilateral Platforms are complemented with so-called Flagship Initiatives. During the planning period 2007–2013, the EaP Flagship Initiative on Environmental Governance focused on the generation and provision of environmental data under the "Development of the Shared Environmental Information System" (SEIS) programme and on the strengthening of capacities to ensure stakeholder involvement, environmental assessment and reporting, on the basis of EU experience and legislation. Strong emphasis was also placed on the implementation of international treaties that strengthen participation in environmental matters, such as the Aarhus and Espoo Conventions. The funding allocated for such projects between 2007 and 2013 was over €80 million. As witnessed by the follow-up launch of the Flagship Initiative on Good Environmental Governance and Climate Change Prevention under the Eastern Partnership, the EU pays particular attention to administrative capacity and enforcement in the field of environmental and climate policy. With this initiative, the EU helps its neighbours to obtain reliable environmental information, improve laws and their implementation and raise environmental awareness. This includes capacity to implement projects financed by international organizations and donors and fulfil commitment to multilateral environmental treaties.

The EaP Vilnius and Riga Eastern Partnership Summits in 2013 and 2015, respectively, have stressed again that environment was a priority area

for cooperation with the Eastern partners. This highlights the EU's use of the dialogues and negotiations mechanism, which is to support the incentive-based and the capacity-building approach. Cooperation was framed as being mutually beneficial from both an environmental and economic perspective. Embracing a "green economy" approach has been reflected also in financing projects oriented towards resource efficiency and environmental performance in the private sector and government such as the "Greening Economies in the European Union's Eastern Neighbourhood" (EaP GREEN) which are financed by the European Union and implemented by the OECD, UNECE, UNEP and UNIDO. While the "green economy" and the "environmental governance" focus has been maintained, EU-Eastern Partnership relations have been further institutionalized at the first ever Eastern Partnership (EaP) formal ministerial meeting on environment and climate change in Luxembourg in October 2016 that brought together the environment ministers of EU member states and the Eastern Partnership (EaP) countries along with the EU Commissioners for Environment, Climate Action and Neighbourhood Policy. The Ministerial Declaration signed foresees regular meetings in this format to assess progress on cooperation between the EU and Eastern Partner countries as well as the development of an Action Plan regarding environmental action (European Commission 2016).

Environmental Governance: "Manipulating Utility Calculations" and "Capacity Building"

The high-level intergovernmental meeting between the neighbourhood countries, the member states and the EU institutions is just the highest level example in a long range of interactions with politicians and specialized public servants in the neighbourhood countries. The countries in the Eastern Partnership Initiative share some common inheritances from the past such as the poor state of environmental infrastructure, the unsustainable exploitation of natural resources or low energy efficiency. New pressures related to changing consumption patterns or energy poverty have appeared when the formerly centrally planned state socialist systems transformed into capitalist economies. Environmental policies are characterized by a combination of extensive sectoral legislation, an under-reformed system of environmental management and very low levels of law enforcement (Petkova et al. 2011). Under these circumstances, the harmonization of domestic legislation and administrative procedures with the EU's

complex and well-developed environmental policy framework emerged as a challenging task.

As has been argued above, the EU lacks accession conditionality in the neighbourhood countries, which was the driving force behind the success of EU environmental policy in Central and Eastern European accession states. Thus, the EU's leverage has been limited to cases where domestic stakeholders could agree on the common ownership of these reforms or where the EU makes package deals in which environmental policy reform is connected to some benefits, such as funding. Targeted funding can be used to change domestic actors cost-benefit calculations. In practical terms, this means that the EU promotes policy change by trying to "export" that part of its legislation, which encourages voluntary compliance processes and leaves substantial discretion in implementation. But beyond the occasional mentioning of environmental politics as part of the cooperation agenda between the EU and the neighbourhood states by leading politicians, sectoral bureaucracies in the neighbourhood states and the European Commission could in fact profit from the low visibility and low salience of a policy field that has been regarded as rather technical. Studies focusing on "high politics" have underlined the vested interests of incumbent elites relating to political survival, economic rent-seeking or concerns of national security (Way 2015). As Buzogány and Costa (2009) argue in the case of Ukraine and Morocco, this was markedly different in "low politics"-related fields such as environmental policy. Here, mutually beneficial functional cooperation between sectoral bureaucracies from the EU and neighbouring countries has developed to exchange resources, know-how and policy approaches in a way similar to that described by Anne-Marie Slaughter's work on trans-governmental networks (Slaughter 2004). Thus, actors dealing with the environmental dimension of the ENP have established alliances among themselves by exchanging financial, technical and political resources, thus reinforcing their positions in neighbourhood policies. It also entails the capacity-building mechanism, that is, transfer of technical know-how to third country officers to influence their policy paradigms according to EU policies. For instance, it was argued that one of the survival strategies of the Ukrainian environmental bureaucracy in order to stabilize its domestic standing was to demand binding conditions from the EU and use this as a power resource within the government (Buzogány 2013).

An illustration of the strategy of manipulating the utility calculations of domestic bureaucratic actors can be seen in the adoption of the *National*

Environmental Policy Strategy by the Ukraine. EU programmes in Ukraine were initially characterized by piecemeal technical assistance projects with limited impact due to the lack of continuity and coherent long-term sectoral planning (for details, see Buzogány 2013). The low importance of the environmental field was highlighted also by the modest role it played in receiving funding from the EU. Under the Eastern Partnership framework, trade, energy security and mobility issues became more pronounced. An increasing interest in legal harmonization with EU environmental law resulted mainly from spillover effects of Ukraine's primary goal to speed up the Free Trade Agreement with the EU. This enforced the economic framing of environmental issues in several policy documents and coincided with the need to pass legislation related to Ukraine's World Trade Organization accession (ICPS 2007).

One key environmental commitment made by Ukraine under the Association Agenda was the development, adoption and implementation of a National Environmental Policy Strategy and of a National Action Plan 2009–2012 that implements this until the end of the year 2010. According to the EU, these policy documents should lead the reform process and were identified as the major conditions for Ukraine to receive sectoral budget support from the EU. The Strategy had to include concrete steps to establish new institutions, legislative measures dealing with convergence to sectoral EU principles and the execution of international conventions and multilateral agreements on environmental protection. Adopting the Strategy was mentioned as the only environmental policy issue on the list of urgent reforms in the "Füle Matrix",[1] the EU thus signalling clearly that it was serious about this document. The adoption of far-reaching environmental goals was seen as particularly problematic by the energy and industry branches within the state administration, such as the Ministry of Infrastructure, the Ministry of Energy and Coal Industry and the Ministry of Construction, Housing and Utilities, which were essentially captured by oligarchic interest groups (Avioutskii 2010).

Ukraine started working on the *Concept of the National Environmental Policy* and the *Draft of the National Environmental Strategy* in 2007, planning to adopt it in 2009. The initial draft was prepared after consultations with environmental organizations, experts and parliamentarians of the *Verkhovna Rada*, the Ukrainian parliament. After changes in the government, the original draft was dismissed as being too process-oriented but central government authorities delayed preparing a new one. When the deadline to meet the EU's expectations became pressing, the Ministry of

Environment reached out for support from the European Commission as well as from Germany and Sweden to draft a new document. Due to criticism from environmental civil society groups, the Ministry of Environmental Protection had to reschedule parliamentary discussions on the draft so that NGOs could provide their comments. The draft document was passed to parliament without any changes only one day later. In an open letter addressed to the European Commission, the environmental NGOs National Ecological Centre of Ukraine and MAMA-86, together with the Prague-based umbrella group Central and Eastern European Bankwatch Network, voiced concern that the drafting of the Strategy, a main condition for receiving EU funds, took place without effective public participation, thus contradicting both Ukrainian and European legislation. In response, the Commission made clear to the Ukrainian government that no EU funds could be transferred to Ukraine unless the government became more open for civil society (Pop 2011). The threat of losing budget support alerted the central governmental authorities and silenced opposition within government. Furthermore, potential veto players were taken by surprise by the fast-track approach suddenly emphasized by the government.[2] At the second hearing of the drafts, the dialogue between the public and ministry representatives was productive and most NGO comments concerning technical details and participatory rights were included in the draft (UCIPR 2010, 17). Thus, by the end of the year, Ukraine was able to finalize the preparation of the draft documents needed for a financing agreement on budgetary support to Ukraine's environmental sector. In summary, this case study shows how EU influence works through providing incentives and empowering differentially domestic actors.

Climate Policy: "Manipulating Utility Calculations" and "Dialogues and Negotiations"

The second case study will provide evidence that the EU manipulates utility calculations through its external environmental policy also indirectly. It does so by externalizing demands for rule adoption by ways of appealing to multilateral environmental agreements. While this is closely related with the dialogues and negotiations mechanism aiming at socializing external partners, the case of Ukrainian climate policy shows that the main causal mechanism is again a utility-based one. When the EU uses international opportunities, it tends to promote the adoption or implementation of

rules issued by other international institutions instead of its own ones, thus becoming the "transmission belt of international or regional norms". In most of these cases, like the case of the Kyoto Protocol, the EU has itself played an important role in forming these rules. However, rules issued by international institutions can help legitimate these actors' policy aims, thus empowering their standing when bargaining with their domestic constituencies. Multilateral agreements lock in grand commitments and favour certain policy paradigms. They have the potential to encourage the adoption and implementation of environmental rules by neighbouring countries.

A large-N analysis by Schulze and Tosun (2013) underscores the EU's influence on neighbourhood states' ratification of multilateral environmental treaties. The example of the EU-triggered implementation of the Kyoto Protocol illustrates this pathway (for details, see Buzogány 2013). Ukraine is subject to the Kyoto Protocol, but as most East European countries, it can benefit clearly from the agreement as emission-reduction obligations reflect the emission level in 1990 and Ukraine underwent severe deindustrialization in the following decades. By developing Joint Implementation (JI) projects, Ukraine can profit from carbon trade. Influential Ukrainian business actors from the energy sector and heavy industries were interested early on in becoming active in the global greenhouse gas (GHG) market. Policy change occurred here even without explicit EU policy conditionality or capacity building but based on the utility calculations mechanism as market access for Ukrainian companies provided them with sufficient incentives. The EU–Ukraine Association Agenda mentioned among its main goals the "implementation of the Kyoto Protocol through a dialogue within the Joint EU–Ukraine Working Group on Climate Change on a new post-2012 agreement on climate change, on eligibility criteria for using the Kyoto mechanisms, and on developing measures to mitigate and adapt to climate change" (European Commission 2011, 11).

Due to its inefficient heavy industries and energy losses in its heating sector, Ukraine is among the highest GHG emitters worldwide. Nevertheless, the industrial decline that occurred after the collapse of the Soviet Union allows Ukraine to increase its GHG emission levels as these are at merely two-thirds of where they were in 1990. In fact, Joint Implementation under the Kyoto Protocol makes Ukraine one of the most important players on the global GHG market. Business actors, both domestic and multinational, have been influential in installing an institu-

tional framework that serves their needs (Bundesagentur für Außenwirtschaft 2007). For business actors, the Kyoto Protocol provided incentives to develop joint implementation (JI) projects in order to trade with carbon credits and secure funding and expertise for technological modernisation from Western multinationals. In order to benefit from mechanisms of the Kyoto Treaty, Ukraine adopted a legislative framework, created an inventory system of GHG emission and adopted a new institutional infrastructure. Secondary legislation was adopted in order to clear the way for emissions trade and JI projects. In March 2008, a new government body, the National Environmental Investment Agency (NEIA), was created with responsibilities for JI projects.

Clearly, the steps taken focused on the flexible mechanisms of the Kyoto Protocol, which Ukraine was able to fulfil easily and gain financial benefits (Korppoo and Moe 2008). Among the main domestic drivers of JI development were national business conglomerates, represented by the Ukrainian Union of Industrialists and Global Compact Ukraine, many of whose members were closely linked to heavy industry in Eastern Ukraine and, as such, they were potential JI developers. System Management Consulting (SCM), the business conglomerate of one of the country's main oligarchs Rinat Akhmetov, has become a key player in carbon trade as its power and steel plants are major emitters and therefore a priority for investment. The extent of SCM's influence over Ukrainian climate policy is highlighted by the fact that SCM's representatives took part in UN climate negotiations as a part of the Ukrainian official delegation. Thus, the design of the Kyoto Protocol has benefited Ukraine mainly by providing its heavy industry with new possibilities to acquire new investments. The EU has relied on multilateral environmental agreements and offered indirectly profitable opportunities for business actors to benefit from carbon trade. Having signed international agreements has increased the pressure on domestic politicians to adopt policies—but this was also driven by domestic business interest and the EU's leverage to move the country to fulfil its obligations.

EMPOWERING WATCHDOGS: "CAPACITY BUILDING" AND "DIALOGUES AND NEGOTIATIONS"

The final case study illustrates the EU's support for capacity building of non-state state actors supporting policy change. Both in Brussels and in the neighbourhood countries, NGO constituencies active in the environ-

mental policy field have perceived the ENP as a window of opportunity to anchor their policy preferences. The mutually beneficial coalition between the Commission, international environmental NGOs and domestic environmental networks created by them is reminiscent of the so-called boomerang effect (Keck and Sikkink 1998), where non-state actors increase their leverage through circumventing central policy actors by shifting into a higher political gear. In line with the capacity-building mechanism, while NGOs are able to provide their policy expertise and increase the legitimacy of the process by bringing in domestic civil society, the Commission can strengthen their capacities through targeted funding for their activities. Lacking capacities on the ground, the strengthening of the influence of NGOs on third-country governments can become an indirect, but important, policy tool. In this context, capacity-building and legitimacy-enhancing instruments employed by the EU were highlighted in the literature. Studies show that the EU can change entrenched domestic power equilibriums by differentially empowering reform-minded domestic actors (Dimitrova and Buzogány 2014; Katsaris 2015).

For environmental NGOs in the neighbourhood countries, the inclusion of an environmental chapter in all major policy documents governing the relations between their countries and the EU has meant a huge boost in influence. Working in societies where environmental goals do not carry high salience, linking environmental policy goals to the major political goal of "getting closer to Europe" provided these groups with an important source of leverage. Adding to the policy content, EU procedural rules have had a similar effect. Besides functional imperatives of harmonizing legislation, the EU explicitly required the involvement of NGOs in the process of harmonizing and, later, implementing polices. Implementing EU requirements could increase the willingness of state actors to engage NGOs not only in order to gain access to EU funding but also to avoid negative consequences, such as public shaming.

Environmental NGOs were encouraged through capacity building by the EU and transnational civil society organizations active in Brussels, such as the Open Society Foundation or Transparency International, whose funding helped to organize local coalitions and institutionalize civil society participation in monitoring their government's progress in harmonizing domestic policies with EU ones. The main outputs were detailed policy implementation reports compiled by NGOs, which provided alternative "shadow reports" to the official EU country reports. At the same time, civil society's role has become increasingly institutionalized as the

neighbourhood policy developed further. Of particular importance was the establishment of an overarching structure to coordinate different monitoring projects, which previously existed in parallel. The founding of the Civil Society Forum (CSF) of the EaP, which parallels the intergovernmental structure of the EaP Multilateral Platforms discussed above, brought a new coordination body into being (Buzogány 2016b). The CSF, with a Secretariat located in Brussels, coordinates monitoring activities of the NGOs organized in the National Platforms. National Platforms replicate the structure of the CSF; there are also sectoral working groups that cooperate with the EU-level working groups. Both the CSF and the National Platforms have a working group-based structure; environmental issues are dealt with in Working Group 3 ("Environment, climate change and energy security"). Using these structures, environmental NGOs could exert pressure on their governments, for instance, through establishing comparative rankings and assessments of the policy process of harmonizing domestic legislation with the European one (Golubovska-Onisimova 2011).

The Georgian NGO Green Alternative is used here to illustrate how the domestic empowerment pathway works in practice (for related cases in Ukraine and Moldova, see Buzogány 2013 and Niznikau 2015, 2016). Green Alternative is one of the most prolific organizations in the environmental policy field, which holds strong domestic and international reputation and is active mostly in policy work related to environmental protection and environmental justice. The organization took part in various monitoring projects, which were carried out by coalitions of NGOs in Georgia, set up to scrutinize first the European Neighbourhood Policy Action Plan and later the Association Agenda (Green Alternative 2016). Providing "shadow reports" on policy developments, the NGO regularly mentioned the lack of will on the part of the government to implement environmental impact assessment legislation, which was blocked despite substantial donor attention to the topic due to the regulatory burden it places on businesses. Connecting this and similar issues to EU approximation, Green Alternative called for fulfilling "Georgia's commitments to the European Union and other international commitments" (ibid). These monitoring projects received financial support from multiple organizations including the EU, but also Transparency International and the Open Society Foundation (Green Alternative 2013). EU funding was also deployed indirectly, for instance, through UNDP or the GEF small grant programme, which were tasked with project implementation. At the same

time, the variety of funding sources secured Green Alternative a relative independence. Based on their international networks with NGOs working in the field, such NGOs could balance their reputation and independence rather than being captured as simply donor-driven NGOs. By offering much needed critical expertise for the EU, but also to EU-critical NGO networks such as CEE Bankwatch, a Brussels- and Prague-based organization, Green Alternative has been successful in becoming an independent-minded and well-respected organization. This social capital allowed for becoming a "boundary spanning" organization that could mobilize non-policy oriented organizations active in the field, including local groups in the policy-making field.[3] In sum, this third and last pathway of influence underlines the role of external empowerment of pro-change actors, which are given the opportunity to influence domestic politics by using new capacities and benefit from contacts and networks that connect them to other actors outside of their country.

Discussion

How can we account for the effectiveness of the external dimension of EU environmental policy in the neighbourhood countries? From the different sets of explanations (see Chap. 1), such as EU-level factors, the global context and domestic factors, this chapter has mainly focused on domestic factors, though in connection with external ones. The case studies show evidence of the three mechanisms of influence discussed in this book but underscore that, in most of the cases, there is some kind of a mechanism mix present. The results show astonishingly high versatility in the EU's external environmental policy to respond to different actors—state, business or civil society—and different challenges.

A combination of manipulating utility calculations and capacity building was directed mainly towards state actors in the case describing the EU's push to establish institutions of environmental governance in Ukraine. Including environmental policy into the official EU bargaining package and thus linking it to other policy goals incumbent elites have had has boosted the influence of the policy field domestically. Thus, at least in cases where no domestic veto players were present, harmonization with a relatively large number of EU templates was taking place under the radar of high politics. With the increasing institutionalization of relations between the EU and the Eastern Partnership countries over time, overriding domestic veto players became easier. As EU environmental and climate change

policies are part of the institutionalized policy approximation process between the EU and the neighbourhood countries, harmonization with EU legal output is taking place at a large scale and comprehensively. To support this interest-led process, the EU provides capacity-building measures, both directly by including advice on the design of institutions and indirectly, by providing an open ear for the voices of interest groups and NGOs which are supporting EU policies. Manipulating utility calculations is also the main mechanism at play targeted towards business actors. In the case of climate policy, the EU has relied on multilateral environmental agreements and offered indirectly profitable opportunities for business actors to benefit from carbon trade. Having signed international agreements increases the pressure on domestic politicians to adopt policy and gives domestic pro-reform constituencies the opportunity to demand reforms. Capacity building and dialogues and negotiations are the main mechanisms used to reach out directly to domestic constituencies, such as environmental civil society, or to provide business actors with resources which would change their cost-benefit calculations.

The three cases discussed here provide different facets of ultimately successful EU influence in the neighbourhood countries. Nevertheless, we should be aware that environmental policy is clearly not among the most important policy fields in EU-neighbourhood country relations. There are several good explanations for the relative neglect of environmental policy in EU-neighbourhood relation both by the EU and by the neighbourhood countries. First of all, both the EU and the neighbourhood countries have tended to regard their relationship as primarily related to high politics, with the main emphasis placed on security policy, trade or energy relations (Rieker 2016; Prange-Gstöhl 2009). A second explanation is related to the benefits of adapting EU high-quality environmental regulations by non-EU states. Situated in the immediate vicinity of the EU, investors in these countries might value a less demanding regulatory environment, cheap labour costs, and the absence of well-organized environmental lobbies (Ehrke 2010). A third and related factor explaining the lack of cooperation is that neighbouring countries harmonizing environmental policies and regulatory styles with those of the EU is an extraordinarily costly and difficult exercise. Even if discounting for environmental and health-related benefits (ten Brink, Bassi, and Farmer 2011), these remain excessive costs by any means which are only partially alleviated by EU funds and capacity building and have to be carried by domestic stakeholders. Finally, the neighbourhood states combine low levels of

economic development and weak environmental regulatory systems with lower environmental consciousness than is the case with the EU member states, including the Eastern European ones (Djoundourian 2011; Chaisty and Whitefield 2015). This lowers the potential of finding stakeholders that would actively engage in becoming local agents fighting for the harmonization of domestic policies and the implementation of these policies in their respective countries.

These explanations all have merits of their own but suffer from a restricted comparative perspective. The finding that the EU is punching below its weight regarding environmental policy in its neighbourhood has to be qualified. Indeed, if the region is compared with the Central and Eastern European (CEE) EU member states—as they often are—which underwent a lengthy and costly harmonization period of their environmental policy systems prior to becoming EU members, we will necessarily find that the EU and the neighbourhood countries do much less in this regard. Indeed, the crucial difference between the neighbourhood and CEE states lies not so much in their levels of economic development or the quality of the inherited environmental governance, but in the presence of EU membership conditionality (Schimmelfennig and Sedelmeier 2005). Arguably, in the CEE states far-reaching and expensive reforms were made possible through the promise of EU membership. This has allowed policy-makers to take a long-term view and factor in future expectations about the benefits of being part of the common EU market. In addition, the EU also provided massive financial and technical support and waived application deadlines to make harmonization in its new member states manageable (Buzogány 2015). Without clear membership perspectives, having weak(er) environmental regulatory systems and much more limited technical and financial assistance flowing from the EU, the perspective of the neighbourhood countries to adhere their environmental legislation to that of the EU are indeed far from being promising.

However, if we compare the neighbourhood countries to other regional groups discussed in this volume (see Chap. 11) that do not seek membership in the EU but regard it more as a partner, a pioneering example or a market which they wish to access (Knill and Tosun 2009), we are more likely find that the influence of the EU over the environmental policies of its neighbours is quite substantial both by breadth and depth. It is here—or at least in some countries of the region—that a great number of EU policies are actively used at a large scale as blueprints for domestic reform.

Conclusion

This chapter has provided an overview of EU external environmental policy towards the countries in its immediate neighbourhood in Eastern Europe. Given the geographic proximity of the EU with these countries, the external dimension of EU environmental policy is likely to be well-developed in this region. Focusing on the Eastern neighbourhood countries, the chapter has highlighted some of the drivers that EU's external environmental governance is facing beyond its close borders.

The EU places principal emphasis in the region on establishing institutions of environmental governance and developing horizontal policy instruments. Countries that have chosen to engage with the EU politically, such as Ukraine, Moldova and Georgia, are obliged by ways of Association Agreements to implement stepwise the EU's environmental acquis in a process that is reminiscent to the harmonization with EU policies in the Central European EU Member states in the early 2000s. The incentives to do so are primarily unrelated to environmental or climate policy but concern political goals such as access to the European single market or liberalizing migration to the EU. It is important to mention in this context that EU capacity-building efforts place an increased emphasis on the administrative potential of the neighbourhood states to implement the international commitments and the inclusion of business actors in the policy process, for example, by promoting green economy. At the same time, EU officials have also acknowledged the restricted leverage they hold over the neighbourhood countries, which is even weaker in a low politics field such as the environment. The amount of direct funding that can be distributed by the EU's Directorate General for the Environment to support environmental goals is very limited (Buzogány 2013). That is why it directly reaches out to environmental NGOs active in the neighbourhood countries which are becoming local translators of EU rules and can act as watchdogs overseeing the implementation of these rules.

In sum, this chapter has argued that in the neighbourhood countries, EU-related policy change is possible where domestic actor coalitions support reforms and where these actors possess the capacity to institutionalize EU-relevant policy changes. Thus, to understand drivers (and hindrances) of EU external environmental governance, the policy instruments used have to be carefully adjusted to the necessities of the recipient countries and have to be framed in accordance with overarching political goals of these societies.

Notes

1. The 'Füle Matrix' is a document presented by the EU Commissioner Štefan Füle in Kyiv on 22 April 2010. The plan previews implementation of concrete measures, aimed at attracting macro-financial assistance from the EU, improving access of Ukrainian goods to the European markets and reforming the technical regulation system.
2. Author's interview, Ukrainian Environmental NGO, 12 March 2011.
3. See the list of organizations at http://www.greenadvocacy.net/en/main.php?id=1267694747&ena=ge

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Africa: Searching for Shared Issues and Overcoming Asymmetries

Camilla Adelle and Simon Lightfoot

INTRODUCTION

Africa has enormous natural resource wealth but at the same time is experiencing the detrimental impact of worsening environmental degradation, including from climate change. Much of Africa's population, especially in the rural areas, directly depends on natural resources for their livelihoods. For instance, the agriculture sector employs about 60 per cent of Africa's total population while an estimated 70 per cent of African households rely on wood fuels for cooking and heating (African Development Bank 2012). Environmental degradation and resource depletion, therefore, threaten the sustainability of these households and communities. At the same time, poverty and a rapidly growing urban population also fuel the environmental crisis (Compagnon et al. 2011).

Africa suffers both poverty-related environmental problems such as deforestation and overgrazing as well as problems resulting from industrial

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and urban-derived pollution and waste (AMCEN/UNEP 2006 in Compagnon et al. 2011). Climate change is also a key factor in human development in Africa (see Grist and Speranza 2011). Africa emits less than 4 per cent of global greenhouse gases (GHGs), but due to its high climate sensitivity and relatively low adaptive capacity, it is widely viewed as the most vulnerable continent to climate change (African Development Bank 2012). Even today, climatic risks threaten lives and prosperity across many parts of Africa (IPCC 2014).

Despite these significant environmental issues, the level of economic development in many African states means that, unlike in the European Union (EU), most states lack the economic resources to safeguard against the impact of a poor environment. As Holden notes, "poverty is a multidimensional concept; beyond income it involves lack of education, political voice, health, services, environmental quality and so on" (Holden 2015, 13). In some areas, we see strong regional and subregional institutions and actors developing, especially in the context of United Nations Framework Convention on Climate Change (UNFCCC) negotiations (Rogers and Belliethathan 2016). However, in many ways the environment is not truly a salient political issue in Africa. Campagnon et al. (2011, 101) highlight the weakness of the African state apparatus in general terms, which makes the formulation of state policy difficult. In the case of the environment, we see that the newness of the area means that few dedicated departments or financial resources exist. There are also few political or bureaucratic champions with many African governments beset with more immediate concerns such as high unemployment and food security (Chevallier 2010; Campagnon et al. 2011; Rogers and Belliethathan 2016).

The EU's relationship with Africa, although long-standing and multifacetted, also predates EU environmental policy: Former colonial ties between EU member states (mainly France and the UK) with African countries were formalized first through a series of development cooperation agreements—the so-called Lomé Agreements—that spanned the period from 1975 until 2000, when the so-called Cotonou Agreement was signed. While the Cotonou Agreement endorses the concept of sustainable development and imposes it as a requirement on all participants, the environment was not originally a central feature of EU-Africa relations. This changed in 2007 when the EU and Africa embarked on a Joint Africa-EU Strategy (JAES) as the overarching framework for EU-Africa relations. The strategy aimed to upgrade the traditional Africa-EU relationship beyond development cooperation to a strong continent-to-

continent partnership to address issues of common concern (Africa-EU Partnership 2007, 2) including the environment and climate change.

This chapter outlines the main mechanisms through which the EU has pursued its external environmental objectives in Africa. We focus on the EU's relations with Africa as a region (e.g. through the African Union as the EU's main partner in the JAES) as well as through subregional groupings (e.g. Southern African Development Community (SADC) through the Economic Partnership Agreements). Therefore, we do not focus on the many environmental projects and programmes on which the EU embarks with individual Africa countries as part of its bilateral development cooperation (e.g. through the European Development Fund and country programming). The extent to which these projects and programmes incorporate environmental objectives is the subject of Chap. 5. The EU's external environmental objectives in the field of water policy pursued through the EU Water Initiative and its African Working Group are dealt with in detail in Chap. 7. In accordance with the framework set out in the introduction of this volume, the mechanisms through which the EU has pursued its external environmental policy in Africa are organized in three categories—political dialogue, capacity building and manipulating utility calculations—and form the next three sections of this chapter. The following section then discusses the main factors which help account for the success or otherwise of the EU's external environmental policy in Africa. The chapter finishes with some conclusions on how successful the EU has been overall in pursuing its environmental objectives through its relations with Africa and how the EU could improve on its past experiences. The chapter demonstrates that the environment and climate change have become more central in EU-Africa relations over the last decade. However, the EU's attempts at pursuing its external environmental policies through high-level political dialogue have been constrained by many of the same weaknesses that undermine its wider relationship with Africa. On the other hand, capacity building appears to have been relatively successful, especially when in line with African initiatives and priorities.

Political Dialogue Through the Joint Africa-EU Strategy (JAES)

One of the main mechanisms that the EU has used to pursue its environmental objectives in Africa has been political dialogue through the JAES agreed in 2007. Although capacity building is also an important element

of the JAES (see the next section of this chapter), the original JAES text emphasized the building of a "continent-to-continent partnership" in which political dialogue was extended to all political questions of common concern (Africa-EU Partnership 2007, 2). Furthermore, while the JAES highlighted that "Africa and the EU have a clear common interest to address environmental sustainability and climate change" (Africa-EU Partnership 2007, 15), climate change, rather than broader environmental issues, was the original focus of the JAES in light of the ongoing UNFCCC negotiations.

Consequently, climate change became one of eight Africa-EU Partnerships through which political dialogue in the JAES has been pursued. The partnerships consist of formal dialogue at various levels between African and European counterparts. This includes EU-Africa Summits of Heads of States and Governments every 3 years; ministerial meetings on an ad hoc basis, meetings between the European Commission and the African Union Commission on an annual basis and a Joint Annual Forum (formerly Joint Task Force meetings) gathering sectoral experts from member states, institutions, civil society organizations and other relevant stakeholders once a year to assess progress made with regard to the implementation of the various areas of the JAES (Africa-EU Partnership 2016a).

An overarching objective of the Partnership on Climate Change is to build a common agenda on climate change policies and cooperation. More specifically the partnership aimed to help the two continents work together to push forward an ambitious post-2012 climate agreement as well as the eventual Paris Agreement in 2015. One of the most politically relevant outputs of the partnership was the Joint Africa-EU Declaration on Climate Change adopted in 2008 (Africa-EU Partnership 2008). This called for African governments and the EU to commit to fighting climate change while taking into account their "common but differentiated responsibilities" as promoted in the Kyoto Protocol and UNFCCC.

The declaration was claimed to be "proof of convergence between the two continents" and indeed the declaration agreed on an interregional position for the UNFCCC negotiations, including specific targets to limit global warming to 2 °C (Sicurelli 2013). The ministers also decided to focus on certain issues through regular consultation, for example, speeding up work on a climate adaption fund for projects in developing countries and finding ways to ensure that African countries were better able to take advantage of the global carbon market as well as the Global Climate Change Alliance (see Sicurelli 2013 and below). However, although the

declaration touched on these issues of financial support as well as the financial architecture debated under the UNFCCC, it did not go further to give details of how these commitments should be operationalized, or to give specific figures on financial support. At that time, the EU was far from having an agreed position on these financing issues (Harmeling 2009). Furthermore, the initiative eventually fell flat as the two parties did not follow up the joint declaration with joint action in the key global forum of the UNFCCC (Sherriff and Ferreira 2010). The subsequent Copenhagen Conference of the Parties (COP) of the UNFCCC in late 2009 (see Chap. 6) clearly illustrated the division and lack of agreement between the EU and African countries.

The Partnership on Climate Change seemed to be in stalemate until the 2014 EU-Africa Summit (Tondel et al. 2015) when a second joint statement on climate change was issued in which both partners expressed their determination to adopt a legally binding UNFCCC agreement in 2015 and highlighted the urgent need to fund Africa's climate adaptation gap (European Commission 2014a).

African and European parties also agreed that, given the target to limit the global temperature increase to 2 °C, all parties should contribute to mitigating climate change on the basis of equity. They acknowledged that, for developing countries, economic and social development was a priority over mitigation, and that adaptation to climate change and low-carbon economic growth were necessary for achieving sustainable development (European Commission, 2014). This seemingly reflected the consensus that a rigid interpretation of the Common but Differentiated Responsibilities principle, on the basis of the North-South distinction, was no longer an appropriate approach, at least in the eyes of the Africa Group and the EU (Tondel et al. 2015).

Several high-level meetings took place in order to strengthen cooperation and to reach these joint positions. Most notably, a discussion on respective positions between 40 African environment ministers and the then-EU Commissioner for Climate Action Connie Hedegaard was held in October 2013 in Botswana and a joint High-Level Seminar on Climate Change was held in Brussels on 1 April 2014 to agree and adopt the joint ministerial statement on climate change (Africa-EU Partnership 2016b).

The most recent roadmap (2014–2017) for implementing the JAES reduces the eight thematic partnerships to five priority areas for cooperation. However, the climate-related objectives and activities (now included under Global and Emerging Issues) remain more or less the same

(Africa-EU Partnership 2014). The scope of the JAES has broadened out over time to include a wider environmental focus. Since the Second Action Plan (2011–2013) renamed the partnership as the Partnership on Climate Change *and Environment*, the JAES has included strategic dialogue (but mainly capacity building activities; see below) on issues relating to deforestation and biodiversity (including on REDD+ and FLEGT; see Chap. 9). In addition joint meetings have been held with regional environmental institutions such as the Conference of African Heads of States on Climate Change (CAHOSCC) and the African Ministerial Conference on Environment (AMCEN).

Although the EU and African position (especially as articulated by the African Group of Negotiators) in the UNFCCC negotiations appeared to converge over the years, the extent to which this was the result of political dialogue through the JAES is not clear. The Partnership on Climate Change did make climate change a priority area of cooperation between the continents and raised expectations about the prospects of a common approach to climate policy at different levels (Tondel et al. 2015). However, in general the political dialogue between the two partners in the JAES has not lived up to the initial optimism (Helly et al. 2014) and a perception prevails that partnership mainly served as a forum where talks were not followed by appropriate actions and concrete outcomes (Tondel et al. 2015). It seems likely that many other factors and activities played a large part in bringing the two partners closer together in the UNFCCC negotiations, including informal negotiations with key African partners outside of the JAES such as with South Africa and the African Group of Negotiators (Heras 2015, see Chap. 3), the EU's commitments to global climate finance and specific climate adaptation activities in developing countries funded through such instruments as the European Development Fund (see Chap. 5).

CAPACITY BUILDING—SUPPORTING AFRICAN ENVIRONMENTAL INITIATIVES

Another overarching objective of the JAES and its Partnership on Climate Change and Environment has been to enhance Africa's capacity to address climate change, especially through supporting information and data generation. In this regard, the EU allocated €8 million from the 10th European Development Fund (see Chap. 5) to support the ClimDev-Africa programme, which aims to provide African actors with climatic

information to support climate policy-making (ClimDev Africa 2013). ClimDev-Africa is a joint initiative of the African Union Commission, the United Nations Economic Commission for Africa and the African Development Bank and is implemented by the African Climate Policy Centre of the UN Economic Commission on Africa (based in Addis Ababa) and the Climate Change and Desertification Unit of the African Union Commission (ClimDev-Africa 2012). While it is difficult to assess the effectiveness of the EU's support for this joint initiative in isolation, ClimDev-Africa is considered to have guided African actors (public institutions, civil society organizations and private actors) in integrating adaptation and mitigation objectives and actions into their development strategies, building capacity for climate-related policy planning and implementation and mobilizing resources (Tondel et al. 2015). The programme also facilitated Africa's contribution to the negotiation process on the post-2012 climate agreement through analytical studies, consultative workshops and support for the development of a common African position on climate issues (Africa-EU Partnership 2016b).

Another African initiative that has attracted EU capacity building support under the Partnership on Climate Change is the Great Green Wall of the Sahara and the Sahel Initiative (GGWSSI). According to Sicurelli (2013), African governments endorsed the original proposal for a Partnership on Climate Change only under the condition that a separate priority action on land degradation and desertification was included. The GGWSSI brings together 20 African countries, many of which border the Sahara, to focus on dry land ecosystems and the reduction of local communities' vulnerability to climate change, land degradation and drought (Africa-EU Partnership 2016b). The initiative originally aimed at establishing a 15 km wide strip of vegetation across the continent, from Senegal to Djibouti, but over time its objectives have broadened to encompass poverty reduction and food security regionally as well as supporting local communities to adapt to climate change (Tondel et al. 2015, GGWI 2013).

The EU has supported the GGWSSI, notably policy processes and capacity development activities, through an African Union Commission-led project *Capacity Development Strategy and Action Plan and Support of the Implementation of the GGWSSI* in cooperation with multilateral organizations such as the Food and Agricultural Organization and the Global Mechanism of the UN Convention to Combat Desertification (Tondel et al. 2015). According to Tondel et al. (2015), the GGWSSI has succeeded

in raising awareness about sustainable land management challenges and in attracting African and international support (including international climate finance). So far, ten countries have developed and endorsed National GGWSSI Action Plans, another four countries are developing Action Plans (GGWI nd), while activities aiming to transform degraded lands into productive landscapes have started on the ground in several countries (Africa-EU Partnership 2016b; GGWI n.d.).

Although not solely targeted at African countries, the creation of the Global Climate Change Alliance (GCCA) is also an important aspect of the Partnership on Climate Change (Heras 2015; Lightfoot 2013). Established in 2007 (i.e. around the time of the creation of the JAES) the initiative responded to a call by African governments for a clear EU commitment to adopt a financial instrument in support of adaptation to climate change in Africa (Sicurelli 2013). The GCCA therefore aims to help developing countries that are most vulnerable to climate change by channelling significant financial support for specific adaptation projects in Least Developed Countries and Small Island Developing States (Sicurelli 2010). The GCCA is currently funded under the EU thematic programme Global Public Goods and Challenges 2014–2020 (see Chap. 5) with an initial envelope of more than €330 million (GCCA 2015). The GCCA concentrates on supporting three key areas of intervention: (1) climate change mainstreaming and poverty reduction (i.e. preparation and implementation of National Adaptation Strategies and help to meet Intended Nationally Determined Contributions obligations under the UNFCCC); (2) increasing resilience to climate-related stresses and shocks (i.e. integrating multi-sector risk management approaches in national development planning); and (3) sector-based climate change adaptation and mitigation strategies (GCCA 2015). In order to obtain funding, African states must prepare and adopt National Adaptation Plans, which also is a requirement under the UNFCCC process. In this way, Heras (2015, 8) argues that: "the EU can be said to be helping to bring these countries into the international climate governance regime."

Beyond the EU's priority of climate change capacity building, the EU also engages in capacity building on wider environmental issues. For example, the EU funds another environmental information programme, the Global Monitoring for Environment and Security (GMES), an Africa initiative which aims to support national and regional policies in key areas including climate change, environment and disaster risk management, food security and natural resources through systematic exploitation

of Earth Observation data, technologies and services (Africa-EU Partnership 2016b).

One of the major building blocks of the GMES and Africa initiative is the Monitoring for Environment and Security in Africa (MESA) project. Launched in 2013, MESA replaces the Africa Monitoring of Environment and Sustainable Development) and aims at establishing long-term cooperation between European and African stakeholders for developing operational decision support tools for natural resources management, environmental and security monitoring, communication for economic transformation and sustainable development on the continent.

In addition, when the second Action Plan of the JAES broadened the scope of the partnership (and renamed it the Partnership on Climate Change *and Environment*) several capacity building initiatives relating to deforestation and biodiversity conservation were added. These activities included helping to implement REDD+ projects and improving synergies with the Forest Law Enforcement, Governance and Trade (FLEGT) initiative (see Chap. 9), promoting the integration of biodiversity frameworks in national development planning, enhancing the capacity of African negotiators and promoting the participation of the African Union Commission in the processes of the Convention on Biological Diversity (Africa-EU Partnership 2010).

Finally, outside of the JAES, the European Commission has begun a process of developing an African wildlife conservation strategy as part of the EU flagship programme EU Biodiversity for Life (B4Life). This strategy aims to identify principal threats to wildlife on the continent and appropriate responses over the next decade. According to the EU it is "uniquely placed to provide this essential support because it has a long history of relevant expertise in this field, large financial resources, delegations in every country, existing agreements at Pan-African and regional scales, the ability to back up action with political leverage, ability to integrate actions with other thematic initiatives" (European Commission 2015, 36).

The EU's efforts to promote its environmental objectives through capacity building have therefore primarily focused on providing financial aid to support large-scale African initiatives that are either Pan-African or at least cover a number of countries. The EU's support of many of these activities (such as the ClimDev, GGWSSI and GMES) falls under the remit of the JAES and, since 2014, has been funded by a separate funding programme—the Pan African Programme (European Commission 2014b).

In addition, the EU also engages in some more technical capacity building exercises, often in the field of biodiversity and deforestation. These activities also mainly, though not exclusively, fall under the JAES.

MANIPULATING UTILITY CALCULATIONS
THROUGH THE ECONOMIC PARTNERSHIP AGREEMENTS

Since 2002, the EU has been negotiating Economic Partnership Agreements (EPAs) with five regional groups of African countries, which include provisions for environmental standards. These trade and aid agreements have been negotiated in the context of the Cotonou Partnership Agreement, which defines the full scope of political and development relations between the EU and the countries of the African, Caribbean and Pacific (ACP) group of countries until 2020. Although it was originally anticipated that the EPA negotiations would be concluded by the end of December 2007, they have been notoriously lengthy and controversial (Heron and Murray-Evans 2016). So far only two interim EPAs are in force (European Commission 2016).[1] It is therefore too early to detect any tangible impacts of the EPAs on environmental protection in the relevant countries but it is possible to compare the contents of the environmental provisions inserted in the EPAs. In general, these reflect varying degrees of ambition ranging from mere exception clauses to full chapters on environment (Chaytor 2009).

Sustainable development is the broad remit of all the EPAs, where it is reflected in the preamble and objectives. The Southern African Development Community (SADC) EPA is the only African EPA that contains a clear environmental chapter while the East and Southern African EPA specifies "natural resources and the environment" as an area of cooperation. West African, Cameroon and East Africa EPAs do not have specific chapters on the environment but set out provisions to include the environment and sustainable development in follow-up negotiations. Even in the Southern African Development Community EPA, however, the provisions contained in the environmental chapter are rather vague and generic. Furthermore, no precise procedures or timeframe for the cooperation on environment issues is specified in the agreement. Neither does it state how the cooperation mechanisms will be developed and implemented.

Environmental standards are also promoted in the wider text of the agreements, such as the chapters on fisheries (e.g. Marine Fisheries Title II East African EPA) and agriculture (Title IV East African EPA). The

Cameroon EPA also includes a chapter (Title III, Chap. 5) on Forest Governance and Trade in Timber and Forest Products, which sets out areas of cooperation with the EU to facilitate trade in timber and forest products that come from "objectively verifiable legal sources and help to achieve sustainable development." Specific EU environmental standards are not mentioned in the EPAs. According to Chaytor (2009) during the negotiations on the first EPA to be agreed (the CARIFORUM EPA with Caribbean countries), EU standards were rejected in favour of reference to international standards. Where Multilateral Environmental Agreements (see Chap. 2) are referred to by name, their provisions expressly bind the parties. The Cameroon interim EPA, for example, specifically references the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES): Article 53 stipulates that "trade in timber and forest products shall be governed in line with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)."

While high levels of environmental protection are required by both parties in the CARIFORUM EPA, the Southern African Development Community EPA confirms the right of countries to establish their own levels of protection rather than transferring the EU's norms and standards (Chaytor 2009). The West Africa and East and Southern Africa EPAs have come under fire for their low level of aspiration in this regard (Lerch 2015). These EPAs will necessarily rely more heavily on the existing provisions in the Cotonou Agreement. According to Lerch (2015, 11) for the West Africa EPA the EU side started negotiations with a higher level of ambition including a separate environmental chapter in an early draft by the European Commission. Lerch (2015) goes on to state that this was the EU's starting point for all EPAs. Therefore the lowering of ambition in terms of content can mainly be attributed to reluctance on the part of the African countries negotiating. In this way, although the EU attempts to use EPAs to manipulate African countries' utility calculations to promote the use of EU environmental objectives and standards, the effectiveness of this mechanism appears to be limited if the partner governments are not willing to accommodate these provisions.

Explanations for Limited EU Effectiveness

Several factors help account for the EU's ability to pursue its external environmental policy objectives in Africa through these three mechanisms (i.e. political dialogue, capacity building and manipulating utility calculations),

many of which are inherent in the EU's wider relations with Africa and the institutional structures through which these are pursued.

Distrust and incoherence

According to Tondel et al. (2015, 21) scepticism about the other side's willingness to cooperate and even mutual distrust has undermined the Partnership on Climate Change and Environment:

> The impression that the EU has continued to behave as '*a paternalistic actor, unable to consider the AU and its members as equal partners*' is common among African parties. '*The EU [has been] also perceived to firmly keep control over the agenda setting, the substance and the process of consultations and meetings*', an interviewee from DG CLIMA explained.

Policy incoherence has also undermined the EU's ability to convince others of its commitment to the agendas it promotes. There is at times a disconnect between rhetoric and reality pertaining to the EU's relations with the developing world (Sicurelli, 2010). African partners often perceive Europe as having double standards, following realpolitik when it comes to security and economic concerns, and professing values (human rights, democracy and good governance) when its critical interests are not at stake (Tondel et al. 2015, 21).

Asymmetrical Power Relations

Tensions between the two partners have probably been at their highest in the negotiations of the EPAs. Here asymmetric power relations between the partners have both hampered and helped the EU push its environmental objectives. On the one hand, the negotiations have been protracted and in some cases countries have not signed up to an agreement at all (e.g. the only central African country to do so is Cameroon). The EPAs have been controversial and seen by many as a "well intentioned diplomatic disaster," which has also undermined the EU's credibility in the eyes of many African actors (ECDPM and Friedrich-Ebert Stiftung 2013, 8). On the other hand, the EU has been able to push successfully many African countries to conclude the negotiations (including with environmental provisions) or face the loss of trade benefits that they had benefited from under the Cotonou Agreement (McDonald et al. 2013). In general,

developing countries have been cautious about incorporating trade and environment at the multilateral level. Many are therefore wary of incorporating trade and environment in regional trade agreements for fear of prejudicing their multilateral positions (Chaytor 2009).

Low Capacity

Other factors hindering the effectiveness of the EU's ability to pursue its environmental objectives in third countries is the low capacity of the African countries to implement and enforce the EU's environmental objectives and standards. Lerch (2015) argues that the low capacity of West African countries for complying with environmental standards may explain some of the reservations about—and fear of—negative impact or protectionist abuse in the case of West Africa, where governments strongly opposed incorporating provisions on environmental standards in the trade agreement.

In relation to the Partnership on Climate Change and Environment, the main interlocutor (or partner) to the EU—the AU—has some substantial capacity gaps. The African Union was only launched in 2002 and so inevitably there is still some way to go before the new continental structures, processes and capacities are in place and working and there is a very long way to go before they match those of the EU (Bossuyt and Sherriff 2010).

In addition, many African countries' bureaucracies as well as those of Regional Economic Communities, which are charged with implementing policies and plans decided at a continental level, do not have the same resources at their disposal as EU member states (ibid). This is not to say that all regional environmental institutions on the continent lack capacity and the EU has invested both financial and technical resources in assisting some of the emerging institutions such as the African Climate Policy Centre and the African Group of Negotiators (see above). The African Group of Negotiators in particular is seen as an increasingly influential environmental voice on the continent (Rogers and Belliethathan 2016).

Shared Issues, Differing Interests

Another shortcoming of the Partnership on Climate Change and Environment (but also of the EPAs) was the lack of solid political analysis of the (differing) interests at stake (Bossuyt and Sheriff 2010, 5). This was particularly apparent in the 2008 Joint Declaration, which was considered a major political achievement but remains silent on the political challenges

involved in reconciling the diverging interests of both continents on this dossier with a strong North-South connotation.

The choice of the EU to deal with various sensitive issues outside the JAES framework (e.g. the EPA process) and the tendency to confine political dialogue largely to biannual Troika meetings (characterized by an overloaded agenda and limited time for matters other than peace and security issues) severely limited the effectiveness of the JAES (Sherriff and Ferreira 2010).

As a fundamental core of political partnership, the question of interests is at the heart of the JAES: "Between Africa and Europe there may well be shared issues, but not necessarily shared interests" (Sherriff and Ferreira 2010, 19). While political dialogue was put at the centre of the new partnership, according to most stakeholders, political dialogue as a whole has not yet been substantially improved or expanded under the JAES (Bossuyt and Sheriff 2010).

Low Political Support

Another key issue has been the low level of political support and ownership from both partners for the EU's initiatives such as the Partnership Climate Change and Environment and the JAES more widely. The EU and African Union Commissions have been the key drivers of the JAES, while the member states from each of the two regional integration organizations were weakly related to their leadership (Concord 2013).

Key actors such as member states, Regional Economic Communities, parliaments, civil society and private actors were therefore excluded so that the levels of ownership tended to be low beyond the inner circle of those concerned with the JAES (Bossuyt and Sheriff 2010). Consequently, the political dialogue was often restricted to the EU and African Union Commissions. In the case of the EPAs, wider societal actors, as well as many African governments, actively opposed the negotiations and more specifically some Africa governments actively opposed inclusion of environmental provisions (e.g. West Africa) (Lerch 2015).

Cumbersome Institutional Structures

The JAES framework is "almost unanimously criticized for being too bureaucratic and cumbersome" (Helly et al. 2014, p3). This certainly handicapped African actors, who had fewer capacities and resources than

EU actors and might also have negatively affected the willingness of stake-holders to engage in the process (Tondel et al. 2015).

In relation to the EPAs, a lack of time and capacity to negotiate by African actors led to the inclusion of *rendez vous* clauses where the parties would return at a later date to discuss environmental issues. There has been a perception that the implementation of the JAES was mainly dele-gated to high officials, experts located in specific units within the two Commissions and officials in member states heading each partnership (Sherriff and Ferreira 2010). These units and officials invested heavily in the process yet they generally lacked the power and leverage (or support) to move forward the political agenda of the JAES (Sherriff and Kotsopoulos 2013). Consequently, the focus settled on making quick wins (in the form of projects, activities, once-off events ad hoc funding) and risking long-term goals. According to Sherriff and Ferreira (2010), this tended to turn the JAES into a bureaucratic tool to implement specific activities rather than a framework to construct, over time, a new partnership between two continents around shared interests and global agenda (e.g. climate change).

Conclusions

This chapter has shown how the environment and climate change have become more central in EU-Africa relations over the last decade, as dem-onstrated by the inclusion of climate change and then also a wider array of environmental issues in the JAES and its action plans. Over the same period, African actors have become more influential in global and regional environmental and climate governance, for example, playing an increas-ingly prominent role in the UNFCCC negotiations and in the growing role of institutions such as the African Ministerial Conference on the Environment.

This has in part been driven by a realization by African governments that not only will Africa be severely impacted by climate change but also that there are significant international funds up for grabs. In this way the EU's external policy objective of agreeing a common agenda on climate change for the UNFCCC has coincided with a growing interest in climate change from African partners. Biodiversity (see Chap. 8) has also become an area of common interest between the partners. To some extent this has been opportunistic on the part of the EU. According to Sicurelli (2013), the broadened the scope of the Partnership on Climate Change to the

Partnership on Climate Change *and Environment* to include issues of deforestation and biodiversity was a result of the relative success of the EU in establishing a role as the preferred partner for developing countries in the Nagoya COP of the Convention on Biological Diversity in October 2010 (and in contrast to the failure of the Copenhagen COP of the UNFCCC).

This chapter has demonstrated that the EU's attempts at pursuing its external environmental policies through high-level political dialogue—a major component of the JAES—may help inject some impetus and political focus on global environmental governance processes. However, the EU's efforts have been constrained by many of the same weaknesses that have undermined its wider relationship with Africa, namely, a lack of trust, perceived incoherence between what the EU says and what it does, cumbersome institutional structures as well as a low level of political will from both African and EU actors.

Overall, the high political level of the formal dialogues in the JAES, have tended towards rhetorical declarations and statements that do not necessarily hold up in practice, as witnessed with the division between African countries and the EU in the Copenhagen COP. The eventual convergence between the positions of the two partners in the Durban and Paris COPs could be seen more as the result of other factors, including informal negotiations and cooperation outside of the JAES in the margins of the UNFCCC negotiations.

The EU's pursuit of its external environmental objectives through capacity building appears to have been relatively more successful, especially when in line with African initiatives and priorities. For example, the GGWSSI eventually evolved into a regional sustainable landscape programme that contextualized climate change actions within long-standing African priorities of food security and poverty reduction. According to some African observers, this helps explain its success (Tondel et al. 2015). The support of the ClimDev Africa programme also played a constructive role in helping African actors develop a common position on climate issues and strengthening the African Group of Negotiators so that they could play an influential role in the UNFCCC negotiations.

Climate finance, especially for the African priority of climate adaption, for example, through the GCCA has also played an important part in the EU's support for capacity building. In addition, this fund has provided incentives for African countries to become part of the UNFCCC process as well as helping improve the EU's negotiation position in the debate in

the eyes of African actors (see Chap. 3). More coercive tactics, for example, attempting to insert environmental chapters in the EPAs, have been resisted by African partners.

In light of these findings, the EU might be better placed in continuing to invest in less high-level policy dialogue and cooperation in the JAES in the field of climate change and environment, and more in mid-level more technical environmental diplomacy initiatives (see Chap. 3). At the same time, the EU's support for regional environmental institutions in Africa in order to build the capacity of African actors to engage on environmental governance on the continent would appear to be its most successful strategy going forward (as it has been in the water sector—see Chap. 7).

The EU could also search out more appropriate or innovative institutions to support. The African Union Commission may not be the best-placed interlocutor for the EU with regards to the environment and other bodies, such as the AMCEN, may be better placed. In this regard, regular interactions between DG Environment and AMCEN are already under way (see above). In addition to providing funds, the EU could also invest much more in providing much needed technical assistance as the availability of resources may not always be the most limiting factor on the implementation of effective environmental policies in Africa countries (Tondel et al. 2015).

Such an approach of capacity building at a regional and subregional level would seem to contrast, however, with the recent development of an EU-Africa wildlife strategy by mainly EU stakeholders. European involvement in conservation issues on the continent dates back to colonial times when many of the protected areas in Africa were established (Compagnon et al. 2011). The ramifications of colonialism are still keenly felt across the continent and so it will be interesting to see how this strategy is received by African actors and to what extent it is viewed as a vestige of a *paternal* rather than a *partnership* approach between the two continents.

Issues of distrust and perceived asymmetries between the partners discussed in this chapter point towards the need for caution by the EU in pursuing its own ideals and aspirations on the continent too zealously unless they closely align with those of African actors. More fundamentally, it might be worth for the EU to consider how it frames the environment in its relations with Africa. The environment (as framed by the EU in terms of, e.g. pollution, climate change and biodiversity) is somewhat abstract to African political agendas and interest in this is still low, including within civil society. The EU may find it more successful to reformulate

its environmental objectives so that they better fit a wider set of African priorities such as infrastructure, energy, land, food security and industrialization.

Notes

1. Two full EPAs have been signed with African countries (Southern African Development Community, and Eastern and Southern Africa). The negotiations on the East African Community EPA have been finalized but the EPA has not yet been signed. Two further "interim" or "initialled" EPAs are also in play (Cameroon and West Africa) (European Commission 2016).

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China: Deepening Cooperation on Climate and Environmental Governance

Diarmuid Torney and Olivia Gippner

Introduction

China stands out in a global context in terms of environmental impacts. Its environmental challenges range from the global to the regional and local. In terms of global climate change, China became the biggest aggregate emitter of carbon dioxide (CO_2) globally in 2006, and by 2014 it accounted for 29.7 percent of global CO_2 emissions. By contrast, in 1990, the year in which the UN climate change negotiations were launched, China accounted for just 10.7 percent of global CO_2 emissions. Over the same period, the EU28 share of global emissions declined from 19.4 percent in 1990 to 9.5 percent in 2014 (Olivier et al. 2015, 28–29).

Chronic air and water pollution resulting from decades of rapid economic growth and industrialisation—among other challenges—have come to dominate domestic environmental agendas. Air pollution in particular

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has grown to become a critical challenge facing China's leaders in recent years. The major sources of pollution include coal combustion, high-temperature industrial processes from smelters and steel mills, vehicle emissions, biomass burning and dust (Pui et al. 2014). "PM2.5" air pollution—so-called because the particles are less than 2.5 micrometres in diameter—is a particular concern because it can penetrate deep into the lungs and enter into the bloodstream, causing serious health problems. Public concern was exacerbated by the "Airpocalypse" of winter 2012–2013. On 14 January 2013, a reading of 755 was recorded for Beijing on the "Air Quality Index", a scale that ranks a score above 100 as "unhealthy for sensitive groups" and above 400 as "hazardous" for all (The Economist 2013). According to recent research, approximately 1.6 million deaths per year can be attributed to PM2.5, which equates to 4400 deaths per day or 17 percent of all deaths in China. Ninety-two percent of the population experienced levels of PM2.5 deemed "unhealthy" by the US Environmental Protection Agency for at least 120 hours during the period April–August 2014 (Rohde and Muller 2015). China also faces a range of other environmental problems, including soil and water contamination from hazardous substances contained in waste and industrial discharges.

As a result of these chronic environmental challenges, China's leadership has paid increasing attention to the ecological limits of rapid economic growth. In March 2014, Premier Li Keqiang announced a "war on pollution" at the annual meeting of the National People's Congress. As part of this announcement, Li announced that China would reduce steel production capacity by 27 million tonnes, reduce cement production by 42 million tonnes and shut down 50,000 small coal-fired power plants (Reuters 2014).

As China's leaders have sought to grapple with the country's ecological challenges, they have looked increasingly beyond their borders—including to the EU—for solutions. Over time, climate change and environment have become increasingly prominent and productive dimensions of the EU-China relationship, at the same time as other areas of that relationship have become more fractured. Bilateral projects and dialogues have increased both in terms of frequency of interaction as well as funding involved from both sides, while the threat of duplication with capacity-building and technology transfer projects with the United States or the World Bank remains.

This chapter traces the contours of this increasingly significant relationship on climate change and environmental issues. We focus in this chapter principally on interactions between the Chinese government and the EU as an entity in itself rather than considering the full spectrum of member state interactions with China, though we highlight instances where member states have played significant roles.

Drawing on the framework set out in the introduction to this volume, we identify the principal mechanisms through which the EU has engaged with China on environmental questions. The EU-China relationship is characterised by relatively equal power dynamics, at least when compared with the EU's relations with many smaller and less powerful states. As a result, the EU has no coercive power on Chinese environmental policy, and we do not find evidence of the "manipulating utility calculations" mechanism in this case. Rather, EU-China cooperation on environmental challenges is characterised by dialogue and negotiations and capacity building.

We argue that there is evidence that China has increasingly looked to—and adopted—European-inspired environmental policies and institutions. Indeed, there is clear evidence that EU capacity-building programmes were significantly demand-driven, rather than being imposed on China by the EU. However, there are two caveats to this argument. First, the EU is not the only game in town. In respect of both cases of capacity-building that are discussed in this chapter, other non-European actors have played prominent roles in China. Second, these policies have been modified, sometimes significantly, in the process of adoption in China, and challenges remain with respect to their implementation and ultimate effectiveness in a Chinese context.

The next section charts the development of institutionalised EU-China environmental dialogues and capacity-building projects, which have been a key part of EU-China environmental relations. The subsequent sections examine two cases of dialogue and capacity building: greenhouse gas emissions trading and environmental decision-making institutions. The chapter concludes with an evaluation of EU-China environmental cooperation.

Evolution of EU-China Environmental Cooperation

Prior to the 1990s, there was little by way of cooperation between the EU and China on climate change and environmental policy issues (Torney 2015; Chap. 5). During the 1990s, this position began to change with

respect to formal mechanisms for interaction, but these remained limited in practice. An EU-China Environmental Dialogue was established in 1992, and an EU-China Environment Working Group was established in 1996, but there is very little evidence of any substantive developments resulting from these dialogues during this period. Indeed, very little information is available concerning the content of the Dialogue and Working Group, or how often they met. The European Commission published reviews of EU-China relations in 1998 and 1999 which outlined the substance of cooperation. While the dialogues on environment and energy are mentioned in these publications, there are no details of substance or outcomes, and no indication that these were priority areas for the EU (European Commission 1998, 1999). During the period prior to the mid-2000s, substantive engagement on these issues remained limited and the dialogues on environment yielded few notable results.

However, the trajectory of the EU-China relationship changed in 2003 with the inauguration of an EU-China Strategic Partnership. This encompasses over 50 dialogues organised around the three pillars: political dialogue, economic and sectoral dialogue and people-to-people dialogue. Under the Economic and Sectoral Dialogue, the flagship cooperation on climate change takes place within the framework of the EU-China Climate Change Partnership. This includes a "Bilateral Coordination Mechanism" and a climate change rolling plan, which is "regularly updated by mutual agreement in order to ensure that it accurately reflects the needs of China and the EU" (MFA 2006). The partnership focuses on cooperation on technology transfer and dissemination. However, according to Romano (2010) there have been insufficient economic incentives for EU companies to transfer technologies to China.

With respect to broader environmental policy issues, a China-EU Dialogue on Environmental Policy at Ministerial Level was established as part of follow-up to the 2003 Strategic Partnership agreement (Snyder 2009, 828–830). This took the form of a meeting of then-European Environment Commissioner Margot Wallström with then-Minister Xie Zhenhua of the State Environmental Protection Administration in November 2003, as part of the first ever visit of an EU Environment Commissioner to China, and represented a deepening of the interest at political level within the EU in environmental protection issues in China. However, while a second meeting of the Ministerial dialogue was planned for the following year, in fact it took 2 years before it took place for a

second time, though it has met more regularly in the 2010s. The sixth meeting of the Dialogue took place in May 2016. The EU and China engage in a number of other environment-related policy dialogues. An EU-China Bilateral Cooperation Mechanism on Forests was launched in 2009 between DG Environment on the EU side and the Chinese State Forestry Administration. A Sustainable Urbanisation Partnership was launched in 2012, which brings together a variety of relevant stakeholders on both sides, including mayors and other regional- and city-level governance actors.

As well as on-going dialogue and negotiations within these forums, the EU and China have also increasingly developed practical bilateral cooperation projects which have sought to build capacity of national and lower level governments in China with respect to climate and environmental policymaking. Examples of such capacity-building projects and initiatives in the climate policy field have included a flagship project on near-zero emission coal launched in 2005, cooperation on the Clean Development Mechanism (CDM) and a loan of €500 million by the European Investment Bank in December 2010 to support the National Development and Reform Commission's (NDRC) National Climate Change Programme (as part of an overall €633 million committed funding) (Freeman and Holslag 2009, 26; European Investment Bank 2007). The EU also engaged with China on projects such as the CDM Facilitation Project (2007–2010), which aimed to strengthen "the Clean Development Mechanism (CDM) as a central pillar within China's path to sustainable development" (EuropeAid 2010). In the broader environmental policy arena, cooperation projects have included the EU-China Environmental Governance Programme which ran from 2011 to 2015 (see below); the EU-China Environmental Sustainability Programme, launched in 2012 and which aimed to support China's achievement of its environment and climate targets under the 12th Five-Year Plan; and the China-Europe Water Platform, also launched in 2012 which aimed through dialogue and capacity building to develop an integrated approach to water management in China (see Chap. 7).

Two of the most noteworthy EU-China environment and climate change capacity-building projects in recent years have focused on the themes of greenhouse gas (GHG) emissions trading and environmental decision-making institutions. These are examined in detail in the following two sections.

Cooperation on Carbon Emissions Trading

GHG emissions trading schemes (ETS) allocate emissions certificates to heavy polluters. The logic is that the amount of carbon emissions allowed in a market is limited by providing only a certain number of allowances for companies to pollute. These allowances are called carbon credits, are allocated for free or auctioned, and can be traded with other companies. Due to the scarcity of allowances and the ability to trade, a price on carbon emerges, which companies have to factor in their business decisions. By doing so, an ETS aims to lower overall carbon emissions in a cost-effective manner.

Emissions trading for sulphur dioxide was attempted unsuccessfully in China in the early 2000s, after which this policy instrument was not on the government's agenda. The Ministry of Finance (MOF) and the NDRC, as core stakeholders, were central players in seeking to reduce GHG emissions. Two main positions were advocated. The NDRC supported emissions trading while the MOF strongly advocated a carbon tax. Each preferred the policy that would allow it to retain control, and a bureaucratic competition over these two policy approaches characterised the early policy adoption stage (Gippner 2015).

In November 2011, the NDRC officially approved a list of pilot emissions trading schemes, which were established in five cities (Beijing, Tianjin, Shanghai, Chongqing and Shenzhen) and two provinces (Guangdong and Hubei). They were planned to be scaled up and tested nationally during the 13th Five-Year Plan starting from 2017. In 2011 and 2013, the NDRC and the State Council approved emissions trading, and in 2016 the Finance Minister announced that there would not be a separate carbon tax (Xinhua 2016). Thus, in the process of policy adoption, from agenda-setting, through research and development, to adoption as a national strategy, the NDRC has so far prevailed as the main institutional actor.

The EU has implemented the biggest GHG ETS in the world. Promoting this policy instrument is one of the main priorities of the EU's climate diplomacy efforts vis-à-vis China (see also Chaps. 3 and 6). European-Chinese initiatives on emissions trading started in 2006, and the EU was the first to consistently support China's development towards emissions trading. From the beginning of the Chinese debate about emissions trading, the EU was in direct interaction with the NDRC. In January 2010 the Climate Group, an international low-carbon advocacy group with an office in China, published a study on the prospects of carbon

trading in China. It mentioned a workshop co-hosted by the European Commission and the NDRC on sharing European experiences, as "positive signs of China's movement towards establishing a carbon trading" (The Climate Group 2010, 2). The 15th China-EU Summit in September 2012 agreed to "deepen policy dialogue and pragmatic cooperation on tackling climate change", including in the area of emissions trading, with the EU pledging to provide €25 million in financial assistance and knowhow to a set of pilot projects in China (Council of the European Union 2012; 7; Belis and Schunz 2013, 196).

The EU ETS was a key source of lessons, as "only Europe offers a precedent of comparable size" (Tu and Livingston 2012). However, the EU ETS in 2012–2015 was not only a source of positive lessons, as it did not manage to provide a price for carbon that incentivised decarbonisation of the economy to the extent desired. During the initial phase up to 2007 the system suffered from over allocation of allowances. From 2008 onwards the system was reset, with increasing prices as a consequence. But with the onset of the economic crisis in 2009 and a large inflow of external credits from the Clean Development Mechanism, the lack of flexibility to adjust the supply of allowances was exposed. An expert interviewed for this study confirmed: "The EU ETS is seen as a role model but not for imitation, as the Chinese are very aware of the shortcomings of the ETS" (price falls and over-allocation of certificates in the initial phase).

The EU has interacted with China on emissions trading in two ways: by explicit capacity building (trainings, summer schools, delegation visits) for the establishment of an ETS and through supporting the UN's Clean Development Mechanism (CDM). Introduced with the Kyoto Protocol, the CDM allows Annex-I countries (developed countries) to financially or technically support emissions reductions in developing countries and to count them for their own emissions reductions, allowing overall emissions to be reduced where they are the cheapest and thus achieving an efficient outcome (UNFCCC 2017). The EU-China Clean Development Mechanism Facilitation Project was launched in June 2007 and ran until January 2010 under the framework of the Partnership on Climate Change, with €2.8 million funding provided by the European Commission (EuropeAid 2010).

Discussions on the ETS between the NDRC and the European Commission started in May 2010, when NDRC's Xie Zhenhua and EU Commissioner Hedegaard met at a monthly video conference. They decided on cooperation based on capacity-building projects, and in July the Climate Group, NDRC, and the EU Director General for Climate, Jos

Delbeke, organised a workshop on the design and implementation of an ETS. In October 2010 another workshop and a fully funded ICAP[1] summer school on allocation mechanisms and monitoring followed. Since 2010 there has been a bilateral cooperation project on tenders and assessments to bid. In July 2013 €5 million was allocated for a 3-year project on capacity building and to explain the EU ETS experience on assessment and modelling. A follow-up project ensued. There was a lack of expertise on how to implement an emissions trading system in China, and thus efforts by the European Union were welcomed by the participating actors, in particular the NDRC and academic institutions.[2] As a member of the European Commission stated, "our role is to support the Chinese experts, but it is not up to us what they actually implement in terms of infrastructure, MRV and stakeholder involvement."[3]

Besides the EU, individual EU member states, in particular Germany, the UK and Italy, as well as international actors such as the World Bank, Norway and Australia have engaged in cooperation with different Chinese actors and regions on emissions trading (Torney and Biedenkopf 2015, 9).[4] The Partnership for Market Readiness (PMR) is a World Bank programme supporting the development of carbon markets. PMR gave €8 million to China to develop a greenhouse gas registry. The lion's share of almost 60 percent of the PMR budget is financed by the EU and its member states (Biedenkopf 2016). These efforts are loosely coordinated by the various actors.[5] The diversity among EU member states' energy and GDP profiles provided helpful examples to China in dealing with its diverse provinces' needs.[6] Inter-ministerial meetings have occurred with Germany and the United Kingdom on a technical level, Italy (for CDM) and France (limited). Since 2015, the EU ETS capacity-building project has taken representatives from the central Chinese government and the pilots on delegation visits to Europe and has organised training workshops in China. In 2015, most notably, the EU trained over a thousand Chinese officials as part of its EU-China ETS capacity-building project.[7]

Since 2012 EU-China capacity building has increased in areas such as data management, especially sensitive data. As China still does not allow international experts as third-party auditors and MRV, the EU sees training domestic experts as the basis for emissions trading, to acquire the relevant baseline data.[8] In the area of emissions trading a data basis is an important precondition for cooperation projects. Only with a clear understanding of how much companies and others are currently emitting, one can set emission caps that can effectively reduce overall pollution.

Since 2014, the plan for emissions trading is well underway (Duan et al. 2014; Zhang et al. 2014). The seven pilots draw on various experiences of emissions trading, and are mostly based on Australian, EU and Californian examples.[9] For instance, Shenzhen has drawn lessons from trading systems all over the world, such as allowance allocation and information systems from the EU ETS, market risk control from the Californian market, emissions reduction of buildings from Tokyo and setting a floor price from the plans for an Australian market (Climate Bridge 2013). Some of the systems are considered to have delivered important policy insights for the process of establishing a national GHG ETS in China—such as Shanghai, Beijing, Guangdong and Shenzhen, while the pilots in Chongqing and Tianjin are commonly considered to have failed, and trading never took off.

There are many criticisms of emissions trading as it stands now in China, including how to implement it without an absolute cap, how to avoid over-allocation and how to guarantee high-quality data. Nonetheless, the policy has several other important side effects, in particular by engaging various stakeholders—authorities, companies and the public—on climate change issues. Since the piloting stage, a crucial task was to increase the number of people knowledgeable about the policy and its implementation. NDRC has a limited budget for such activities and hence the capacity building by external actors was welcomed with open arms ("They said 'yes' to all offers of training"[10]). The EU, by specifically targeting officials, has provided an important contribution by training officials at the national and pilot levels.

Is the Chinese ETS a European idea that was "transferred"? "The fact that the EU is doing it is not the reason, but it makes it easier, provides certainty, templates of existing legislation and saves time. We have no illusion, for instance Korea introduced a different system, and there was little EU involvement."[11] As a participant to several capacity-building measures explained, the EU was a particular case, as it "continued" support. He continued: "EU is the most active supporter of Chinese ETS. There is a changing benefit from the EU climate attitude—on the level of researchers and policy makers, which is typical for the Chinese decision-making process."[12] Hence, the EU has been effective in positioning itself as a leader on emissions trading and a template worth learning from.

Would the Chinese ETS have been adopted without Europe's involvement? Looking at the failure of the sulphur dioxide trading system at the beginning of the 2000s, the European ETS clearly contributed significantly

to the development of the Chinese ETS. Domestic emissions trading does not have a good track record in China. Secondly, the CDM which has been a success story in China was strongly developed due to the EU ETS market, with the credits gained through the CDM traded on the EU market. Thirdly, the active capacity building by the EU, increased Chinese own capacity to implement an ETS. The lack of domestic capacity on many of the technical issues was an opportunity for the involvement of the EU and several other international actors. Fourthly, the EU ETS can be considered a "trailblazer", showing how such a system could work, but also providing lessons on how to improve on it. Finally, the impact of the EU's efforts cannot be measured in terms of conversion with the EU's own ETS, but rather in learning from its lessons—both positive and negative.

Besides these positive examples of EU capacity building, in 2012 the attempt to extend the EU ETS to the international aviation sector failed. At the time the EU wanted to make it obligatory for foreign airlines to purchase carbon credits offsetting emissions from all flights going into and out of the EU (including the part of the flight outside of the EU). While international discussions on this had been ongoing, the unilateral move by the EU was considered as an infringement of Chinese sovereignty both by the leadership and the public. Hence, the measure was never implemented. This example demonstrated once more that the EU has no coercive instruments vis-à-vis China, although one might say that it might have created a push for China to include aviation in its national legislation on ETS. The mechanism of manipulating China's utility calculations failed in this case.

The case of emissions trading shows that capacity building along with dialogues and negotiations are the major mechanisms for EU external environmental policy vis-à-vis China. While high-level dialogue was key for setting a policy agenda, capacity building has helped to communicate the more concrete experiences and lessons learned from the EU's own policy formulation and implementation. Capacity building can be considered effective mostly due to the high willingness to learn and engage on emissions trading on the side of Chinese counterparts. Drawing negative lessons was in some cases more important than positive learning. The second factor was the alliance of capacity-building actors which pursued similar goals and policies that can be considered key to the effectiveness of capacity-building measures. With all of this it has to be borne in mind that capacity building is mostly a tool to disseminate knowledge. Regardless of international capacity building, experimentation in the Chinese pilots will

be the most important determinant of the design of the national emissions trading system.

Cooperation on Environmental Decision-Making Institutions

The second case study of EU-China cooperation on environmental matters concerns the area of environmental decision-making institutions. It has long been recognised that China faces severe challenges in translating high-level commitment to environmental protection into concrete action on the ground (Economy 2004). Among barriers to stronger environmental protection have been the relative weakness of the Ministry of Environmental Protection at the national level, a corresponding weakness of environmental protection bureaus at lower levels of government including lack of capacity, a weak judicial system with limited legal recourse for environmental litigation and limited access to environmental data (Chen 2012; Yang 2014).

This situation has begun to change over recent years, including most prominently in response to the issue of air pollution across China. The most important factor driving the policy response to air pollution in recent years has been growing public concern. The Ministry of Environmental Protection introduced measures to allow public access to environmental information in 2008 (Ma 2008). However, it was not until 2012 that the government adopted the Ambient Air Quality Standard and began developing a national Air Reporting System (Clean Air Alliance of China 2015). This process was hastened by the actions of the installation in 2008 by the US Embassy of air quality measurement equipment, with hourly measurements of PM2.5 published via Twitter. For the first time, residents in Beijing gained access to independent information via third-party apps, which circumvented China's internet firewall. The period since 2014 has seen significant revisions to China's legislative framework for controlling air pollution, including revision of the Environmental Protection Law. While China still has a distance to go in terms of strengthening its environmental decision-making institutions, it is nonetheless fair to say that China has taken significant steps in this direction. To what extent has the EU played a role in this process?

The EU has provided active support for China's attempts to strengthen its environmental institutions and practices through a combination of dialogues and capacity building. This has taken place primarily through the

EU-China Environmental Governance project (EGP), a 5-year project to which the EU provided €15 million of funding, and which ran from 2010 to 2015, with a concluding meeting and international workshop held in Beijing on 13 October 2015. The Chinese partners in EGP were the Ministry of Environmental Protection (MEP) and the Ministry of Commerce, and the project was carried out by the MEP-affiliated Policy Research Centre for Environment and Economy.

The EGP consisted of four themes: (1) public access to environmental information, (2) public participation in environmental consultation and decision-making, (3) access to justice in environmental matters and (4) proactive engagement of the private sector. It is not a coincidence that the first three of these four themes map on to the three pillars of the Aarhus Convention.[13] Although not a treaty of the EU, and while it is open to signature by any country in the world, the Convention was agreed at the Fourth Ministerial Conference in the "Environment for Europe" process. Among the 41 Parties to the Convention are the EU and all of its member states, with the remaining Parties coming mostly from the European continent.[14] The Convention, then, is very much a European—though not an EU—treaty.

The Aarhus Convention was not the first legal expression of these concepts, nor are these ideas and principles uniquely European. They find prior expression in Principle 10 of the 1992 Rio Declaration on Environment and Development (UNEP 1992). However, the Aarhus Convention remains globally the only legally binding international treaty enshrining Principle 10 of the Rio Declaration (UNECE 2014, 11). Therefore, it serves as a reference point for other jurisdictions wishing to develop environmental decision-making institutions.

Although the EGP was modelled along the lines of the Aarhus Convention, a European participant in the project reported that "[The EU] couldn't mention the Aarhus Convention because of references to human rights and democratic institutions".[15] The same European participant suggested that the project must have originated from a request from the Chinese Ministry of Environmental Protection: "It [MEP] was established recently and is a weak institution. All external players were saying that public involvement would strengthen their role".[16]

The EGP consisted of two principal components, one at the national level and one at the local level. Each of these components involved a mix of policy dialogues and capacity building. There were 15 local partnership projects involving European organisations and local governments in

different parts of China. Each local project consisted of a consortium with at least one each from the EU and China, and each mapped on to one of the four themes of the overall project. The intention was that the experience from these projects would be replicable in other areas.

The national-level component acted as an umbrella to the local partnership projects, seeking to extract results and policy implications of the partnership projects. Among the dialogue-focused elements of the EGP were the hosting of international seminars and the facilitation of study visits. Capacity-building activities within the EGP framework included translation of important documents including key environmental judgements from the European Court of Justice and training of officials including judges. A legal cooperation programme, for example, focused on strengthening environmental law and governance in China, including through training of judges in environmental law.[17]

Among member states, the German government has been most active in cooperating with the Chinese government on environmental decision-making institutions through a "Sino-German Environmental Partnership Project", implemented by the German development agency GIZ and running from January 2013 to December 2016. This project's Chinese partners were the Ministry of Environmental Protection and the China Council for International Cooperation on Environment and Development (CCICED). As with the overall EGP, this involved a mixture of dialogue and capacity building. One component of this project consisted of an Environmental Policy Dialogue which supported on-going dialogue between German and Chinese experts, including expert visits to China, workshops and training sessions in Germany. A second component focused more specifically on capacity building and involved support for various groups within the CCICED framework on the rule of law and governance capacity. All of Germany's projects consisted of a national-level framework, but some also had pilot elements in regions, such as advice to Hebei province on public participation.[18]

How effective has EU support for China's environmental decision-making institutions been, and can we draw a causal link between the development of Chinese environmental decision-making institutions and the European experience? In April 2014, after 3 years of negotiations and four drafts, the Standing Committee of the National People's Congress approved the revision of China's 1989 Environmental Protection Law (EPL). This revision of the EPL strengthened public information disclosure, provided provisions for public interest litigation and introduced daily

fines for non-compliant polluters. In particular, the new EPL instructs central and provincial governments to carry out Environmental Impact Assessments for their economic and technological policies. In terms of public interest litigation, it allows all non-governmental organisations registered with a Civil Affairs Bureau above city level to file lawsuits, a significantly wider category of organisations than in earlier drafts of the revised EPL (Wübbeke 2014).

According to a participant in the EU-China Environmental Governance Project, the Standing Committee of the National People's Congress was open to looking at the European experience during the process of revising the EPL. With respect to the information disclosure chapter, it was clear that Chinese policymakers looked at international experience, but "the EU was among other inspirations and it's not clear that they drew exclusively from the EU".[19] Indeed, the United States has had much experience of developing environmental protection laws and institutions which often predate their European counterparts, including the Clean Air Act. Another participant highlighted similarities between the EPL Chapter 5 provisions on information disclosure and public participation and the provisions of the Aarhus Convention.[20]

However, there are also important differences between the European and Chinese experiences. Information disclosure in China applies to heavily polluting companies, whereas the Aarhus Convention provisions focus on disclosure by public authorities. Moreover, because the governance context differs between the EU and China, similar laws can have different effects in the two jurisdictions. The EPL provisions on public participation are similar to the European experience, but implementation is different because the civil society context differs in terms of strength of NGOs and the culture of compliance among companies.[21] EU support for reform of China's environmental governance institutions has been successful to some extent, though the EU has not been the only source of experience on which China has drawn. Moreover, in contrast to the emissions trading case discussed above, there have been more prominent international examples of best practice from which Chinese policymakers could draw, including most prominently the United States.

As with the case of emissions trading, bureaucratic politics was a significant factor in explaining the EU's successful involvement in China's attempts to strengthen its environmental decision-making institutions in China. In particular, the Ministry of Environmental Protection is a relatively weak body which only gained ministerial status in 2008 when the

previous State Environmental Protection Administration was upgraded. The MEP saw public access to information in particular as a way to boost public concern over environmental pollution and, by doing so, to strengthen its role in the policymaking process. In doing so, MEP took a risk in advocating for public participation, something that went against the Chinese style of governance.[22]

CONCLUSION

The EU and China have cooperated intensively on climate change and environmental policy for at least the past decade. The EU's agenda vis-à-vis China is broadly characterised by an effort to convince China of adopting similar policies and standards to those of the EU through dialogue and negotiation and assisting it to do so through capacity-building support. Indeed, climate and environment have become a centrepiece of the bilateral relationship. One of the key outcomes of the June 2015 EU-China Summit was the EU-China Joint Statement on Climate Change, and according to a European diplomat in Beijing, climate change has become one of the most productive aspects of the relationship.[23] This is a striking development, given that a decade ago climate change was a sensitive topic while the rest of the EU-China agenda appeared positive.

The emergence of the field of climate policy cooperation as one in which China and the EU meet at eye level is also exemplified by rising levels of trust in the climate relationship. Even Hanns Maull, who is a strong critic of the search for a strategic partnership between Europe and China, sees the area of climate change as promising, as "the EU actually has been moderately successful in forging common policies … [and it might] be able to strike a meaningful and balanced political … relationship with Beijing, because the EU would then be taken seriously in Beijing" (Maull 2011).

The case studies examined above illustrate that the EU actively promotes its approach to tackling environmental challenges in China by engaging in dialogues and negotiations on a range of issues and providing capacity-building support. China introduced carbon emissions trading and reforms to environmental decision-making institutions domestically, but these were both supported actively by the EU, including through on-going policy dialogues and capacity-building projects. There is little evidence to suggest that the EU has successfully manipulated China's utility calculations through incentives or

threats of punishment. Indeed, arguably the most prominent example of the attempted use of this mechanism by the EU vis-à-vis China was the attempt to include international aviation in the EU ETS. In the face of strong protests from a coalition of third countries including China, the EU backed down.

The emissions trading and environmental governance case studies above show an increasingly productive EU-China relationship on environmental issues. However, the area of renewable energy trade has been characterised by tensions, particularly in the case of solar manufacturing. In response to European industry claims that the Chinese solar industry was receiving subsidies and was dumping solar panels on the European market below cost price, the European Commission opened an investigation in what was the biggest trade dispute ever in EU-China relations. On 6 June 2013, then-EU Trade Commissioner Karel de Gucht announced the imposition of provisional duties on solar panel imports of 11.8 percent, which were to rise to 47.6 percent after 2 months if no negotiated deal could be reached. Against the threat of an escalating trade war and under pressure from Germany in particular, Commissioner de Gucht announced on 27 July 2013 that he had reached a deal with China which set a minimum price for Chinese imports and that Chinese exports to the EU above 7 GW per year would be subject to tariffs—granting tariff-free access (though subject to the minimum price requirement) to approximately half of the EU market for solar panels (Reuters 2013; European Voice 2013). This deal was endorsed by the Council in December 2013 (Stearns 2013).

EU external environmental policies towards China have been relatively successful in terms of helping to shape reforms of environmental governance in China. As the case studies illustrate, China has learned lessons and strengthened its environmental governance capacity in part through cooperation with the EU. Nonetheless, it is important to note that in both cases adopted measures have not been without criticism. In the case of environmental decision-making institutions, European member states often fail to comply with the Aarhus convention. In the case of emissions trading, the problem is not compliance, but the ineffectiveness of the carbon market in triggering investment in low-carbon innovation. The carbon price in the EU will likely remain too low until 2019 at the earliest and thus will fail to truly incentivise companies to reduce emissions through investments in low-carbon technologies. This might change after the introduction of a market stability reserve in 2019.

What factors have facilitated the effectiveness of EU external environmental policies vis-a-vis China? The two cases illustrate the importance of third-country demand for EU policy solutions to environmental challenges. In both cases, there was a clear demand from the Chinese government. In both cases, too, domestic bureaucratic politics in China was an important part of the story. In the first case study, proceeding with emissions trading allowed the NDRC to gain the upper hand over the Ministry of Finance, which favoured introducing a carbon tax. In the second case study, enhancing provisions for information disclosure and public litigation was seen by the Ministry of Environmental Protection as a way of tapping into public concern around environmental pollution to strengthen its role in the policymaking process.

It is also notable that the EU is not the only external actor promoting these particular policy instruments and governance institutions in China. This makes it difficult to isolate the precise causal role played by the EU in the development of Chinese policymaking, but also acted as an enabling condition for EU effectiveness—since multiple actors were pulling in the same direction. In both cases, in particular on emissions trading, other countries and international agencies carryied out similar capacity-trading measures. Again, this might be due to the nature of the policies analysed: neither emissions trading nor strengthening environmental decision-making institutions lend themselves to competition from other actors. Both policy approaches are not contested as areas of influence. For instance, one alternative to emissions trading would have been introducing a carbon tax. However, no other country, for example the United States, would gain commercially from China introducing a tax rather than an emissions trading system. This also meant that actions carried out by the EU were supported and complemented with the engagement of other international actors. This coherence of foreign engagement with Chinese climate authorities strengthened European capacity building, which continues to be considered as the most consistent external influence.

Notes

1. International Carbon Action Partnership (ICAP), an intergovernmental partnership by countries establishing carbon market systems.
2. Interview, World Resources Institute, Beijing, 8 August 2012; Interview, Renmin University, Beijing, 27 July 2012; Interview, Chinese Delegation to the UNFCCC, Bonn, 6 June 2013, among others.

3. Interview, European Commission, Brussels, 2 May 2013.
4. Interview, European Commission, Brussels, 2 May 2013.
5. Interview, EU ETS Capacity Building Project, Beijing, 12 May 2016.
6. Interview, European Commission, Brussels, 2 May 2013.
7. Interview, EU ETS Capacity Building Project, Beijing, 12 May 2016.
8. Measurement Reporting and Verification, first and foremost, refers to measurement of greenhouse gas emissions. Only by measuring actual emissions of plants can the suitable amount of carbon credits be purchased for offsetting. There are efforts to standardise MRV procedures internationally to allow for comparison. China is currently using national MRV standards.
9. Interview, Energy Research Institute, Beijing, 15 August 2012.
10. Interview, Carbon Forum, Beijing, 19 August 2016.
11. Interview, European Commission, Brussels, 2 May 2013.
12. Interview, Energy Research Institute, Beijing, 15 August 2012.
13. The full title of the Convention is the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.
14. The non-EU Parties to the Convention are Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Georgia, Iceland, Kazakhstan, Kyrgyzstan, Liechtenstein, Monaco, Montenegro, Norway, Republic of Moldova, Serbia, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan, and Ukraine.
15. Interview, Beijing, 29 June 2015.
16. Interview, Beijing, 29 June 2015.
17. Interview, Beijing, 14 July 2015.
18. Interview, Beijing, 25 June 2015.
19. Interview, 29 June 2015.
20. Interview, 14 July 2015.
21. Interview, 29 June 2015.
22. Interview, 29 June 2015.
23. Interview, Beijing, 13 July 2015.

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USA: Oscillating Between Cooperation, Conflict and Coexistence

Katja Biedenkopf and Hayley Walker

INTRODUCTION

The relationship between the United States (US) and the European Union (EU) in environmental, climate and energy-related policy is multifaceted and without a clear direction of influence from one of the jurisdictions to the other. Mutual influence and cooperation can be observed in some policy areas, coexistence of divergent policies and conflict in others. The nature of EU-US interaction has fluctuated over the course of time and with domestic political changes. While both jurisdictions have elaborate domestic environmental legislation, the approaches that these laws take differ in many cases (Wiener and Rogers 2002, 342–343; Wiener 2004, 75–78).

The USA is a different addressee and partner in EU external environmental policy compared to most other countries. Many other partners have more recently than the USA started their industrial development, which poses new environmental challenges. They are in need of support for raising their environmental standards and policies. In these cases, there is a power asymmetry with a stronger, capacity-richer EU and weaker

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non-EU countries with capacity needs. The power constellation with the USA is different. Efforts take place between actors of similar strength and with highly developed environmental policies on both sides and so capacity building is largely absent from EU-US environmental interaction. Given the symmetry of environmental power and capacity, manipulating utility calculations tends to be less pronounced in the EU's interaction with the USA than with the other countries and regions discussed in this edited volume. A few cases in which the EU has used access to its market as an external environmental policy mechanism have had an influence on US products and producers but this influence has in most instances not gone as far as leading to US legislative changes. Formal and informal policy dialogue has therefore been the main mechanism of interaction and cooperation between the USA and the EU in environmental policy.

The USA is the largest economy in the world and the second-largest single emitter of greenhouse gases (GHG). Its external trade, and internal consumption and production have a tremendous impact on environmental and climate protection not only domestically but also internationally. For this reason, the USA is a key player in global environmental governance. In recent history, it has assumed this role in various ways: The Obama administration was an active advocate for an ambitious international climate agreement (Biedenkopf and Walker 2016), while the preceding Bush administration was characterised by disengagement in international environmental politics. With the Trump administration, the pendulum has swung back to a period of disengagement and even dismantling of domestic environmental and climate protection policy and international disengagement. These recent stark fluctuations in US environmental and climate policy make it a challenging but nonetheless extremely important partner and addressee for EU external environmental policy.

In its 2016 Global Strategy, the EU emphasised its commitment to "step up political dialogue and cooperation in (…) ocean life protection, climate change and energy" (EEAS 2016, 37) with the USA. This clear EU willingness to engage with its transatlantic partner has remained relatively stable over the course of time. In contrast, US receptiveness to political dialogue with the EU on environmental and climate policy has in recent decades increasingly oscillated with the US Presidency. Democratic Presidents such as Barack Obama and Bill Clinton were more involved in domestic and international environmental and climate policy than Republican Presidents such as George W. Bush and Donald Trump. This translated into more or fewer overlaps between EU and US interests and

consequently into more or less interest in bilateral cooperation. Yet, while the Presidency is the key determinant of US external relations and foreign affairs, Congress must ratify international treaties and agreements and adopt domestic environmental policy. This has curtailed environmentally progressive Presidents' leeway for international environmental action. The negotiations of the Paris Agreement on climate change are an illustrative example of this constraint. The US negotiation team ensured that the agreement does not bind countries to greenhouse gas emission reductions but rather makes the reduction commitments voluntary and only the process of regularly submitting policy plans binding. The voluntary nature of the content of the so-called nationally determined contributions (NDCs) warranted that Senate ratification was not necessary for the USA's accession to the Paris Agreement on climate change.

During President George W. Bush's Presidency, which was characterised by federal inactivity on environmental and climate policy, a number of US states increased their activity levels and adopted their own subnational policies with the aim of filling the vacuum created by federal inaction (Rabe 2004, 15, 23; Engel 2006, 10–14; Rabe 2007). State-level activity to complement or drive federal environmental policy also had already occurred during earlier periods. One example is California's leadership on car emissions standards that later were adopted by the federal government (Vogel 1997, 562; Carlson 2008). The US Constitution provides for relatively broad leeway for states to adopt policies in areas that are not regulated by the federal level (Rabe 2011, 496; Matisoff and Edwards 2014). While some US states are active environmental policy-makers, this chapter focuses on the federal government since this is the level of governance that has the prerogative to conclude international agreements and to conduct official foreign relations.

The following section describes the institutional architecture of EU-US environmental and climate cooperation. This is followed by two case studies that aim at identifying the effectiveness of EU external environmental and climate policy towards the USA as well as the factors that help account for the level of effectiveness. The first case is EU-US interaction on genetically modified organisms (GMOs), which has been marked by conflict and coexistence of diverging policy approaches. The second case is EU-US cooperation on climate diplomacy in the run-up to the 2015 Paris Agreement. The concluding section highlights the factors that can explain the challenges and success conditions of EU external environmental policy towards the USA.

EU-US Environmental Cooperation and Dialogue

Interaction between the EU and the USA on environmental policy dates back to the inception of modern environmental protection measures. Initially the USA was an international environmental leader but has become less active and ambitious since the early 1990s (Christoforou 2004, 18–27; Krämer 2004, 56–66; Vogel 2012, 3–6; Schreurs et al. 2009, 3). Historically, it was the pioneer of domestic and international environmental policy (Andrews 2013) such as the 1969 National Environmental Policy Act and the establishment of the Environmental Protection Agency (EPA). Both were models for developments in other countries, including many European countries. For example, from 1974, European countries copied US car emission standards and requirements for catalytic converters in cars (Vogel 1997, 562). The EU has increased its level of ambition and scope of environmental policy since the 1990s while the USA has decreased its legislative activities, which has marked a shift in international leadership from the USA to the EU and shaped EU-US interaction in this policy area.

US Environmental Policy

Internationally, the USA was a major driver of multilateral environmental agreements in the 1970s and 1980s. It was a strong proponent of, for example, the 1972 Stockholm Declaration on Human Environment, the 1973 Convention on International Trade in Endangered Species and the 1987 Montreal Protocol on Ozone Depleting Substances. European countries and the USA cooperated closely in the negotiations of these and some other multilateral environmental agreements of that period. This changed in the 1990s, when the USA became a reluctant participant in many international environmental negotiations, failing to ratify most of the agreements (Cusumano 2014, 7; Schreurs et al. 2009). This had significant implications for the EU and its role in international environmental governance.

Domestically, US federal policy developments have increasingly taken the shape of regulation issued by the executive, based on existing legislation such as the Clean Air Act. Changing or adopting new legislation has become extremely difficult since environmental policy has become a highly politicised and partisan issue, which had not been the case to the same extent up until the 1990s. One exception is the 2016 reform of the

US Toxic Substances Control Act, which had remained unchanged since 1976. In a lengthy process, bipartisan support was garnered, a rare event in current US environmental policy. A less successful example is the 2008/2009 attempt to adopt a federal climate law. While there was narrow support in the House of Representatives, the Senate could not garner the necessary support. In response to this failed legislative process, the Obama administration reverted, in its second term in office, to adopting a number of EPA-level regulations, including standards for new and existing power plants, standards for passenger and commercial vehicles and standards to reduce methane emissions. President Trump, who promised to curtail environmental regulation as one of his electoral campaign pledges, initiated a radical break from Obama's policy by launching the weakening or withdrawal of most of his predecessor's regulations.

EU-US Political Environmental Cooperation and Its Institutional Architecture

Dialogue and cooperation between the EU and the USA has been maintained for a number of decades. It is institutionalised through an extensive and comprehensive architecture with transatlantic links ranging from high and low-level politicians and civil servants to non-state actors. Various attempts have been made since the 1990s to strengthen and tighten the formal links, yet not without challenges. Environmental policy has always been part of the broader transatlantic endeavour to cooperate across a range of different policy areas.

Environmental dialogues have existed between the EU and the USA since 1974, when an exchange of letters provided the basis for annual high-level consultations. Cooperation was first formalised in the 1990 Transatlantic Declaration, which established a formal political dialogue and yearly high-level summits. Since 2010 these meetings have been held on an ad hoc basis. "Protecting the environment, both internationally and domestically, by integrating environmental and economic goals" was cited as one of the transnational challenges that the 1990 declaration commits to tackle (US and EC 1990).

The 1995 New Transatlantic Agenda aimed at elevating the EU-US relationship to a higher qualitative level in terms of the scope and depth of cooperation. It identified environmental protection as one of three global challenges that the EU and the USA pledged to address and formalised political cooperation, with a commitment to "work together to strengthen

multilateral efforts to protect the global environment and to develop environmental policy strategies for sustainable world-wide growth" (US and EU 1995). It created a novel architecture of EU-US cooperation with institutionalised interaction amongst both state and non-state actors. Political cooperation ranged from the highest level of the US President and EU leaders, and high-level officials to regular meetings of lower-level policy officers (Pollack 2005, 900). Many transgovernmental networks (Slaughter 2004) of lower-level policy officials were created to engage in cooperation on their day-to-day issues. The intention was to approximate regulation and avoid regulatory conflict and trade disputes. The success of these networks, however, remained limited.

The Transatlantic Economic Partnership evolved from the New Transatlantic Agenda and was initiated in 1998 to strengthen trade and economic dialogue before the 1999 World Trade Organisation (WTO) conference. It makes reference to the incorporation of environmental concerns into a WTO agreement as one of the issues for discussion. The Transatlantic Economic Partnership aimed at regulatory cooperation and reconciliation of regulation on both sides of the Atlantic to foster trade and economic cooperation. This led to the enactment of a number of regulatory cooperation agreements, including in the area of environmental policy. However, these faced numerous challenges, most notably the differences in EU and US regulatory procedures, the multilevel features of both jurisdictions, the executive focus of the agreement failing to bind legislators and the domestic politics concerning issues such as GMOs (Pollack 2005, 907–911).

To enhance and provide new impetus for regulatory cooperation, the High Level Regulatory Cooperation Forum was established in 2005. Senior officials identified opportunities for cooperation, including environmental regulation such as energy efficiency. With the 2013 launch of the EU-US negotiations on a Transatlantic Trade and Investment Partnership (TTIP), the High Level Regulatory Cooperation Forum moved to a dormant status in 2014. The Transatlantic Economic Council was launched in 2007 and is also part of the attempt to revive EU-US cooperation. It included a range of policy areas that are not only economic but also environmental such as electric vehicles, smart grids, energy efficiency and nanotechnology. The lead responsibility for the Transatlantic Economic Council was initially in the hands of the Directorate-General for Enterprise and Industry and in 2011 was moved to the Directorate-General for Trade and their respective US counterparts. The process is

thus not driven by the primary objective to enhance and promote environmental policy but rather to foster and facilitate trade and economic cooperation in areas that also pertain to environmental and climate protection. The Transatlantic Economic Council was also made dormant with the launch of the EU-US trade negotiations.

An EU-US High-Level Dialogue on Climate Change was established in 2002 and fell into suspension in 2009. Its aim was to hold regular meetings on climate-related science and research. The lifetime of this initiative falls within George W. Bush's Presidency, which explains the focus on research rather than environmental policy. It also demonstrates that despite the Bush administration's inaction on climate policy, some activities and cooperation still continued at the technical level. With the Obama Presidency, the transatlantic institutional framework for environmental and energy cooperation was revived in 2009 by creating the EU-US Energy Council, a formal dialogue initially with three working groups on (1) energy policies, (2) global energy security and markets and (3) energy technologies research cooperation. Later, a fourth working group on climate change was added. The Council met on average once per year during the Obama administration.

Whilst the EU-US Energy Council's focus initially was on energy and energy security, environmental issues including climate change, renewable and low-carbon energy sources, sustainable development and energy efficiency regularly featured on the agenda and increasingly were included. Weekly calls at the level of European Commissioners and their US counterparts served to discuss a range of political issues with a focus on energy but also related climate and environmental issues. Cooperation evolved in the course of the Council's existence from a focus on a single issue to a comprehensive dialogue amongst various US departments and European Directorates-General. Cooperation included foreign policy as it relates to energy and comprised EU-US exchanges on energy-related issues in as diverse geographical regions as Ukraine, Russia, Africa and the Caribbean. Exchanges of own practices and domestic policies, including energy efficiency and renewable policies but also discussions of the international climate negotiations were subject to discussions. The addition of a climate change working group to the Energy Council towards the end of the Obama administration demonstrates its broadening to a more comprehensive dialogue. This took climate policy to the strategic level of discussions between Secretary of State Kerry and his European counterparts. The EU-US Energy Council was a unique occurrence. In no other

policy area did such a high-level institutionalised forum exist. While initially linked to the EU-US summit, the Energy Council evolved into a stand-alone structure between the Secretary of State, the Secretary of Energy, the EU High Representative and European Commissioners at its core. The Trump administration however has shown little interest in the regular meetings and exchanges.

The Transatlantic Environmental Dialogue

The 1995 New Transatlantic Agenda included a noteworthy decision for EU-US environmental cooperation. In its attempt to deepen and broaden cooperation, the agenda included a people-to-people dimension that aimed to bring both sides of the Atlantic closer together. This provided the basis for four dialogues, including the so-called Transatlantic Environmental Dialogue (TEAD) that was launched in May 1999 (ICTSD 1999b). It comprised about 50–70 civil society participants from the EU and the USA and was structured in five working groups: climate change, agriculture, trade and environment, biodiversity, and industry (ICTSD 1999a). The three other dialogues were the Transatlantic Business Dialogue that has morphed into the Transatlantic Business Council, the Transatlantic Legislators Dialogue and the Transatlantic Consumers Dialogue. While the TAED was discontinued in 2000 (Lankowski 2004), the three other dialogues are still operational with varying degrees of intensity.

The TAED is an interesting case for EU-US environmental relations since it aimed at approximating environmental policy-making in both jurisdictions by also bringing together civil society forces to generate a joint advocacy basis and an expression of the view of the transatlantic NGO community. The TAED aimed to formalise and strengthen dialogue on environmental issues and to increase the access of environmental NGOs from the EU and the USA to high-level transatlantic policy-making. Its aim was to serve as independent discussion forum that would monitor transatlantic environmental policy-making and make policy recommendations. The US government provided financing to the National Wildlife Federation and the European Commission to the European Environmental Bureau to jointly initiate and organise the TAED (Lankowski 2004, 329–336).

The TAED did not, however, succeed in establishing a transatlantic environmental community but rather remained limited to certain NGOs. It struggled to make substantive progress despite regular meetings and only existed for two years. It was suspended in November 2000 allegedly

due to the US government's failure to provide its share of the financing (EurActiv 2000). After assuming office, George W. Bush made no attempt to revive the dialogue. The context in which it operated was not conducive to its success since the EU and the USA did not make much progress on environmental cooperation and environmental policy debates differed significantly on either side of the Atlantic, which left the TAED with few concrete issues on which to collaborate (IATP 1999). Participating NGOs worked on domestic and global policy issues rather than the transatlantic dimension (Pollack 2005, 914–915). While European NGOs have adapted to the EU's multilevel nature and are structured in a way that enables them to find and advocate transnational positions, US NGOs are more fragmented. This made it more difficult for the US NGOs to engage in the TAED (Lankowski 2004, 337–342).

The other three transatlantic dialogues still exist and the Transatlantic Consumer Dialogue includes some environment-related issues such as food and nanotechnology. The Transatlantic Legislators' Dialogue also includes environmental policy but seems to be a one-sided affair since it enjoys a higher priority amongst EU parliamentarians than Members of US Congress. The Transatlantic Business Council seems most successful in generating joint positions and voicing them. This could be due to many businesses' operations in both jurisdictions and their globalised nature in many regards.

While EU-US environmental relations are enshrined in a multifaceted architecture of institutionalised dialogues, they are marked by not only cooperation but also conflict and failure of approximation that sometimes led to the coexistence of divergent approaches. The following two sections illustrate the complexity of EU-US environmental relations by zooming into two different cases. The first, GMOs, is a case in which a number of formalised ways of cooperation were tried but which is nonetheless still marked by conflict and divergent approaches. The second case, climate diplomacy in preparation of the 2015 multilateral climate conference in Paris, is characterised by informal and some formal cooperation in which the EU and the USA synergistically interacted despite somewhat different objectives for the negotiations.

GENETICALLY MODIFIED ORGANISMS

The regulation of GMOs exemplifies the challenges of EU external environmental policy towards the USA. It is a case in which dialogue and cooperation attempts have not yielded any significant effect on US rules. Organisms

can be genetically modified by injecting into DNA, for example, foreign proteins, resistant genes or genetic constructs to alter specific characteristics of a plant (or animal). This practice is controversial from an environmental point of view since a number of consequences of cultivating genetically modified crops are difficult to predict. For example, a plant that is modified to contain a toxin making it resistant to insect pests could have implications on predators that feed on the insects with serious impacts on biodiversity.

The EU has established strict rules regulating GMOs. Yet this is also an area in which not all EU member states agree and in which national politics are not as aligned as in many other environmental policy areas. The EU has adopted rules for the approval, labelling and cultivation of GMOs, which have evolved since the 1990s, when GMO regulation was characterised by diverging member state rules. In the course of the 1990s, different EU member states adopted GMO bans while the EU level approved the cultivation of eighteen genetically modified varieties. This led to a clash between the European Commission and some member states. Subsequently dialogue between the two levels of governance was increased and a unified European position based on the precautionary principle was developed. In 1998, the EU adopted a ban on the commercial introduction of new genetically modified products followed by the adoption of regulation on the labelling of genetically modified foods and feeds and on the traceability of GMOs at all stages of their production and consumption chain in 2003. Yet, GMO policy remains controversial within the EU. Proposals by the European Commission to cease individual member states' bans on GMOs were rejected by the Council of Ministers (Keilbach 2009, 116). A 2015 law shifted some of the competences to allow or prohibit the cultivation of GMOs back to the EU member states.

The US approach differs significantly from the EU's. It regulates GMOs as part of existing legislation such as food and agricultural chemicals regulation, which has led to some transatlantic conflict. The burden of proof is the mirror-reverse across the Atlantic. In the EU, it needs to be proven that genetically modified varieties do not pose a risk, while in the USA the standard assumption is that genetically modified varieties do not pose a risk until proven otherwise. The source of the conflict is in part rooted in the precautionary principle and its interpretation. The precautionary principle addresses uncertainty in the relationship between a hypothesised cause and effect. It is based on the logic that in cases of identified threats of damage the absence of full scientific certainty should not be a reason for delaying response measures (Wiener and Rogers 2002; Murphy et al. 2006).

Neither the EU nor the USA have been able to influence and sway the other's positions to align it with their own. The conflict is rooted in the EU's assertion that its GMO policy protects the environment and human health, while the USA perceives this as protectionism. Manipulation of utility calculations is difficult in the EU-US context, since both are big market powers. The EU has never been a significant enough outlet market for US GMO products to enable it to use the power of its market access. While US producers strive to open up the EU market for their products, they do not have a large enough incentive to change their production to non-GMOs since they can sell their products on the US domestic and other markets.

Attempts to mediate between and to approximate the two approaches have instead been pursued through dialogue. The Transatlantic Economic Partnership included GMO-related dialogues at different political levels. For example, an EU-US Biotechnology Consultative Forum composed of eminent persons from outside the government was tasked to report to the 2000 EU-US Summit. Regulatory dialogue on biotechnology brought together policy officials from both sides of the Atlantic. The Biotechnology Working Group under the auspices of the Transatlantic Economic Partnership conducted simultaneous GMO assessments in a pilot project. Yet, protests against GMOs in Europe led in 1999 to a moratorium on the approval of new GMOs in the EU, which ended the pilot project (Murphy et al. 2006, 137–138). The Transatlantic Environmental Dialogue (TAED) and the Transatlantic Business Dialogue were also involved in GMO policy. The TAED issued recommendations to the EU and US governments prior to the 1999 WTO Seattle Ministerial in favour of a strong protocol on biosafety under the Convention on Biological Diversity and opposing the inclusion of GMOs into the WTO discussions (ICTSD 1999a). The Transatlantic Business Dialogue argued in favour of regulatory harmonisation and mutual recognition of GMO approval.

Due to the widely divergent domestic approaches and the politicisation of GMO policy in both jurisdictions, cooperation efforts failed. After the EU-US dialogue did not yield any approximation of both positions, the USA took the issue to the WTO in 2003 (Pollack 2005, 909). In 2006, a WTO panel ruled that the EU's de facto GMO moratorium between 1998 and 2004 violated the organisation's Sanitary and Phytosanitary Agreement. This did not, however, lead to a significant change in practices. After 2004, the EU approved very few GMOs in lengthy procedures, compared to the relatively quick processes in the USA.

Similarly little EU-US cooperation could be witnessed at the multilateral level. The EU pushed for the inclusion of the precautionary principle in the 2000 Cartagena Protocol on Biosafety. Since the USA is not a party to the Convention on Biological Diversity, it was not a full-fledged negotiation partner in the drafting of the Cartagena Protocol, which falls under the auspices of the Convention. The USA was, however, involved in the negotiations to some extent by providing input through the so-called Miami Group of GMO producers and exporters. The Cartagena Protocol addresses the transboundary movement of GMOs and establishes a procedure of advanced informed agreement to any GMO import into a country (Keilbach 2009, 120). This applies, of course, only to parties to the Protocol and excludes the USA. GMO policy is thus an example of an area in which the widely diverging EU and US domestic approaches and the resulting divergent international positions have caused conflict at times and can be characterised as persistent coexistence of different rules. EU external environmental policy through dialogue has thus not yielded a noteworthy effect on the other side of the Atlantic due to power symmetry and divergent politics and interests.

CLIMATE DIPLOMACY TOWARDS PARIS[1]

Climate diplomacy in the run-up to the 2015 multilateral Paris climate conference exemplifies the conditions under which EU cooperation with the USA can generate international effects and governance changes. It is, however, not a case in which EU environmental policy yielded any significant change of US domestic rules or international positions. EU-US interaction on climate diplomacy can be characterised as an implicit division of labour. There was no joint transatlantic strategy but instead loose cooperation, frequent information exchange and unilateral adjustment to the red lines of, in particular, the USA since the circumvention of a possible US Senate ratification established a relatively hard US position on the legal nature of the Paris Agreement. Given their different characteristics, the EU and the USA did what they could do best and used their comparative advantages in the international system and their existing diplomatic relationships and network structures.

EU-US interaction in the climate negotiations that culminated in the adoption of the Paris Agreement consisted of information exchange and regular discussions. Both jurisdictions had distinct negotiation positions that over the course of 2013–2015 converged on some points. The EU

insisted on and emphasised the importance of a legally binding treaty, including binding mitigation commitments. This was unacceptable to the USA since legally binding GHG reduction commitments would most likely have required ratification by the Senate, which was an extremely unlikely scenario. As the negotiations progressed, the EU came to accept the legally binding nature of the international process instead of the content of the national contributions. This could be interpreted as the EU rather than the USA being influenced by the other's position.

The USA and the EU diverged on some of their positions, but they also shared common ground on the need for transparency and solid measurement, reporting and verification provisions, the abolition of the division between developed and developing countries into two distinct categories, and the commitment of all parties to joint goals while differentiating in the details. They emphasised different aspects but there was no great contradiction or sharp conflict. Regardless of their positional differences on some negotiation elements, both the EU's and USA's coalition building with other countries proved to be complementary. Given their different characteristics, the EU and the USA could not have done exactly the same things. Both used their comparative advantage in the international system and their existing relationships and network structures (Biedenkopf and Walker 2016).

The USA's greatest influence derived from its cooperation with China and due to the fact that a climate agreement without the USA would have excluded a large GHG emitter. Everyone was aware of the USA's red line and took it into account. The USA is a somewhat greater structural power in economic and climate terms than the EU but was very committed to reaching an agreement. Its structural power combined with its skilled and active diplomacy can explain the USA's big footprint on the Paris Agreement. The EU and its member states played a leading role by trying to ratchet up the level of ambition of the agreement, most notably through their central role in the *high ambition coalition* that they spearheaded together with small-island developing states, in particular the Marshall Islands. They consistently had more ambitious positions than the USA. Since those positions were beyond the red line of the great powers of the USA and China, not all parts of their positions were necessarily enshrined in the text of the Paris Agreement, but they made a significant contribution by maintaining the level of ambition and pushing others as far as they could possibly go.

Overall, climate diplomacy and leadership during the Obama Presidency and in particular during his second term of office has been characterised

by a remarkable degree of high-level activity. Albeit not as part of a joint strategy, the EU and US engagement in international climate negotiations has been complementary in an implicit division of labour, in which the EU and the USA each did what they could do best and for which they had the necessary traits, credibility and skills (Biedenkopf and Walker 2016).

After the adoption of the Paris Agreement both the USA and the EU continued to put their individual power and skills to use in the process of ratification, although this cannot be considered a complementary division of labour. Rather, the extremely swift accession of the USA to the Paris Agreement precipitated urgent and unconventional action on the part of the EU to also ratify the agreement in record speed. This was deemed important to ensure that the momentum garnered from Paris could continue into the crucial stages of ratification and implementation. The case of climate diplomacy during the Obama administration thus paints a different picture from the GMO case. It highlights, on the one hand, the importance of domestic politics and political will for dialogue and cooperation. On the other hand, it also illustrates the USA's power that makes it almost resistant to EU influence in the absence of domestic political will to do so. Together the EU and the USA achieved more in the multilateral climate negotiations than each of them would have achieved without engaging with the other in a complementary manner. Yet, the USA had its hard red lines, which could not be swayed by the EU or any other jurisdiction. Rather, the EU was well aware of those red lines and factored them into its strategies. Rapid ratification by the USA also exerted some influence on EU processes. This was, however, not an influence on the principled decision to ratify but rather on speeding up the process. The importance of domestic politics and political will for EU-US dialogue and cooperation has also been emphasised by the radical shift that was initiated by President Trump. The USA's lack of political will under President Trump to engage in international climate governance can have dramatic implications.

Conclusions: Explaining the EU's Limited Impact on US Environmental Policy

The brief sketches of the two cases of GMO policy and climate diplomacy highlight some of the conditions under which EU external environmental policy towards the USA can bear an effect. They can broadly be grouped into three categories: the domestic politics, the political

system and procedures, and the relative power symmetry in the environmental area.

Unlike other policy areas, environmental policy is one in which there is relative power symmetry between the EU and the USA. Both have an elaborate and established set of domestic policies and large markets for products such as GMOs or energy efficient products. While trade between them is intense and crucial to each of the economies, neither of the two jurisdictions has a large leverage over the other. Adjustments of policies to the other side of the Atlantic occur, of course, but only in cases in which they do not openly clash with existing legislation or strong political opposition. Given that both the EU and the USA are large market powers, manipulating the USA' utility calculations by using payments or market access seldom is a viable option for EU external environmental policy. Similarly, given the USA' high degree of technical and administrative capacity, using capacity building to sway US policymaking in a certain direction cannot be used by the EU. This leaves dialogue and negotiations as the main mechanism of EU external environmental policy.

Domestic institutions and political systems can explain many of the constraints and cumbersome process that stand in the way of closer EU-US environmental cooperation. One of the structural obstacles can be found in the different EU and US regulatory procedures, which are very difficult to align (Pollack 2005, 907–911). Another structural obstacle is the detachment of the US President from Congress in the sense that elections are held separately and the President often cannot rely on a safe majority in his/her legislature. This is at the root of the USA' track record of signing international environmental agreements but not ratifying them (Bang 2011; Schreurs et al. 2009, 8–9). The constraints for both bilateral and multilateral cooperation are largely rooted in the two-level nature of such processes (Putnam 1988). The executive negotiates internationally while trying to ensure sufficient domestic support for the measure. The President signs the treaty and then presents it to the Senate where a two-thirds majority is required for ratification of an international agreement. This has proven challenging given the politicisation US environmental policy.

Environmental and climate policy has grown increasingly controversial and partisan in the US Congress (Theriault 2008), making it difficult to adopt or change domestic legislation or ratify an international environmental treaty. When the President and the majority of Congress represent

different political parties—a situation generally labelled *divided government*—it becomes difficult to reach agreement (Milner and Rosendorff 1997). The politicisation of environmental policy domestically thus has massive implications for the USA's ability to engage in dialogue and negotiations with the EU since those efforts are conducted by the executive and fail to bind legislators who are often only involved at a later stage (Pollack 2005, 907–911).

Most examples of successful EU external environmental policy can be found in cases in which there was a certain degree of US political willingness or a very low degree of politicisation. This fits the model of the EU external policy as "pushing at an open door" (Foot 2010, 229). The contrast between the Obama and Trump administrations in this regard is especially sharp and underlines the importance of the political will and the domestic politics for EU external environmental policy towards the USA. This factor is particularly pronounced since dialogue and negotiations are the main mechanisms in the absence of relevant scope conditions for the manipulation of utility calculations and capacity-building mechanisms to be effective.

The TTIP negotiations, that were launched in 2013 and faded away with the election of President Trump, also highlight the importance of domestic politics and divergent policies for EU-US cooperation. Especially the so-called Investor-State Dispute Settlement provision that was part of the negotiations was considered as a means to weaken EU environmental policy by a number of civil society actors who strongly opposed it.

This chapter has focused on the US federal level only. Since some states such as California are very active and ambitious on environmental and climate policy, the overall picture of EU external environmental policy towards the USA is even more complex. Some US states cooperate formally and informally with the EU but even more so with individual EU member states. There is thus another layer of external policy and cooperation, which could not be addressed in this chapter but also is highly relevant and warrants further research, especially in times of federal inaction (Biedenkopf 2017).

NOTES

1. This section is based on a more elaborate policy report: see Biedenkopf and Walker (2016).

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Outlook and Conclusions

The Limits of Ambitious Environmental Policy in Times of Crisis

Charlotte Burns and Paul Tobin

Introduction

The EU has been identified as a key actor in global environmental governance through its positions on formal international treaty negotiations and via the pursuit of its own ambitious environmental policy agenda (see, e.g. Bretherton and Vogler 2006; Keleman 2010; Wurzel and Connelly 2012). However, since 2008 it has been hit by a range of crises that have arguably shaken the foundations upon which its external environmental ambition rests. The global financial and Eurozone crises that have afflicted European economies since 2008 have caused radical changes to the economic strategies of many states, notably involving the replacement of stimulus packages with austerity measures that seek to roll back public spending (Blyth 2013), raising significant questions over the durability of environmental legislation. Prior to the wave of austerity measures, the European Union (EU) had sought to define its international identity by

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developing ambitious environmental policies, such as the Climate and Energy package that was enacted in 2009. The EU also took a lead in international environmental negotiations, such as the Conferences of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC). However, such ambition may be difficult to sustain during a period of austerity. Certainly, some commentators suggested that the disappointing outcome of the Copenhagen COP was shaped by the wider economic malaise (Christoff 2010) and prompted a crisis of confidence within EU climate policy. By the 2015 negotiations in Paris, the EU seemed to have redefined the scope and nature of its climate ambitions but then was rocked in June 2016 by the UK's vote to leave the EU. In the run up to the *Brexit* vote, then UNFCCC Executive Secretary, Christiana Figueres argued that the Paris Agreement could be compromised by Brexit (Crisp 2016a) and others had suggested that the EU's international environmental (more specifically climate) policy ambition could be weakened as a consequence of the UK leaving the EU (Oberthür 2016).

This chapter draws upon primary and secondary literature and interviews with key decision-makers in order to argue that the economic and financial crises—hereon, the *economic crisis*—have had a profound impact upon the EU by limiting its internal environmental policy ambition, which, in turn, has shaped the Union's scope to be an environmental pioneer and leader. The following section briefly reviews the multiple crises that have affected the EU in recent years including the Brexit vote, before evaluating how the economic crisis has shaped the EU's internal policy ambition and its negotiations in external international fora. The chapter concludes by suggesting that the UK vote to leave the EU was at least in part prompted by the pursuit of austerity, and offers an early analysis of its implications for the EU's international environmental policy.

Simultaneous Crises

Following the economic crisis that began in 2007 with the realization that US sub-prime mortgage debt was unlikely to be recovered, followed by the collapse of high-profile financial service companies, such as Lehman Brothers (Baldwin and Wyplosz 2012, 528), there have been additional economic challenges. The EU has faced its own Eurozone crisis, which in turn has raised questions over the existence of the single currency and the wider EU project (Copelovitch et al. 2016). In turn, many European states have responded to these crises through austerity measures, either as

a requirement from the Troika (European Commission, International Monetary Fund and European Central Bank) in exchange for deficit relief, or through self-imposition, such as in the UK (Blyth 2013). Austerity measures hold the potential to affect the EU's environmental performance still further, due to pressure from struggling member states to avoid overly burdensome regulation from *above*. In addition to the economy, a number of parallel crises have hit the EU. The failure of the Copenhagen climate conference (Bodansky 2010), at which the EU struggled to imprint its own preferences on negotiations (Delreux and Happaerts 2016, 249), affected the confidence of the international environmental community to achieve a climate solution and also increased uncertainty about the global role of the Union. Later, from 2013, the Ukraine crisis and annexation of Crimea highlighted the dependence on Russian energy imports of Western European states and related security concerns. Furthermore, although not linked to the environment as directly, the Arab Spring and the Syrian refugee crisis both challenged the EU's ability to find common solutions to transboundary challenges. In turn, far-right parties, such as the *Golden Dawn* in Greece and the *Front National* in France, have become increasingly popular, reflecting and consolidating a rise in nationalism that stands in stark contrast with the ideals of the European project. As such, these diverse yet overlapping crises have added to and exacerbated the sense of uncertainty that has pervaded the EU since 2007. More recently, and potentially most significantly, the UK's vote to leave the EU, the so-called Brexit, has further challenged the authority and solidarity of the Union in the face of a range of external pressures, prompting Commission President Juncker to talk about the Union facing an existential crisis (Rankin 2016).

Internal Ambition

The EU's reputation as a key actor in global environmental governance has been underpinned by its development of a wide-ranging and extensive portfolio of environmental policies, especially since the 1980s. The EU now has a comprehensive suite of environmental policy covering inter alia, broad strategic issues such as sustainable development, waste management and green procurement, as well as the regulation of the classic media of air, water and soil. This policy activity has been driven in part by green "pioneer" states—often identified as a sextet, comprising Austria, Denmark, Finland, Germany, Netherlands and Sweden. These states have shaped the evolution of environmental policy at the European level (Wurzel and

Connolly 2012) by uploading ambitious national environmental policies, in order to mitigate the cost of implementing EU legislation (Héritier 1996; Börzel 2002). However, the EU has struggled to maintain the same level of policy ambition since 2008.

The EU's early response to the economic crisis was to embrace the discourse of a green new deal by presenting the crisis as an opportunity to invest in green infrastructure and job creation, thereby generating growth and the low-carbon economy. The Europe 2020 package drawn up by the Barroso Commission (2004–2014) held the green economy as a centrepiece of its strategy for tackling the crisis, with the ultimate aim of achieving smart, sustainable and inclusive growth (see European Commission 2010). The package was underpinned by a range of roadmaps and national strategies, such as the Resource Efficiency Strategy (European Commission 2011a), the Road Map to a Low-Carbon Economy by 2050 (European Commission 2011b) and the 2050 Energy Roadmap (European Commission 2011c). Thus, despite the onset of the crisis, the EU continued to advance its ideational commitment to environmental policy goals in line with the wider prevailing trend amongst policymakers globally to embrace the green economy as a stepping stone to economic recovery (see Obama 2009; OECD 2009; UNEP 2009a; b; Green New Deal Group 2008).

However, as austerity in member states started to bite, a range of increasingly vocal environmental sceptics emerged. Thus, the UK coalition government that came into office in 2010 claiming to be the "greenest government ever" was, by 2011, deriding environmental policy as too costly, and by 2013 the UK Prime Minister was alleged to have labelled environmental policy as "green crap" (Carter and Clements 2015). The UK combined this hostility to environmental regulation with its longstanding Euroscepticism to launch a set of national exercises designed to justify a roll back of EU environmental policy, such as the red tape challenge (DEFRA 2014a) and the balance of competence review (DEFRA 2014b). The Dutch also sought to limit EU competence in a range of sectors (Ministerie van Buitenslande Zaken 2013), as their appetite for environmental policy leadership started to wane (Liefferink and Birkel 2012). Finland, Germany and Netherlands (Tolbaru 2012) also all sought to weaken the Energy Efficiency Directive adopted in 2012. Indeed, Finland abstained from the vote on the grounds that its previous efforts in relation to energy efficiency had not been taken into account sufficiently and that the targets were too ambitious (Council of the European Union

2012). Germany also sought to weaken the emissions targets for CO_2 emissions from small cars (Burns 2013) and has subsequently successfully blocked implementation of the targets that were agreed (EurActiv 2013) in an effort to protect its car industry.

Overall, there seems to have been a reduced appetite for new and ambitious EU environmental legislation: the main policies emerging from the EU post-crisis have been those that were already committed to previously, as part of the climate package. Here, it appears that former Commission President José Manuel Barroso had identified climate change as a key theme for his second term, and once the crisis broke, he simply shifted the emphasis of the planned programme to encompass a wider green growth agenda.[1] However, the commitment to the green economy has not been backed up with concrete legislative proposals or investment. Projects to facilitate the transition to a low-carbon economy, such as energy infrastructure development, have struggled to find funds and support.[2] For example, central to the EU's 20/20/20 climate change strategy is investment in Carbon Capture and Storage (CCS) technology. Under the terms of the EU's Emission Trading Scheme (ETS), funds from auctioning the emissions trading allowances were to be made available for funding clean energy projects under the NER 300 programme, but when the NER 300 funds were allocated, none went to CCS projects, as no Member State was prepared to match European funding for demonstration projects (Keating 2013). Yet, the 2050 Roadmap for Energy and the 2050 Roadmap for a Low-Carbon Economy are predicated on the assumption that CCS will play a key role in delivering lower carbon emissions. The other key legislative initiative developed to give effect to the Commission's goal to cut energy consumption by 20 percent, the EU's Energy Efficiency Directive, was successfully adopted but roundly condemned by commentators for its lack of specific targets, leaving it to the Member States to decide the appropriate targets by "taking into account" the EU's 20 percent energy efficiency commitment (Hope and Riley 2011; EurActiv 2012; European Parliament and Council 2012, Article 3). Furthermore, whilst the 2030 Climate and Energy Package sets targets are binding at the EU level, they are not at the Member State level, which raises some interesting questions about how the targets will be implemented and enforced (Europa 2016).

Actors in DG Environment and DG Energy regarded the crisis as limiting their scope to bring forward new policy proposals, as they would face opposition both from colleagues within the Commission and from the

Member States, who could use the crisis as an excuse to block or scale back environmental policy proposals.[3] Burns et al. (2012) suggested that the 2004 and 2007 entrants to the EU were learning the ropes between 2004 and 2009 and were unlikely to block legislation in Council. However, from 2008 onwards, Poland has emerged as a central leader of a coalition of the environmentally unwilling and has played a key role in dampening ambition in domestic and internal negotiations (Janowska 2012).[4] This perception of reduced ambition is borne out by a review of legislative activity: there was a significant drop in EU policy activity in 2009, in environmental and other policy sectors (beyond that normally seen in equivalent years[5]). Whilst activity picked up again post-2009 for most sectors (EUROPOLIX 2015), in the environmental policy sector, the amount of legislation proposed by the Commission during 2009–2014 fell compared to 2004–2009 and 1999–2004 (Burns 2014). Significantly, the EU has also struggled to develop a more ambitious agenda to underpin its international negotiating position on climate change (Skovgaard 2014).

The European Parliament, which has historically been identified as a green champion (Burns 2013), has also weakened environmental proposals since the onset of the financial and economic crisis, which is inconsistent with its previous behaviour. In their analysis of the EP's treatment of legislation between 1999 and 2009, Burns et al. (2013) found that the Parliament rarely weakened environmental policy proposals. However, in the 2009–2014 session, the Parliament weakened the green provisions of the Common Agriculture Policy (Gravey 2014), facilitated the release of pharmaceuticals into the environment that the Commission had sought to regulate (Arnold and Burns 2014) and also weakened proposals on back loading of CO_2 emission allowances in the ETS and CO_2 emissions from light commercial vehicles (Burns 2016).[6] Moreover, in the 2014 elections, a large radical right-wing bloc was elected to the Parliament, raising the prospect of a more reluctant approach to environmental policy.

During the second term of the Barroso Commission, and despite Barroso initially pushing climate change as a vehicle for growth, there was a sustained period of infighting over CO_2 targets between the Commissioner for Energy, Günther Oettinger, and Climate Commissioner, Connie Hedegaard (see, e.g. Selianko and Lenschow 2015). This infighting culminated in the unedifying sight of Oettinger disowning and decrying the Commission's interim carbon reduction target of 40 percent by 2030, calling it "arrogant" and "stupid" just a week after it was announced by the Commission (Yeo 2014). A new Commission was appointed in late

2014 following the European Parliament elections and there has been a significant shift in the discourse emanating from the Commission, moving away from an emphasis upon the green economy and green growth, towards being primarily focused upon jobs and growth.

Barroso's replacement as Commission President, Jean-Claude Juncker, faced a barrage of criticism from the green lobby upon taking office, as he merged the Environment brief with Maritime Affairs and Fisheries and the Climate brief with Energy (Čavoški 2015). Moreover, a remit for Sustainable Development was only added to Frans Timmermans' portfolio as Commission Vice-President following pressure from the European Parliament and green lobbyists (Čavoški 2015). The personnel appointed were also received critically by environmental non-governmental organizations (NGOs). Karmenu Vella, the (Maltese) Commissioner for Environment and Maritime Affairs, was the subject of robust questions over Maltese attitudes to the Birds Directive, and Miguel Arias Cañete was forced to relinquish shares in an energy company before taking up his role as Energy and Climate Commissioner (ibid.). The new Commission also suggested shelving reviews of air and water policy and the Circular Economy package, thus attracting further criticism (ibid.). Moreover, the Commission launched a review of habitats and birds legislation, although it appears that little will change following the review, which found the legislation to be generally fit for purpose (Crisp 2016b).

In an effort to improve institutional coherence, Juncker has allocated Commission portfolios to teams headed up by vice-presidents. Interestingly, whilst Cañete and Vella are included under the remit for a "resilient energy union with a forward looking climate policy" led by Vice-President Maroš Šefčovič, only Cañete is included in the team for global affairs, led by the Union Minister for Foreign Affairs, Federica Mogherini. This allocation suggests that the sustainable development remit of the EU's external identity is to be assumed by Neven Mimica, the Commissioner for International Cooperation and Development, and implies a potential division between the internal EU-facing and external global dimension of the EU sustainable development policies. Thus, internally, the new Commission seems to have shrugged off the mantle of the global environmental policy leader in favour of an agenda geared towards jobs and growth. Moreover, it has put in place structures that suggest a downgrading of sustainable development and potentially an institutionalized division between the internal and external pursuit of sustainable development.

EXTERNAL EFFECTIVENESS

Generally speaking, the received wisdom on the EU as an international environmental policy actor is that it can be regarded as a directional and normative environmental leader (Scheipers and Sicurelli 2007). However, the failure of the EU to achieve its policy goals at the Copenhagen conference in 2009 led to a re-evaluation of its international role and effectiveness (Bäckstrand and Elgström 2013). It is clear that the EU was perceived as a weakened actor at Copenhagen (Delreux and Happaerts 2016, 249). It was accused of being insufficiently ambitious in its proposals for a 20 percent (and up to 30 percent) cut in greenhouse gas (GHG) emissions on 1990 levels by 2020, and the failure to develop more ambitious targets was underpinned by an emerging division between states driven by the burgeoning economic crisis (see Bäckstrand and Elgström 2013). The crisis was used as an opportunity by some states, such as Poland and Italy, to call for a reduction in the EU's overall ambition. This public voicing of dissent contributed to the perception that the EU was internally disunited, thereby further undermining its overall negotiating position (Parker et al. 2012; Parker and Karlsson 2010).

Since 2009, however, the EU appears to have developed better coordination and working relationships between the Council and Commission in international negotiations: following the entry into force of the Lisbon Treaty, the Environment Council and Council Working Party on International Environmental Issues have decided the EU's agenda and negotiations have been conducted via cooperation between Council and Commission representatives (see Chap. 2). The EU was deemed to have successfully shaped the Nagoya Protocol in 2010 (Oberthür and Rabitz 2014), even if its negotiating position was more conservative than ambitious (Delreux and Happaerts 2016, 244), and by the time of the Durban climate COP in 2011, the EU team seemed to be working well together. Indeed, the Union had recovered much of its leadership mantle, although partly through downgrading the ambition of its negotiating mandate (Bäckstrand and Elgström 2013). However, the EU's preparations for 2015 were again dogged by disagreements amongst the key players (Elgström and Skovgaard 2014) and accusations that the EU's negotiating mandate was insufficiently strong. For example, the EU called for a global 60 percent cut in CO_2 emissions to be measured against 2010 levels by 2050 (European Commission 2015a), making the target effectively equivalent to its previous aspiration of a 50 percent cut measured against

1990 levels. This previous target was already seen as outdated and insufficient to meet the EU's commitment to limit climate change to an increase of 2 °C (Neslen 2015a), and indeed the Paris agreement calls for efforts to limit the increase in global temperatures to 1.5 °C, which makes the EU's targets even less ambitious.

The EU's relative bargaining weight compared to its partners plays a key role in shaping its leadership, as do external perceptions of whether the EU is acting according to ideals or the pursuit of self-interest. It is clearly the case that the EU has been weakened by its relative decline compared to the emerging economies, notwithstanding the wider economic crisis. At the 2009 Copenhagen conference, other states, especially the BASIC grouping (Brazil, South Africa, India and China) and Least Developed Countries, no longer regarded the EU as the main leader on climate change (Karlsson et al. 2011; Parker et al. 2012). Despite, or perhaps because of the economic crisis, which has acted to mute ambition at the COPs (Bäckstrand and Elgström 2013; Christoff 2010), the EU has been able to recover its position but only by modifying its strategy and downgrading its policy ambition. Since Copenhagen, the EU has sought to be a mediator between different groups rather than an outright leader; a role Bäckstrand and Elgström (2013) refer to as "leadiator". Hence, the EU sought to build coalitions with the Alliance of Small Island States (AOSIS) and African countries in the run up to Durban (Bäckstrand and Elgström 2013) and courted a range of countries to develop the "High Ambition Coalition" in the run up to Paris (Neslen 2015b). The EU's conduct at the Paris COP reflects the slightly ambiguous position that the Union now occupies. On the one hand, the EU played a key role in bringing together the High Ambition Coalition and achieving some important goals; on the other hand, it won "fossil of the day" (a nickname awarded to obstructive states by NGOs) twice on the same day for blocking discussion of decarbonisation and refusing to countenance more ambitious targets prior to 2020 (Climate Action Network International 2015).

Moreover, it has been claimed that the EU's global stock has declined since Durban as its politicians have appeared torn between "a desire to help global decarbonisation while balancing that with growing right-wing populist parties opposed to more climate aid at a time of austerity" (Neslen 2015b). Certainly an ongoing source of concern for developing nations is the lack of progress on the Green Climate Fund, which was somewhat dodged at Paris as the final agreement does not explicitly refer to the Fund. Instead, the Paris decision simply urges states to scale up their ambition to

meet the annual target of $100 billion for the Fund (Climate Focus 2016). On the issue of development funding more generally, the EU is in a weak position. The 2014–2020 budget was the first to be cut in real terms in the EU's history and was cut in response to the wider austerity agenda being pursued across the EU. The overall development budget slightly increased compared to the 2007–2014 financial settlement but was reported to be €6.3 billion less than that called for by the Commission in its budget proposals (Glas 2013). The final settlement did not keep pace with the EU and its member states' commitment in 2005 to spend at least 0.7 percent of their Gross National Income (GNI) on overseas aid by 2015. By 2014, although the EU remained one the world's largest donors, its overall contribution still fell short of the 0.7 percent target, reaching only 0.42 percent of EU GNI (ibid.). The Commission remains committed to the 0.7 percent target (European Commission 2015b), but there is now a shortfall in the EU's development budget that individual member states will have to fill (Glas 2013). The EU has also committed 20 percent of the 2014–2020 budget to climate-related activities, which are to be mainstreamed across the budget. However, some of that money will come from the already straitened development budget, in order for the EU to meet its climate financing commitments under the auspices of the UNFCCC. The practice of paying for climate financing from existing development budgets is not uncommon and has been strongly criticized by NGOs (Neslen 2013) and is arguably inconsistent with the developed world's commitment to fund climate finance from new and additional sources, that is to say, not from existing aid budgets (Grantham Research Institute 2013). Thus, crucially for the EU's position as a normative environmental leader, the failure to meet development aid targets and to take the lead on climate financing further undermines the EU's leadership status and its relative normative power compared to other international actors.

Brexit: Risk or Opportunity for EU Environmental Ambition?

The other key factor likely to shape both internal and external environmental policy ambition is the UK referendum on EU membership. It is arguable that the result of the referendum was at least in part prompted by the austerity policies pursued by the UK government in the wake of the economic crisis (Mazzucato 2016). Whilst the environment and climate featured little within the campaign, the vote certainly prompted an

immediate call from NGOs for the UK government to maintain environmental standards. The UK appeared to remain committed to its climate leadership by adopting a fifth carbon budget less than a week after the vote (DECC 2016). However, the abolition of the Department of Energy and Climate Change in July 2016 has seen climate change subsumed within the new Department for Business, Energy and Industrial Strategy, which suggests that climate change has fallen down the political agenda. Indeed, this relocation of climate change "under" energy implies that, institutionally, the UK will be less able to take a lead on climate change. Moreover, leading figures from the Brexit campaign have called for *Clexit* or a British exit from international climate change obligations (Nuticelli 2016).

This diminution of importance for climate change in the UK could prove challenging for the EU. The UK has been recognized as a key diplomatic strength for the EU and certainly has been a leader in relation to climate change since the adoption of the 2008 UK Climate Change Act. Expert analyses conducted ahead of the vote suggested that Brexit would amount to a lose-lose scenario, whereby the UK would lose an external driver for higher environmental standards and the EU would lose a climate leader able to act as a counter weight to more climate-sceptic states in the Council (Oberthür 2016). Indeed, Christiana Figueres (then UNFCCC's Executive Secretary) suggested ahead of the vote that Brexit would have a negative impact upon the Paris climate agreement, as it would require revisiting the agreement (Crisp 2016a). However, whilst the UK has historically played an important role as a climate leader, in other areas of environmental policy, such as fracking and renewables it has sought to weaken standards. It is consequently arguable that in some areas the EU could adopt stronger standards in the UK's absence.

Perhaps the most important impact of the Brexit vote is the uncertainty it has engendered about the UK's relationship with the EU and the future shape and direction of the Union. The Eurosceptic populism that underpinned the leave vote in the UK is not a purely British phenomenon, and other states (including inter alia, e.g. France, Austria, Denmark and the Netherlands) will have to find ways to address the concerns raised by nationally successful far-right political parties. Also, Brexit may have negative implications for European growth levels, which is likely to reinforce the downgrading of the environment on the policy agenda. We therefore potentially face the prospect of weaker EU international policy ambition and ongoing calls for weaker environmental regulation at the European level.

Conclusion

It is clear that the EU's environmental ambition has declined since the onset of the economic crisis. There is a clear view amongst policy-makers that the crisis and onset of austerity have had a dampening effect upon policy ambition and, crucially, upon environmental investment. The new structures and discourse emanating from the Commission indicate that the future trajectory for environmental policy in the EU will continue on the same course with limited new proposals and a downgrading of the environment on the European policy agenda. The EU has long been dogged with internal infighting, but it is clear that environmental sceptics—emboldened by the economic crisis—have played a central role in the afore-mentioned dampening of ambition in domestic and international negotiations. The crisis is being used by some as a reason to be less ambitious, and the vocal and open airing of differences undermines the EU in the eyes of its partners. Moreover, the failure to deliver on aid promises and climate finance further weakens the EU environmental ambitions. However, we have also seen increased effectiveness in achieving policy goals in international negotiations, and an attempt to change the style of leadership pursued in climate negotiations, which could herald a different approach in the future. The UK's exit from the EU has prompted an "existential" crisis more widely and runs the risk of further dampening ambition in relation to climate change, although Brexit may also open the way for more ambitious policies in some areas.

Notes

1. Interview, NGO Representative, Brussels, 14/04/15
2. Interview, Commission Official, Brussels, 25/09/13
3. Interview, Commission Official, Brussels, 25/09/13; Interview, Commission Official, Brussels, 23/09/13; Interview, MEP, Brussels, 26/09/13.
4. Interview, COREPER Official, Brussels, 23/09/13
5. 2009 saw the entry into force of a new Treaty and an election. The comparable years would be 1999 when there was an election and the Treaty of Amsterdam entered into force and 2004, where there was again an election and the EU enlarged to admit 10 new members.
6. Interview, MEP, Brussels 26/09/13

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Conclusions

Katja Biedenkopf, Diarmuid Torney, and Camilla Adelle

EU external environmental policy—defined as attempts to transfer the EU's environmental rules, regulations and objectives to third countries and international organisations—has taken different forms and achieved various degrees of effectiveness. This concluding chapter brings together the findings of this edited volume's individual chapters and discusses common trends. It follows the structure of the introduction by first considering the EU's ambition and coherence in internal and external environmental policy. Second, the mechanisms of external environmental policy and their interaction are examined before, third, the effects and effectiveness factors are discussed. The chapter concludes with some reflections on the future of EU external environmental policy.

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EU Ambition

All cases discussed in this edited volume found that the environmental policy promoted by the EU is relatively ambitious. The EU has been a driving force and demander of multilateral conventions on a broad range of issues, including chemicals, climate change, biodiversity, desertification, ozone-depleting substances, aviation and waste. Yet, it is important to note that this is a relative assessment compared to other jurisdictions' levels of ambition. It does not necessarily mean that the EU's level of ambition is sufficient to achieve the goals that were set by the various international agreements. For example, the EU's contribution to the goal of limiting global warming to well below 2 degrees Celsius established by the Paris Agreement on climate change, or the goal to halt global biodiversity loss by 2020 as set by the Convention on Biological Diversity, could arguably be more ambitious than they are (see Chaps. 6 and 8). Neither does a consistent tendency of a relatively high level of ambition mean that the EU's ambition is always the highest, and some contributors to this book find instances in which the EU was not the most ambitious environmental actor. For example, in the negotiations on the Cartagena Protocol on Biosafety, the United Nations Economic Commission for Europe (UNECE) Protocol on Strategic Environmental Assessment and the Nagoya Protocol on Access and Benefit Sharing on genetic resources, the EU had rather conservative positions (see Chap. 2).

The general tendency of a higher level of ambition of EU environmental policy compared to most other jurisdictions provides an incentive for the EU to engage externally in an effort to lift others' ambition to its own level. This seems to be driven by environmental but also economic competitiveness concerns. For instance, the EU Timber Regulation aims at incentivising sustainable forest management worldwide while ensuring the EU's central position in international timber trade (see Chap. 9). Persuading and enabling other jurisdictions to strengthen their environmental policy helps to achieve global goals, since unilateral action by the EU alone will not successfully resolve many global environmental challenges. Moreover, unilateral adoption of environmental policy can raise costs for European companies compared to non-EU competitors. The promotion of certain policies such as the greenhouse gas emissions trading system (GHG ETS) outside the EU can also be motivated by the will to ensure successful adoption in other jurisdictions in order to generate legitimacy and proof of the policy's viability for other jurisdictions that contemplate adopting an ETS as well as for the EU itself (see Chap. 6).

Moreover, Chap. 2 demonstrates that the EU has a general preference for multilateral approaches in foreign policy far beyond the realm of environmental issues. The pursuit of multilateral solutions to environmental problems is thus part of a broader approach. Environmental policy is one of the areas in which the EU is able to profile itself as an influential international player given its relatively ambitious domestic policy and the comparatively high degree of internal EU coherence. In other, non-environmental policy areas, the level of policy ambition, the ability to agree on joint measures and the willingness to grant the EU level significant competences are absent or less well developed. For this reason, external environmental policy seems a suitable area in which the EU can strive to establish itself as major international player.

The different chapters consistently describe the strengthening of EU-internal environmental policy since the early 2000s, which has increasingly provided credibility to the EU position in bilateral and multilateral external environmental relations and enabled it to agree a coherent EU-level position. In chemicals policy, for example, since all EU member states agreed on the pioneering REACH Regulation and are implementing it through its various processes such as registration and evaluation, they have a strong common baseline. In combination with the motivation to defend the competitiveness of the EU chemicals industry, this common ground builds the foundation for relatively ambitious international positions without much internal controversy (see Chap. 10).

The EU also uses the adoption of domestic environmental policy that goes beyond the level of ambition of many non-EU countries and international agreements as a means to lead by example and, in some instances, uses market access in combination with high EU environmental requirements as leverage. Unilaterally adopted environmental policy can lead the way for other countries and provide credibility for the EU in international negotiations, which has been noted by a number of chapters in this volume. For example, in the context of wildlife trade, the EU pursues relatively ambitious objectives by regularly adopting unilateral controls that are stricter than those required by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (see Chap. 8). In the area of international trade in hazardous waste, the EU adopted the more ambitious Basel Ban although it had not entered into force (see Chap. 10). Similarly, in climate policy, the EU started in the 2000s to adopt unilateral, economy-wide GHG emission reduction targets and to use this exemplary leadership to push non-EU countries to do the same (see Chap. 6).

With the adoption of novel or relatively ambitious domestic environmental policy, the EU has gained experiences that it integrates in its external environmental policy. For example, the adoption of the ambitious Water Framework Directive (WFD) in 2000 led to policy approaches and experiences that the EU deemed it should directly transfer to third countries (see Chap. 7). Greenhouse gas emissions trading is another policy in which the EU gained experience internally and later promoted the policy instrument externally. Over time, the GHG ETS became an important element of the EU's engagement with particular third countries, including China and South Korea. However, persistent difficulties associated with the EU ETS that have resulted in a low carbon price and other challenges led to the sharing of lessons pertaining to both what to do and what not to do (see Chaps. 6 and 14).

The EU's level of environmental policy ambition has, however, not followed an uninterrupted upward trend. Recent EU-internal challenges such as Brexit as well as the global financial and Eurozone crises have caused radical changes to the economic strategies of many states, notably involving the replacement of stimulus packages with austerity measures that seek to roll back public spending. These developments raise significant questions over the durability of environmental legislation. Growing rifts amongst EU member states can, for example, be noticed in the political discussion of the 2030 climate and energy policy measures (see Chaps. 6 and 16).

POLICY COHERENCE

Different policy areas within the environmental field, but also environmental and non-environmental policies, can complement each other and build useful synergies, but there can also be conflicts between policies with negative implications for the overall effectiveness of EU external environmental policy. Complementarity and conflict between provisions in international conventions and existing EU legislation is another area that merits attention. In this regard, the EU attempts to avoid contradictions by using existing EU legislation for its red lines in multilateral environmental agreements (MEA) negotiations. This is generally unproblematic as EU legislation is mostly more ambitious than what is on the table of the international negotiations, as discussed in the previous section.

Several chapters identified an increasing focus on climate change over time in the EU's external environmental policy as this issue rose up the

political agenda in the EU and elsewhere (see Chap. 6). They also detected growing integration of environmental and non-environmental policies. For example, climate change has been integrated into the EU budget (including spending on development cooperation) by establishing the commitment of spending 20 percent of the budget on climate-related action (see Chap. 5). The EU also gradually included forests in its actions combating climate change (see Chap. 9). The new generation of EU Preferential Trade Agreements (PTAs) have ambitious goals when it comes to environmental standards, thus integrating environmental standards in trade policy. These include provisions on climate change, biodiversity and forestry. These agreements also make references to environmental MEAs that the countries have signed, signifying the EU's attempt to align its own environmental instruments with global ones (see Chap. 4). Synergies between action on biodiversity and other environmental measures such as climate mitigation and adaptation are a key element of the EU Biodiversity Strategy (see Chap. 8). However, at the level of implementation, the EU's support to the global climate change agenda seems considerably more substantial than for other environmental policy areas.

Despite the numerous attempts to integrate policies and reap benefits from complementarities and synergies, the EU cannot always reconcile its objectives, which include different environmental priorities as well as other EU policy goals. Incoherent and even conflicting policy objectives continue to exist. For instance, trade and nature protection goals sometimes clash in EU forest policy, with trade provisions incentivising intensive monocultures of fast-growing trees that may hamper the preservation of biodiversity and contradicts sustainable forest management (see Chap. 9). Conflicts between environmental and other policy objectives can be found in development cooperation and in the energy/climate change nexus. The (developmental) principles of country ownership and sector concentration reduce the probability that the environment will be chosen as a focus area and therefore reduce the extent of environmental policy integration in the EU's geographical aid programmes (see Chap. 5). Although the EU has made significant progress in integrating climate priorities into energy policy, shortcomings still hamper the effort to put the EU on a path towards decarbonisation by 2050 (see Chap. 6). Overall, the chapters in this volume identify growing policy integration in particular pertaining to climate change but, at the same time, identify a number of remaining challenges and areas in which the goals of policy coherence, complementarity and synergy have not been achieved so far.

Mechanisms of External Environmental Policy

The EU makes use of a range of different governance mechanisms in the various external environmental policy areas examined in this volume. An exploratory rating of the intensity of the use of the three mechanisms presented in the introduction of this book (dialogues and negotiations, capacity building and manipulating utility calculations) shows that dialogues and negotiations seem to be used most intensively, while the EU also uses capacity building to promote its external environmental policy in a vast number of areas including water, biodiversity and forests. The manipulation of non-EU countries' utility calculations appears a less intensively used mechanism. Table 17.1 below shows the EU's use of the three mechanisms of external environmental policy. It is not based on a rigid numerical measuring effort but rather on the individual authors' own assessment of the findings presented in their chapters. Thus, the table provides a heuristic that, while it can only indicate a tendency, nonetheless offers a summary of the detailed descriptions given in the different chapters of this volume.

Dialogue with a broad range of actors has taken various institutionalised forms. Dialogue and cooperation with the USA has probably been institutionalised in the most extensive network of working groups, regular meetings and information exchange fora (see Chap. 15). With other countries such as China, the institutional dialogue and cooperation architecture has also been expanded in recent years (see Chap. 14). A similar pattern can be seen with the African region. The EU-Africa Partnership on Climate Change and Environment under the umbrella of the Joint Africa EU Strategy established in 2007 had the objective of building a common agenda on climate change policies and cooperation in the context of the United Nations Framework Convention on Climate Change (UNFCCC) negotiations. It consisted of high-level meetings and joint declarations (see Chap. 13). Also, the EU dialogue with the Community of Latin American and Caribbean States includes an environmental chapter, and specific EU-Brazil and EU-Mexico environmental dialogues were established (see Chap. 11). Dialogue is the EU's preferred approach towards the implementation and enforcement of environmental standards in its PTAs. This contrasts sharply with the USA's coercive approach in the form of sanctions (manipulation of utility calculations). The EU's soft approach resonates well with its own international role perception as a normative power (see Chap. 4).

Table 17.1   Use of external policy mechanisms

	Dialogues & negotiations	Capacity building	Manipulating utility calculations
MEAs	intensive use	limited use	limited use
Diplomacy	intensive use	medium use	no use
Trade	intensive use	limited use	medium use
Development Cooperation	limited use	intensive use	no use
Climate Change	intensive use	medium use	medium use
Water	intensive use	intensive use	no use
Biodiversity	intensive use	intensive use	medium use
Forests	medium use	intensive use	medium use
Chemicals	intensive use	limited use	limited use
Latin America	medium use	intensive use	limited use
Neighbourhood countries	limited use	medium use	intensive use
Africa	intensive use	intensive use	limited use
China	intensive use	intensive use	limited use
US	intensive use	no use	no use

Capacity building is a frequently used mechanism to support and enable non-EU countries to engage in environmental policy. The EU is a large donor of climate finance but also uses financial support in other environmental policy areas. For example, the EU and its member states supported the elaboration of climate action plans (intended nationally determined contributions) towards the Paris Agreement in 2015 (see Chap. 6). EU member states are major contributors to the Global Environmental Facility (GEF), which serves as the financial mechanism of the main climate, biodiversity, desertification, chemicals and ozone agreements. The combined pledged financial contributions of all EU member states account for more than the half of the GEF budget, supporting and enabling the implementation of MEAs (see Chap. 2). Furthermore, the EU outsources capacity building, for example, by providing financial contributions to the Food and Agricultural Organisation (FAO) and the United Nations Convention

to Combat Desertification (UNCCD) (see Chap. 9). Attempts to integrate environment and climate objectives into development finance have also been refined and advanced over time (see Chap. 5). In sub-Saharan Africa, the EU provides resources to support African initiatives, for example, building environmental monitoring and information services (see Chap. 13) while in Latin America, capacity building has focused on four main areas: climate change, renewable energy, water accessibility and deforestation. However, Latin America receives just 4 percent of the EU's total aid (see Chap. 11), which reveals that the EU's geographical focus lies to a larger extent with African countries (see Chap. 13) and its European neighbourhood (see Chap. 12).

Capacity building for greenhouse gas emissions trading in a number of interested countries includes the building up of technical expertise and knowledge, not only through funding but also through training, workshops, personnel exchanges and study visits. Capacity building for environmental governance in China includes themes such as access to environmental information and access to environmental justice, which goes beyond financial capacity (see Chap. 14). The EU also uses capacity building in forest policy as an incentive to achieve its international objectives of sustainable forest management (see Chap. 9).

In a number of instances, the EU has used its market access to manipulate non-EU countries' utility calculations. This is partly applied through the more recent generation of trade agreements, in which the EU has used access to its market for certain products in a more direct and targeted manner. Manipulating utility calculations is used in a limited way to induce trading partners that are willing to receive preferential access to the EU's market to accept environmental standards as part of their trade deals with the EU (see Chap. 4). For example, environmental provisions are included in the Economic Partnership Agreements (EPAs) that the EU negotiates with various African countries (see Chap. 13).

Market access is also sometimes used outside the broader trade agreements. For example, the EU Timber Regulation aims to control the import of timber and to increase the trade of legally harvested timber on the EU market by manipulating non-EU countries' utility calculations. Although the regulation applies within the EU, it contains provisions with extraterritorial effects. The import of illegal timber and timber products is not allowed in any EU member state. Access to the EU market is thus made conditional upon legal logging practices in exporting countries (see Chap. 9). The different chapters in this volume provide a pleth-

ora of examples of the EU's use of all three mechanisms of external environmental policy. There seem, however, different degrees of intensity to which they are used, with dialogues and negotiations being most frequently applied.

Interaction Amongst Mechanisms

In some instances, the EU combines different governance mechanisms to exploit their mutually supportive effects. Individual mechanisms seem unlikely to generate the same effect as can be achieved by skilfully using and exploiting the benefits of a combination of mechanisms. For example, the EU and its member states clearly employed all three mechanisms in the run up to the Paris climate conference. Dialogue and negotiations in the UN context were complemented by multilateral and bilateral climate finance to both affect cost-benefit calculations and build relevant capacity, employed in support of the EU's objectives in the international negotiations (see Chap. 6).

Capacity building and dialogue/negotiations are often used together. For example, in Africa, the EU Water Initiative extensively employs regional dialogues alongside specific water projects funded by the African, Caribbean and Pacific (ACP) Water Facility. This includes strengthening key actors to enable them to participate more fully in the dialogues (see Chap. 7). Another example is the EU's support for environmental governance and emissions trading in China. The EU has sought both to build China's capacity while simultaneously engaging in dialogue on the topics of environmental governance and emissions trading (see Chap. 14). In MEA negotiations, the EU sometimes links its promise for more capacity building to the demand that third countries accept a particular provision in an international treaty. In such cases, the promise of capacity support incentivises or enables a non-EU country to agree to an MEA that is in line with (parts of) the EU's position (see Chap. 2). This also applies to the implementation of environmental standards in EU PTAs in which, in a number of cases, capacity building needs to be increased in order to make policy dialogue more effective (see Chap. 4). Climate policy convergence between African countries and the EU was probably not the result of formal policy dialogue within the EU-Africa Partnership on Climate Change and Environment. Rather, it was more likely due to other, mutually supporting factors including more informal discussions at the margins of the UNFCCC negotiations, EU climate finance and EU climate

adaptation activities through the European Development Fund (see Chap. 13). In the EU-Africa Partnership on Climate Change and Environment, African countries only agreed to sign up for the EU's objective of a high level dialogue on climate in the context of the UNFCCC negotiations on condition that the EU signed up to helping implement the Great Green Wall of the Sahel and the Sahara, which is an African initiative (see Chap. 13).

Manipulation of utility calculations can also contribute to changing a non-EU country's interests and willingness to engage in dialogue and negotiations with the EU, or to agree to capacity building measures to enable it to engage in more ambitious environmental policy. One example of such an interaction is the environmental export provisions in bilateral PTAs, which provide an incentive for the trading partner to engage in enhanced and intensified policy dialogue (see Chap. 4). Mutual support between conditional market access and dialogue as well as capacity building was also highlighted in the case of forest governance (see Chap. 9). The EU enables non-EU countries to comply with EU market access requirements in the forestry sector through the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan, which provides support to countries and engages in dialogue with Voluntary Partnership Agreement (VPA) countries to convince them to adopt standards of good forest governance. In the case of biodiversity, manipulation of utility calculations and capacity building were closely linked to increased effectiveness, with dedicated EU funding systematically provided to support the implementation of CITES and the EU Wildlife Trade Regulation. Furthermore, the implementation of the Wildlife Trade Regulation has fed into the relevant global dialogue and negotiations (see Chap. 8). When helping to establish Ukraine's environmental governance framework, the EU used both the manipulation of utility calculations and capacity building in a mutually reinforcing manner (see Chap. 12).

The chapters find few instances of clashes between mechanisms of external environmental policy within the same effort. There was some conflict between the EU-Africa dialogue at a country level and capacity building in the EUWI in Africa as it was difficult to directly link the two mechanisms, even though the ACP Water Facility was a direct result of calls from African ministers in the regional dialogue. The Ghanaian government pulled out of its country level dialogue when it did not receive funding for their capacity building projects (see Chap. 7). Conflicts are, however, rather to be found at the level of interaction between different

policies as discussed in the section above on policy coherence. The effects of the EU's use of the different mechanisms of external environmental policy are discussed in the following section.

EFFECTS OF EXTERNAL ENVIRONMENTAL POLICY

This book focuses on purposeful EU external environmental activities and not the significant unintentional, sometimes negative, impact of some of its (non-) environmental policies. Yet, some chapters revealed an important category of external effects that can be situated between these two. Some EU external policies aim at changing environmental conditions (instead of policies) outside EU borders. These are not unintended consequences but purposeful environmental policies. They aim at, for example, improving biodiversity protection outside the EU by banning imports of certain species or ivory to the EU. The EU's suspension of imports of hard corals has been cited as a case in which awareness amongst Indonesian authorities on the need for managing coral trade more sustainably was raised and which had an impact on the authorities' behaviour, but which did not result in the adoption of new policy in Indonesia (see Chap. 8). Also, some of the capacity building efforts in Latin America that consist of seminars, networking activities, the provision of equipment and the allocation of resources contribute to expanding general environmental policy-related abilities and capacities rather than necessarily leading to the adoption of policy that resembles EU policies (see Chap. 11). Such EU external policies thus do not necessarily change *policies* in non-EU countries, but rather alter environmental *conditions.*

Approximation of non-EU environmental policy to EU policies was observed in almost all chapters, yet in a number of cases only to a limited extent. For example, the close approximation of national water policies to the EU WFD is a core feature of the EU Water Initiative in Eastern Europe, Caucasus and Central Asia (EECCA): All but one of ten countries that had a National Policy Dialogue in progress in 2014 reported activities relating to the EU WFD principles (see Chap. 7). The export of EU rules is quite comprehensive towards the EU's neighbourhood, particularly in countries like Ukraine, Moldova and Ukraine, which have signed Association Agreements with the EU. However, the emphasis is on establishing general frameworks of environmental policy and solid policy processes rather than precise policy settings and specificities (see Chap. 12). In the case of the USA, policy approximation that could unequivocally be

linked to the EU's influence on changes in US policy seems extremely rare (see Chap. 15).

External effects are difficult to trace and their occurrence seems a slow and lengthy process. Sustainable forest management is a case in which the external effectiveness of the EU seems limited so far. Admittedly, most EU external forest policies are relatively new and might not have reached their full potential effects so far (see Chap. 9). The effects of environmental standards in EU PTAs have also been quite limited and have taken a long time to manifest themselves. This can be explained by the unique dialogue approach pursued by the EU in PTA enforcement. The effects have occurred through gradual learning and improvement of countries' existing regulations, rather than the transfer of EU policy to trading partners (see Chap. 4).

EU external environmental policy also has achieved effects at the international level. There is evidence of change in the regulatory framework adopted in MEAs or in follow-up decisions within a MEA framework that corresponds with EU positions, which are mostly based on previously existing EU rules (see Chap. 2).

In a number of instances, environmental policy changes in a particular country cannot be solely traced back to the EU. Often, a number of internal and external factors, as well as other international actors besides the EU, contribute to policy developments. For example, in both of the case studies presented in Chap. 14, there was convergence on a policy approach (emissions trading and Aarhus-style environmental governance). However, in both cases these were not uniquely European approaches, and greenhouse gas emissions trading, in particular, is also promoted by other external actors in China. The global context and activities of other major players thus impact upon the effects that the EU can achieve with its external environmental policy. This aspect is further discussed in the section below that discusses EU-internal and global dynamics as determinants of EU effectiveness.

DETERMINANTS OF EU EXTERNAL ENVIRONMENTAL POLICY EFFECTIVENESS

The chapters of this volume identify a number of factors that render EU external environmental policy more or less effective. Some of these factors are common to many if not all chapters. All authors identify a certain

degree of willingness and receptiveness in non-EU countries as a prerequisite and conditioning factor of effective EU external environmental policy. EU unity, the level of ambition of the EU's position compared to other countries' positions and the EU's relative bargaining power are additional factors recognised by many contributors to this book.

Receptiveness and demand for EU engagement is an important precondition. For example, in EECCA countries, water is a salient topic regionally and the demand for technical and accompanying financial assistance in the water sector is high. Against this backdrop, some countries express a strong political commitment to working towards WFD principles. In African countries by contrast, the WFD—primarily framed from an ecological perspective—failed to gain traction. Very quickly, the focus switched to the Water Sanitation and Health (WASH) agenda and less prescriptive international conceptions of Integrated Water Resource Management (IWRM) that better reflected the social and economic priorities of African countries (see Chap. 7). Yet, the factor of receptiveness and willingness can to some extent be influenced through environmental diplomacy (see Chap. 3) and the manipulation of utility calculations as discussed above when focusing on the interaction amongst the different mechanisms.

Changes in the political landscape of a non-EU country contribute to determining the degree of receptiveness, which can clearly be observed in the case of the USA. Different presidents and their environmental policy agendas have determined to a significant extent the USA's willingness to cooperate with the EU, with a very stark contrast between Barack Obama and his successor Donald Trump whose environmental and climate policies could hardly be more different (see Chap. 15).

The political system, institutional rules and procedures of third countries also can facilitate or hinder EU external environmental policy. Environmental policies need to be adjusted to specific domestic contexts to be effective. Some policies seem not very compatible with some contexts. Especially for a deeper and closer collaboration such as regulatory cooperation, different regulatory procedures can be a hindrance for approximating environmental rules, as the EU-US example demonstrates (see Chap. 15). The FLEGT Action Plans have recognised this challenge to some extent and require the inclusion of local stakeholders in forest management procedures to ensure their acceptance of sustainable forest policy and to adapt the measures to local contexts (see Chap. 9). Greenhouse gas emissions trading is another example of a policy that

the EU promotes externally but which requires adjustment to local contexts. In the case of China, the fit of the market-based ETS with a non-market economy poses challenges requiring alterations (see Chap. 14). Yet, other third countries also need to adjust ETS to factors pertaining to their local economies, electricity markets and climate policies (see Chap. 6).

Not only the willingness to adopt a certain policy but also the ability and capacity to do so is identified as a factor rendering the external projection of EU environmental policy more likely and effective. Boosting the effectiveness of dialogues requires paying close attention to the domestic conditions of partner countries. Investing in capacity building can create the necessary conditions for effective dialogue, as already mentioned in the section above on mechanism interaction. This strongly manifests itself, for example, in the implementation of the EU-Chile Association Agreement in which the lack of administrative capacity and the weakness of civil society seems to limit the effectiveness of the EU's dialogue approach (see Chap. 4). In sustainable forest management, many non-EU countries evidently do not have the capacity to engage in the necessary law enforcement and good governance. Capacity building is crucial in this as well as many other cases (see Chap. 9).

Geographical proximity to the EU and the relationship to the Union have been important determining factors of effectiveness, for example, in the case of the EU Water Initiative. Those countries in the EECCA region with Association Agreements with the EU (Ukraine, Georgia and Moldova) have a powerful motivation to transfer EU water policy because they are legally obliged to approximate items of EU legislation, including the WFD. In this context, the Association Agreement becomes a strong driver for reform (see Chap. 7). Chapter 12, on the European Neighbourhood Policy, concludes with similar findings. Chapter 7 further shows that countries in the African region have fewer incentives to transfer EU WFD provisions.

Most chapters identify power (a)symmetries between the EU and third countries as a conditioning factor of the EU's effectiveness. For example, power asymmetries that partially resulted from capacity deficits both inhibited and enabled the transfer of EU water policy. Differential power relations between African partners and the EU were so severe in the initial stages of the Africa Working Group that progress was hampered by a lack of trust. At other times, capacity deficits in African countries facilitated the transfer of EU policy ideas (on paper at least) because EU actors

were instrumental in drafting high-level political declarations that got incorporated into official African positions (see Chap. 7). The clear asymmetrical power constellation between the EU and timber producing countries has enabled the EU to manipulate utility calculations and promote its forest policy externally (see Chap. 9). In the case of Latin America, the power relationship with the EU is asymmetrical but market interdependencies are weaker than with the USA and growing with China, leaving the EU with some but not very strong leverage towards this region (see Chap. 11).

A different case is the USA, where power symmetries on environmental policy leave dialogue as the most important mechanism since neither of the two jurisdictions has strong leverage over the other. This renders the mechanisms of capacity building and manipulation of utility calculations ineffective (see Chap. 15). Power (a)symmetries do thus influence the range of mechanisms at the EU's disposal for conducting external environmental policy. As well as internal factors in the country at which the EU aims its external environmental policy and the relationship between the EU and that particular country, two additional sets of factors shape EU external environmental policy effectiveness. These are internal EU factors and global dynamics, which are discussed in the following two subsections.

Internal EU Factors

Chapters in this volume identified a set of internal EU factors that affect external environmental policy effectiveness. They include the complexity of the EU policies, financial constraints, and internal EU unity and procedures.

The complexity of certain environmental policies can constrain their transfer to other countries. For example, the WFD is top-down, technical and prescriptive and has proved problematic to implement in many EU member states. Exporting this model wholesale to third countries was, unsurprisingly, an overly optimistic strategy. This feature is especially evident in Africa where institutional capacity deficits exist at both the regional and national level (see Chap. 7). Technical and convoluted policies in areas such as energy efficiency and emissions trading also are difficult to transfer to other countries, in part because of the local context and capacity deficits as mentioned above, but also because of their inherent complexity (see Chap. 6).

Lack of financial resources (from the EU and partner countries) can also constrain the effectiveness of EU external environmental policy. This was particularly evident in the implementation of the EU Water Initiative in Africa, where it was hoped EU member states and other actors would contribute both economic and human resources. In the end, however, DG DEVCO had limited funding and personnel to oversee an initiative aiming to cover such a large and diverse continent (see Chap. 7). Thus, it is not only a lack of financial capacity in non-EU countries that can hamper external environmental policy. The EU's own financial capacity also seems a stumbling block in some instances, as noted in Chaps. 8 and 10, amongst others. Chapter 16 comprehensively discusses the multiple crises that have hit the EU since 2008 and have arguably shaken the foundations of EU external environmental policy. The global financial and Eurozone crises have caused radical changes in EU member state economic strategies and political priorities. Austerity measures have left their mark on EU (external) environmental policy.

Internal unity in international negotiations was identified by a number of chapters as a factor fostering external effectiveness. For example, strong domestic chemicals policy on which all EU member states agreed provides a relatively solid basis for a unified external position (see Chap. 10). While in international negotiations at the global level EU-internal unity seems to support external effectiveness, Chap. 2 notes that in smaller-group negotiations, EU unity can be ineffective since the EU can be perceived with suspicion and as too powerful, trying to impose its position on others. The UK's exit from the EU and growing rifts amongst the remaining 27 member states on environmental but especially climate policy pose challenges for maintaining the level of EU unity that many of the chapters identified as central to effective EU external environmental policy. New and ambitious environmental policy has also become more politicised in the EU (see Chap. 16).

The complexity of the internal EU machinery has posed challenges for engaging in multilateral negotiations in the past, but the EU has found a pragmatic way to overcome many of these hurdles by often adopting informal divisions of labour. One example of this is the EU Team in climate negotiations, which serves as an informal modus operandi, allowing the EU to deliver even in cases where the formal framework suggests that the EU will have to cope with many internal hurdles (see Chap. 2). While the institutional processes seem to have evolved towards smoother engagement in external environmental policy, internal politics pose growing

challenges. These internal EU factors are embedded in a changing global landscape that is sketched in the next subsection.

Global Dynamics

International dynamics, including the rise of a number of countries such as China, Brazil and India in terms of their environmental impact, greenhouse gas emissions and economic power, have changed the effectiveness and design of EU external environmental policy. The EU's relative bargaining power has decreased in recent decades as a result of general power shifts and the increased role of emerging powers at the global level. Furthermore, and especially in the environmental field, the EU's relative power declined as a result of, for instance, the re-engagement of the USA in global environmental governance under the Obama Administration and the reduced share of the EU in global greenhouse gas emissions. That implies that an overly narrow focus on reforming EU environmental diplomacy and internal decision-making processes is not likely to increase the EU's effectiveness, because many of the constraints facing the EU are outside of its immediate control (see Chap. 2).

With shifting balances in the global power constellation, the EU's relative power has declined in recent decades. This can be noted in external relations in general but also in external environmental policy. China's contribution to global environmental degradation now dwarfs the EU's, and China's actions will have a critical impact on global responses to environmental degradation. On the other hand, ever-worsening environmental conditions in China led the country's leadership to look beyond its borders, including to the EU, for best practice in environmental protection. As a result, environment and climate change has developed into one of the most fruitful aspects of the EU-China relationship in recent years (see Chap. 14).

All chapters in this volume identify other actors promoting their environmental policies with which the EU interacts in its external environmental policy. This interaction is relatively complementary in many instances. Outright conflict was identified only in a few cases, most notably the EU-US conflict regarding Genetically Modified Organisms (see Chap. 15). An example of more complementary interaction can be found in the water sector where the EU took on a role already well developed in EECCA countries by two other international organisations, namely the Organisation for Economic Cooperation and Development and UNECE, that mainly

complemented the EU's role by laying the groundwork (see Chap. 7). The World Bank and Norway, amongst others, are active promoters of GHG emissions trading as well as the EU. The ETS policies that they support in a number of non-EU countries are similar and largely complementary to the policies promoted by the EU. A number of EU member states are significant financiers of World Bank efforts in this area (see Chap. 6). EU support for the development of Intended Nationally Determined Contributions (INDCs) before the Paris climate conference in various third countries also was complemented by US and United Nations Development Programme efforts (see Chap. 6). These examples demonstrate how intertwined EU external environmental policy is with other actors' efforts, rendering the EU's effectiveness somewhat difficult to measure.

The EU is, of course, not the only source of environmental policy innovation and ambition. Some chapters note the influence of the debate at the international level on EU policy. For example, EU external water policy is effectively the EU's responses to the international policy agenda. In this case, there was already a high level of global consensus surrounding the main principles, which in turn facilitated efforts to transfer EU policies (see Chap. 7). A similar dynamic can be noted in Latin America where the UN is active on Reduction of Emissions from Deforestation and Degradation (REDD) in collaboration with the EU. These UN and EU efforts largely complement each other (see Chap. 11). Influence and interaction is thus not unidirectional, with the EU not only attempting to influence external developments but also itself being influenced by international dynamics.

While a number of countries are increasingly influential in global environmental politics, the role of the USA remains particularly important to EU efforts and global dynamics in general. The strong engagement by the Obama administration demonstrated how US support and similarity in negotiation positions can amplify EU efforts. In the international climate negotiations, EU and US engagement was complementary as part of an implicit division of labour in which the EU and the USA each did what they could do best and for which they had the necessary traits, credibility and skills. This contrasts with the disengagement by the Bush Junior and Trump administrations during which the EU could/cannot rely on complementarities with its partner on the other side of the Atlantic (see Chap. 15). Stronger EU leadership and the search for other allies and partners seems an inevitable response if the EU is willing to remain committed to strong external environmental policy.

While political changes in non-EU countries are beyond its control, the EU needs to adjust its strategies and activities in response to such changing global dynamics. The skilful use of all mechanisms of external environmental policy and also their mutually supportive interaction seems crucial in this regard. Awareness of the factors that render its activities more or less effective is another important element of crafting a strong EU external environmental policy. All chapters in this volume provide a number of examples that show strong EU commitment and ambition in a number of areas. Further strengthening those policies while resisting the multiple crises and challenges of recent years seems crucial. Based on these findings, the last section reflects on the future of EU external environmental policy.

The Future of EU External Environmental Policy

The EU has a clear mandate to engage in external environmental policy. The Lisbon Treaty includes the promotion of "measures at international level to deal with regional or worldwide environmental problems" (Article 191 (1) TFEU) as one of the four objectives of EU environmental policy. As well as the EU level, all EU member states are important actors in EU external environmental policy and "within their spheres of competence […] shall cooperate with third countries and with competent international organisations" (Article 191 (4) TFEU). Internal coordination and unity is a crucial element for effectively implementing EU external environmental policy. As various chapters of this book show, significant progress has been made over past decades but scope for improvement remains, especially in the realm of the politics of environmental policy.

The seventh Environmental Action Plan (2014–2020) recognises external environmental policy as one of the EU's overall environmental objectives. Not only does it stress that the EU and its member states should "continue to promote an effective, rules-based framework for global environment policy", it also asserts that these efforts should be accompanied by a "more effective, strategic approach in which bilateral and regional political dialogues and cooperation are tailored towards the Union's strategic partners, candidate and neighbourhood countries, and developing countries" (paragraph 94). The finding of this book that domestic factors in third countries are crucial elements that need to be taken into account has thus already been recognised by EU policy-makers. Yet, the chapters in this book also identify a host of challenges and aspects

for improvement with respect to the EU's ability to tailor its external environmental policy to non-EU domestic contexts. In this regard, the EU has attempted to adopt a more strategic approach by including environmental and climate concerns in the its 2016 Global Strategy. The novelty of this strategy renders an assessment impossible at this point in time, but will provide for ample future research possibilities.

This book provides a comparative and relatively comprehensive account of EU external policy in a range of areas. It demonstrates a proactive EU role in all of them. The EU already uses a wide variety of governance mechanisms towards an array of different countries and regions. In light of the EU's ambitions as set out in the Lisbon Treaty and the seventh Environmental Action Plan, the findings of the chapters show that, in many areas, the EU is indeed fulfilling the objectives that it set itself. While there has been a trend to shift much of the political attention to climate policy, this book showcases the much broader set of policy areas that are also important parts of EU external environmental policy. It is clear that the EU pursues wider environmental objectives, especially biodiversity but also less high-profile issues such as water, forests and chemicals. The EU's external environmental policy is made up of an overlapping, dynamic and often ad hoc patchwork of activities.

EU external environmental policy uses various fora that go far beyond formal MEAs and international negotiations. Regular, technical or mid-level dialogues carried out over many years in lower-profile networks and initiatives make up a large share of the EU's external environmental policy. Those processes are slow in achieving effects but other governance mechanisms do not seem to deliver much greater effectiveness. Rather, the contrary is often the case. Mutual support amongst the three mechanisms of external environmental policy appears to promise the greatest degree of effectiveness. These findings suggest that traditional foreign policy and high-level negotiations coincide with lower-level activities that often take place for many years preceding the involvement of foreign ministries and their negotiators' engagement in multilateral negotiations. This book has shown that a wide array of governance mechanisms and activities make up the full spectrum of EU external environmental policy, and should also be considered central to the EU's foreign policy.

External environmental policy is relational. Effectiveness is determined not only by the EU's ambition and activities but also by its relationships with third countries. With some parts of the world such as

Africa, the EU has had a long-standing relationship that continues today, making certain mechanisms, such as capacity building through development cooperation, easier than in other parts of the world where the relationship between the two potential partners is weaker, for example, in Latin America. In the EU's external environmental policy towards the USA and China, where the relationship is arguably more symmetrical, the parameters of engagement are different again. These relational factors are important for determining the types of engagement with the respective partner.

The external context and relationships are, however, far from static. The global landscape shifts continuously with countries such as China and India rising, and with changing political leaders in various countries around the world. In particular, the shifts in US leadership have left their mark on EU external environmental policy. Strong EU-US cooperation under the Obama administration led to significant progress on a number of global environmental issues, most notably climate change. This dynamic has abruptly been discontinued with the election of Donald Trump. He leaves the EU in search of other cooperation partners, and with the responsibility to assume stronger leadership than before if it wishes to pursue its environmental objectives. In times of domestic loss of unity and decreasing appetite for ambitious environmental policy, this is not an easy task for the EU. Closer cooperation with China, Canada and other partners could compensate for the loss of the USA as partner in driving international processes. Yet, overcoming domestic challenges seems to be the first step towards accomplishing this.

This book points to a number of insights that should be considered in making EU environmental policy in future. Making strategic use of all mechanisms of external environmental policy as well as their mutually supportive interaction is crucial for achieving effects. Awareness of domestic factors in the countries with which it engages is also important to facilitate more effective EU external environmental policy. The strong commitment and ambition that the EU has developed in recent decades, and that have transformed it into a unique international environmental actor, are threatened by the multiple crises and challenges of recent years. Overcoming these challenges and further improving EU external environmental policy in a challenging global climate is not an easy task, but it is necessary to remain within the planetary boundaries that define the safe operating space for humanity.

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