

# Rotating Away From Leadership?

A Study of the Rotating Presidency of the European Union  
and its Effects on EU Leadership in the International  
Negotiations on Climate Change

# Abstract

The EU has claimed a leadership role in the climate change negotiations ever since their creation under the United Nations Framework on the Climate Change Convention. By going ahead in the formulation of its own emission targets and acting as a pusher in urging others to realise the urgency of adopting ambitious targets and timetables, the EU has taken the lead. Responsible for EU's performance stands the rotating Presidency, with responsibilities of the work of the Council as well as the Council of Ministers.

As member states have delegated further responsibilities to the Presidency it has step by step moved into the driver's seat of the Union. But steering towards a leading position in climate change negotiations has been claimed to be rather difficult with a rotating chair. According to my interviews, conducted with persons in central positions in the negotiations of the Trio-programme and in the climate negotiations, the system of rotation does not constitute a challenge to EU's leadership in the climate change negotiations.

*Nyckelord:* Presidency, Climate Change, Leadership, Actorness, Trio-presidency

*Word count:* 8535

# Abbreviations

COP	Conference of the Parties
ETS	Emission Trading System
EU	European Union
G77	The Group of 77 at the United Nations
GEG	Global Environmental Governance
GHG	Greenhouse Gases
IGC	Intergovernmental Conference
IPCC	International Panel on Climate Change
LRTAP	Long Range Transboundary Air Pollution Convention
MEA	Multilateral Environmental Agreement
SEA	Single European Act
TEC	Treaty on the European Communities
TEU	Treaty on the European Union
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNFCCC	United Nations Framework Convention on Climate Change
WTO	World Trade Organization

# Table of Contents

<b>1</b>	<b>Introduction.....</b>	<b>1</b>
1.1	Disposition .....	2
1.2	Statement of Purpose and Questions of Research.....	2
1.3	Method and Material .....	3
1.4	Theoretical Framework .....	4
<b>2</b>	<b>The Climate Change Negotiations and EU Leadership .....</b>	<b>6</b>
2.1	The Rio Conference .....	7
2.2	The Kyoto Protocol .....	7
2.3	Towards a Post Kyoto Agreement .....	8
2.4	EU Leadership.....	9
<b>3</b>	<b>The Presidency a Functional Response.....</b>	<b>12</b>
3.1	The Institutional Development of the Presidency and its Functions.....	13
3.2	Challenges of a Rotating Presidency.....	15
3.3	The Trio-Presidency .....	16
3.4	The Reform Treaty- Implications of the Lisbon treaty .....	17
3.5	Functional Demand for Reform?.....	18
<b>4</b>	<b>Conclusion .....</b>	<b>20</b>
<b>5</b>	<b>References.....</b>	<b>21</b>
	<b>Appendix.....</b>	<b>23</b>

# 1 Introduction

In December 2009 a UN conference on climate change will be held in Copenhagen, Denmark, with the aim of creating a protocol for the period after 2012 when the commitments under the Kyoto protocol expire. The European Union has been at the forefront of international efforts to combat global warming under the United Nations Convention on Climate Change (UNFCCC), and certainly in the ratification process of the Kyoto Protocol. As a signatory of around 60 multilateral environmental agreements (MEA's) and as a constant promoter of important environmental principles, the EU has gained great influence and a central position in global environmental governance (Vogler, 2005:239,843).<sup>1</sup> By constantly urging on the establishment of binding targets and timetables under the UNFCCC and by "rescuing" the Kyoto Protocol, the EU is by scholars assigned a leadership role in climate change negotiations. It is a self-acclaimed leadership for sure, and by some described as mostly a rhetorical one. But scholars and politicians have argued that there are limitations to this claimed leadership. The EU participates in the framework under shared competence, meaning that the Council Presidency negotiates on behalf of the 27 member states. One of the challenges has been ascribed to this chairmanship and its rotation by every six months which can cause inconsistency and discontinuity in policy prioritization and representation in the negotiations. To what extent this is an aggravation to EU leadership is what I aim to find out, and if the system of rotation in the institutional structure of EU Presidency is troublesome, what possible solutions for reform might there be?

It is with great interest in EU's external actions and its ambition of global leadership that I start my work. As a regional intergovernmental organization with 27 member states and ever expanding, and with an economy second in size after the US, it is a unique actor on the global scene. In several policy areas and in different organizations and multilateral negotiations it is aiming to take the lead.

Climate change as an issue in international relations is also a unique phenomenon. First of all it is not an actor against which one can insert sanctions or make war on. It contains several levels of complexity since it covers a whole range of detailed issues and policy areas. Adding to that the global dimension of climate change where collective action is a prerequisite to curb global warming and the risk of free riding is evident, and on the other hand the matter of uncertainty, makes it a truly interesting object of study.

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<sup>1</sup> Global environmental governance (GEG) is "a synonym for international environmental cooperation; for the network of international environmental organizations and conventions and the spaces between them." (Vogler, 2005:835).

Up until the Copenhagen conference the EU has important matters to solve to maintain its leadership but also matters concerning the future institutional development. Member states must agree on the internal burden sharing for the implementation of the climate and energy package, proposed by the commission in 2007, and they must also continue persuading external parties of the urgency of a post-2012 agreement. This will occur under an 18 month period which coincides with the Trio Presidency of France, The Czech Republic and Sweden, who for the second time in EU history have applied the practice of formulating a joint programme. A study of the European Council is also highly topical since the ratification process of the Lisbon treaty is being executed in the member states. The reform implications of the treaty would split the Presidency into a three-tire structure and how this would affect EU's negotiation position in climate change remains somewhat uncertain. On June 13<sup>th</sup> however the Irish referendum voted against the treaty and how the process will continue is unclear. Will the rotating Presidency in the future lead the way to EU leadership?

## 1.1 Disposition

In this introducing part I will present my statement of purpose and questions of research and thereafter continue with presenting my method and material for this dissertation. The second part of the essay will describe the climate change negotiations and EU's performance so far, this part also discusses how the EU can be described as a leader. The third section will present an in depth background on the institutional development of the Presidency and also discuss the challenges of the current system of rotation and possible solutions to this estimated problem. Last but not least my concluding remarks will be made, followed by a list of references.

## 1.2 Statement of Purpose and Questions of Research

This essay is a study of the Council Presidency of the European Union and its implications on EU leadership in the UNFCCC negotiations. Its purpose is to confirm whether the rotating Presidency is constituting a challenge to such an extent that an alternative solution is demanded. Since my object of study is the Presidency and how it affects EU's position in this context, my intention is not to go into detail on the issue of climate change per se. Neither is it my intention to analyze EU leadership in other policy areas even if reference will be made to the matter of EU competence which varies in different external settings.

My primary question of research is to what extent the rotating Presidency constitutes a challenge to EU's leadership in the negotiations on climate change. This question in itself states EU leadership so my first task will be to present the

background to this statement by answering the question of EU performance in climate negotiations up until now and discuss the argumentation behind its leadership. Since the Presidency speaks on behalf of the Union and rotation by every six months is claimed to challenge EU leadership I must answer questions of how the Council Presidency functions and why rotation can be problematic. As I commenced my task, questions of current developments and implications of the Lisbon Treaty, and the practice of a joint programme, attracted my attention. I therefore also wanted to investigate whether these estimated challenges of rotation could be mitigated by the Trio-programme and what possible impacts an implemented Lisbon Treaty would bring. My final question is therefore;

*Is the rotating Presidency constituting a challenge to EU's leadership in the climate negotiations to such an extent that an alternative solution is needed?*

With this essay I also intend to say something about the EU and its role in international affairs. The European Union's ambition of leadership in the negotiations and challenges to this claimed leadership can say something about the EU as an actor in the world of today. Answers to questions of reform implications can say something about the EU as an actor tomorrow.

### 1.3 Method and Material

Through a case study of the EU in climate change negotiations it is my intention to investigate whether a rotating Presidency of the EU challenges a leadership position. With a detailed research of the functions and developments of the Presidency and a background on EU's performance and possible leadership role in the negotiations, I am testing a statement often found in the literature on global environmental governance (GEG). As a complement to existing research, the possibility of gaining knowledge on perceptions of the reality of people in, to my object of study central positions, and with the possibility of testing theories, I use interviews as my choice of method (Esaiasson et al. 2007:285ff).

Through qualitative interviews with officials at the Swedish Prime Minister's Office EU Co-ordination Secretariat, and the Swedish Ministry of the Environment, I have collected my first hand material. Through e-mail correspondence with the Swedish Representation in Brussels I received information on whom to contact at the EU co-ordination secretariat. From there I then was given the names of suitable staff members at the Ministry of Environment. Officials from the EU Co-ordination Secretariat were chosen to respond to questions concerning the negotiations on the joint programme, whereas officials from the Ministry of Environment could respond to issues concerning EU's performance in the Climate Change negotiations. The five interviews have been conducted in Swedish via telephone and notes were taken on computer during the conversations. By using English when writing the essay I have been able to use important concepts directly without having to make middling

translations and at the same time practise my proficiency in the usage of academic English. The choice of the telephone as my instrument came naturally since my location was different to the ones of my interviewees and the fact that neither my budget nor my temporary job allowed me to go about as I pleased. Many phonecalls have been made to the Swedish Government Offices and frustratingly many have ended there due to parental leave, vacation and official journeys. Summer turns out not to be the most optimal period to get hold of officials. The five interviews conducted, to the number fewer than expected, have however brought interesting insights and reflections which have contributed to my work. They have also been the most thrilling part of my work since they have given me a share of experiences of those who are in central positions in these negotiations. I am aware that insights gained through interviews only reflect a Swedish view, and are likely to ascribe EU greater prominence than might have been the case with views from outside the EU. Although a larger number of interviews and interviewees from outside the EU, would have contributed to an assured “theoretical satiation”, it is my belief that I have captured relevant aspects and reached reliable results.<sup>2</sup> Due to aspects of intersubjectivity I have chosen to enclose the questions I have asked in the appendix found at the end.

Second-hand material has been collected from literature on the Council Presidency office and in the area of GEG and specifically on climate change. Important material has also come from reports from the Center for European Policy Studies, Egmont Institute, European Policy Center. Relevant information has also been collected from websites of the EU websites on climate change, UNFCCC, and from stenographic notes from the Swedish Committee on European Affairs home page.

## 1.4 Theoretical Framework

Existing research on environmental governance in general and on climate change in particular, has claimed that a rotating Presidency challenges EU’s possible leadership since it causes inconsistency as member states make different priorities, and discontinuity due to shift of organisation by every six months (Bretherton & Vogler, 2006a,b, Vogler, 2005, CEPS policy brief). There is also descriptive research on the EU Council Presidency and its functions, which point to problems in the system of rotation (Elgström, 2003, Tallberg, red. 2001, 2006). In research on future solutions and implications of the reforms discussed, Blavoukus, Bourantonis and Pagulatos point to an increased “*demand for formal leadership by the Presidency*” and a challenged “*capacity of the rotating scheme to supply it*” (Blavoukus, Bourantonis, Pagulatos, JCMS 2007:238). In a study on the reform implications of the Lisbon treaty the system is portrayed “*as the nub of*

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<sup>2</sup> For an in depth discussion of the importance of “theoretical satiation” see Esaiasson et al.

*all problems, and a convenient explanation (sometimes all too convenient) for the majority of the Union's failings" (CEPS, Egmont, EPS, 2007:42).*

Bretherton and Vogler's work on EU actorness in climate negotiations has contributed to the deduction of leadership in this essay. Their conceptualization of actorness is based on presence, opportunity and capability which provide the key to EU leadership. Presence refers to EU's economic and ecological influence, the ability to "exert influence beyond its borders". Opportunity captures external factors that "enable or constrain" the ability to take a leadership role. Capability then includes the capacity to achieve and sustain this leadership role through for instance the ability to formulate coherent and consistent policies and negotiate effectively with third parties (Bretherton & Vogler, 2006 a,b).

Of most significance to my theoretical framework is the theory of formal leadership presented by Tallberg in his book "Leadership and negotiation in the European Union", which allows us to understand what lies behind the institutional development of the EU Presidency and also the chairmanship institution in general. Based on rational choice institutionalism and bargaining theory, he points out the "collective-action problems" which arise in multilateral bargaining and argues that since states are rational actors they will delegate responsibilities to the chairmanship to solve these problems (Tallberg, 2006:17ff). Collective-action problems refer to; agenda failure in the "absence of progress" due to "shifting, overcrowded or underdeveloped agendas"; negotiation failure when bargaining is hindered by "deadlocks" and "breakdowns"; and representational failure in the restrictions in cooperation when states have no solution of whom to speak on their behalf (Tallberg, 2006:2). From his research on the EU Presidency, he claims that "functional demands drive the delegation of tasks and responsibilities to the chairmanship" (Tallberg, 2006:12). The office of the chairmanship is expected to solve collective-action problems of "agenda failure, negotiation failure, and representation failure" and delegation of these functions is dependent on the problems in a certain setting (Tallberg, 2006:20). If Tallberg's claim on functional demands as the driving forces behind EU Presidency development, this would mean that when collective-action problems arise, further responsibilities are delegated to the chairmanship (Tallberg, 2006:4). If the rotating Presidency is constituting a large problem to EU leadership in negotiations on climate change, there would be a demand for a change.

## 2 The Climate Change Negotiations and EU Leadership

*“Climate change is one of the most important challenges facing the Union and requires global solutions. The Union must therefore maintain its international leadership in the negotiations on the United Nations Framework Convention on Climate Change and its Kyoto Protocol. The objective is to secure an ambitious, global and comprehensive post-2012 agreement on climate change at Copenhagen in 2009 consistent with the Union's 2°C objective. A successful conclusion to the international negotiations requires the Union to continue demonstrating leadership. Comprehensive deliberations by the Council, working closely with the European parliament, should result in an agreement on the Climate and Energy Package before the end of 2008, consequently allowing for its adoption at the latest early in 2009, in accordance with the conclusions of the 2008 Spring European Council.”* (Joint programme of the French, Czech and Swedish Presidencies, p. 7)

In 1992 when the conference in Rio first established the framework on climate change the EU directly entered negotiations with a high ambition of setting targets and schedules for the work of the convention. Throughout the negotiations on the Kyoto-protocol and especially after having concluded negotiations after the US withdrawal, and when in 2005 adopting the world's first international emissions trading system (ETS), the EU further established its position as the leader in climate change politics (Bretherton & Vogler, 2006b:2)<sup>3</sup>

The Greenhouse effect was first discovered by the Swedish chemist Arrhenius, who in 1896 claimed that human activities increased CO<sub>2</sub> concentrations and thereby raised global temperature (Betsill in Axelrod et al., 2005:105). But not until the late 1980's had the issue of climate change reached a level of scientific consensus and raised political awareness. The Intergovernmental Panel on Climate Change (IPCC) was established in 1988 to provide decision-makers with an “objective source of information about climate change” and gathers the latest scientific research worldwide on the subject (IPCC Home page). The UN began its planning of a framework convention, which was later formed at the United Nations Conference on Environment and Development (UNCED), in Rio de Janeiro in 1992 (Schreurs in Vig & Faure, 2004:209-211).

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<sup>3</sup> The emission trading system (ETS), covered around 12000 enterprises in 2006, and allows firms to cut emissions and sell their carbon allowances at the market value, or buy allowances from other firms. The system is open to the involvement of countries outside of the EU (Bretherton & Vogler, 2006b:7).

During the Bali conference in December 2007, the EU again urged for the inclusion of ambitious emission targets in the draft. The Bali roadmap however established a framework on the road forward to an agreement in Copenhagen 2009. Up until then the EU is about to agree on the internal burden sharing of its energy and climate package, proposed by the Commission and agreed upon by the European Council in March 2007 (Communication from the Commission, European Commission's Home page).

## 2.1 The Rio Conference

The UNFCCC, which after ratification went into force in 1994, formulated broad principles and goals, and established an annual Conference of the Parties (COP) to reassure the continuing negotiations on technical measures and the work towards an international agreement (Schreurs in Vig & Faure, 2004:212). Without stipulating specific obligations, the UNFCCC called for “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”(CEPS Report, 2008:14). The EU however, signatory of the framework, had attained the UNCED urging for binding targets and timetables, and established goals to stabilize CO<sub>2</sub> emissions at 1990 levels by 2000 (Betsill in Axelrod et. al, 2005:106).

## 2.2 The Kyoto Protocol

The third COP was held in Kyoto, Japan in 1997, where an agreement was reached in the form of a protocol. Also in these negotiations EU entered with an ambitious target of a 15 % emission reduction by the developed countries (Bretherton & Vogler, 2006b:16). The protocol finally agreed upon, committed signing countries to an overall target of 5.2 % reduction of GHGs by 2012 and the EU committed to an 8 % reduction (ibid). Further technical measures of implementation and compliance were to be negotiated in the COPs that followed.

In march 2001, newly elected President Bush withdrew from the Kyoto Protocol and pronounced it ‘dead’ (Vig & Faure, 2004:208). Leaders of the EU criticized Bush and urged the americans to return to the negotiation table. Persuasion however had no success and the EU decided to move forward with negotiations without the US (Vig & Faure, 2004:218). The signatories met again in Bonn in July 2001 at the second part of COP 6, for a “rescue effort”(Betsill in Axelrod et al., 2005:113). After large efforts made by the European Union to get enough states to ratify the agreement and particularly including countries responsible for large emissions, the Kyoto protocol had been rescued and successfully entered into force in 2005 (Vogler, 2005:840). For the Kyoto agreement to enter into force the protocol had to be ratified by 55 parties

responsible for at least 55% of Annex 1 GHG emissions, a demand that was reached with the Russian ratification in October 2004.<sup>4</sup>

## 2.3 Towards a Post Kyoto Agreement

With the first commitment period of the Kyoto protocol expiring in 2012 discussions on a new agreement to fill the gap had started in side events to the COP 9 in Milan 2003 and was the subject of the 13<sup>th</sup> COP which was held in Bali, Indonesia in december 2007 (CEPS report, 2008:21). After the ratification of the Kyoto protocol, climate change had reached high level political attention, and during the years of 2006 and 2007 the matter received major medial attention with the Stern review on the economy of climate change, Al Gore's movie "An Inconvenient Truth", and the fourth IPCC report, which further confirmed human responsibility for global warming.<sup>5</sup> During the many days of negotiations, which at times seemed to be collapsing, the same old disputes could be found between the US and the EU, the developing world and the developed. Issues of conflict were whether or not to include percentage reduction targets of 25-40% in the action plan and how discussions on reduction commitments for developing countries should be pursued (CEPS report, 2008:1). The EU all along urged for targets and timetables. At the Bali conference, the parties agreed on a roadmap towards a global climate change agreement to be completed at the COP 15 which is to be held in Copenhagen i December 2009. The roadmap sets the agenda for the formal negotiations on a global climate regime for the post-2012 period. Francisco Nunes Correia, Portuguese Environment Minister and at the time Council President, said that "The way is now clear for the international community to start negotiations to reach a global climate agreement by the end of 2009. EU leadership has been key to securing this successful outcome [...]" (European Commission's Home page). After Bali, in January 2008, the European Commission agreed on a climate and energy package which would reduce GHGs in the EU by 20% and increase the share of renewable energies by 20%, by 2020. If a new global agreement on climate change is reached, the targets on emissions reduction will be increased to 30%. This package was first proposed by the Commission in January 2007 and later agreed by the member states at the EU council in March 2007 (European Commission "Future Action on Climate Change" site).

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<sup>4</sup> Annex 1 refers to the group of "industrialized countries and formerly communist countries with economies in transition" which have "a responsibility to take the lead" as stated in article 3 of the UNFCCC (Betsill in Axelrod et.al 2005:109)

<sup>5</sup> The two last-mentioned, Al Gore and The IPCC, were jointly awarded the Nobel Peace Price in 2007.

## 2.4 EU Leadership

In the creation of the European Union through the founding treaty of Rome in 1957, environmental matters were absent and no common policies existed. In 1987, 30 years later, the EU had adopted common policies and principles, adopted the Single European Act (SEA), which now included the environment as a priority of the union, and the EU had taken on its global role in the environmental governance (Bretherton & Vogler, 2006:89, 90). Since the beginning of the 1990's the EU has taken on a leading role by pushing the US and others and urging for targets and timetables to be agreed upon early on in the negotiations on climate change. After US withdrawal in 2001 the EU had the opportunity and the responsibility to pursue negotiations and through its presence, economic weight and influence, it could get other actors to carry through with the ratification process of the Kyoto protocol.

EU's leadership role in the combat against climate change combines several aspects of the concept; "rule and dominance", "the Union's presence and negotiating strength", and its ability to "guide", to "go ahead" and to "inspire" (Bretherton & Vogler, 2006:103). According to my interviewees this role depends on the fact that the EU is the most "accelerating group" and "the largest contributor", and when the internal package already agreed upon will be carried through, EU's leadership will be further confirmed (Interview 25 July 2008). By lowering emissions at the home ground, commitments taken towards developing countries, and by the establishment of the ETS, the EU is "going ahead" (Interview 15 August 2008). By presenting targets and timetables and committing to further reductions if a global agreement is reached, the EU is a "pioneer" (Interview 1, 14 August 2008). The EU is an "obvious pusher" (Interview 1, 14 August 2008), and since US withdrawal there is no other party as "driving" as the EU (Interview 2, 14 August 2008).

Bretherton and Vogler develop a train of thought concerning the EU as an actor and to what extent it can provide leadership. Leadership depends on actorness and its underlying conditions – "opportunity", which refers to the "external context"; "presence", an "actor's ability, by virtue of its existence", to influence; and "capability", "the ability to exploit opportunity and presence" by for instance formulating policies and negotiating effectively with third parties (Bretherton & Vogler, 2006a:2). In the development of EU's actorness in climate change politics, Bretherton and Vogler point to a number of internal and external events and institutional developments as the shaping factors of EU actorness. During the negotiations of the Long Range Transboundary Air Pollution Convention (LRTAP) of 1979, the European Community (EC) was given the opportunity to participate alongside its member states. This opportunity, which became possible under a period of relieved tensions between east and west, gave the EC external recognition and status as the first and only Regional Economic Integration Organization (REIO) (Bretherton & Vogler, 2006a:90ff). The ending of the Cold war was the start of US abdication from its role as an environmental leader, and in combination with the evolution of a new global scene for climate

change action, the EU had the opportunity and the responsibility to develop as an actor (Ibid).

In 1987, the Single European Act (SEA) was adopted which called on the completion of EU's internal market and thereby strengthened its external economic influence and laid the foundation of EU presence (Bretherton & Vogler, 2006a:4). The SEA further incorporated global environmental diplomacy as an important policy area and the Treaty on the European Union (TEU), adopted in 1992, aimed among other things at establishing EU's identity on the international scene (Ibid). The Treaty establishing the European Communities (TEC) in 1997, stated that environmental protection shall be a component of the Community's other policies, and for instance the EU has been persistent in pushing for the integration of environmental concerns at the World Trade Organisation (WTO) (Bretherton & Vogler, 2006a:92f). When rescuing the Kyoto Protocol after US withdrawal, the EU showed great actor capability in its diplomatic efforts to persuade a sufficiently large enough share of industrialized countries. Success was finally reached through Russian ratification, which was realized when EU, as an influential actor at the WTO had supported Russian membership (Bretherton & Vogler, 2006a:108f). Credibility as a leader is however dependent on implementation. The ETS, the first in the world of its kind, provides a solution to implementation and the reaching of EU's Kyoto commitments. If extended beyond EU borders the EU can become the "standard-setter" and thereby further demonstrate its presence (Ibid).

Further challenges to actor capability and thereby EU actorness lie also in EU's capacity to formulate consistent policies and to negotiate effectively with third parties. In climate change negotiations the Union has mixed or shared competence as many issues still are in the responsibilities of member states and are a matter of national legislation, and it is therefore the Presidency who negotiates on behalf of the member states. When discussing issue areas as energy or taxation, where the member states have different interests, different policies and different levels of economic development, consistency problems are likely to arise (Bretherton & Vogler, 2006b:10f). External orientations of member states are also likely to cause inconsistency especially when member states try to pursue their own bilateral talks (Bretherton & Vogler, 2006a:107, b:11). The ability to formulate consistent policies is central to the concept of capability. Consistency measures member states' "political commitment to common policies" (Bretherton & Vogler, 2006a:31). In the Communication from the Commission on the energy and climate policy of the EU, it is stated that; "A political consensus has crystallised to put this issue at the heart of the European Union's political programme [...]" (Communication from the Commission, European Commission's Home page). But the political consensus is somewhat contested. After the council meeting in march 2008, one year after the proposal of the energy and climate package had been agreed upon, Swedish Prime Minister Fredrik Reinfeldt reported to the Swedish Committee on European Affairs that there had been a reaction to the policies formulated the previous year and that Climate Policy "is not on top of the agenda in every country in Europe! [author's translation]" (The Swedish Committee on European Affairs, Home page).

The negotiating ability is also constrained since the rotating Presidency causes discontinuity when the organisation of the negotiating delegation is shifted by every six months. Much is said to depend on the Presidency since it is a “heavy burden”, especially for a small or new member state, to take on the leadership role, administrating and coordinating meetings in different working groups and staying within the frame of the agreed mandate (Bretherton & Vogler, 2006b:13). Where the Community has exclusive competence, as is the case at the WTO, the Commission speaks on behalf of the member states (Bretherton & Vogler, 2006b:13).

My interviewees confirm the importance of the Presidency. Due to factors of representation, administration, and coordination; the gaining of an appropriate mandate, and being able to stand united towards third countries, the success of EU performance in climate negotiations is to a large extent dependent on the Presidency (Interview 2, 14 August 2008). Especially in the current complex situations (Interview 25 July), the efficiency of the chairmanship is important (Interview 15 August 2008).

### 3 The Presidency a Functional Response

In the Treaty of the European Economic Community established in 1957, the Presidency and the rotation of guard by every six months, was founded. Without specific functions and with a rather limited role it has since then developed through practice in response to functional demands risen from an ever intensified and expanded cooperation (Elgström, 2003:4, Tallberg, 2001:15). The country holding the Presidency is responsible for the work of the EU Council of Ministers and the European Council (Elgström, 2003:3). This responsibility means the administrative burden of arranging and chairing meetings at all levels, but also the possibility of influencing the agenda, the responsibilities of brokering negotiations, and representing the EU in internal and external negotiations (Elgström, 2003:3). The Presidency has gained greater importance due to the lack of leadership and the lack of legitimacy, as the prior driving forces of the commission and the French-German coalition are no longer prominent (Elgström, 2003:5). A rotating Presidency brings energy and visions as member states during their six months have the possibility of adding their mark, by making political initiatives and representing the union. Thereby a strengthened Presidency can somewhat legitimize further European integration as the project of the EU gains national attention (Tallberg, 2001:17).

In search for efficient cooperation and through a demand for formal leadership member states have delegated responsibilities to the office of the chairmanship. But the problems and challenges of a rotating Presidency are evident throughout the literature on Environmental Governance and the system of rotation has been exposed to criticism and has been heavily debated since the early 1970's (Tallberg, 2006:75). The Constitutional treaty, signed in 2004 and rejected by France and the Netherlands, suggested the abolishment of the rotating system which by some has been claimed would be beneficial to EU performance in climate negotiations (CEPS Policy Brief). The Lisbon treaty, which is currently in the midst of a ratification process, suggests a combination of a permanent Presidency of the Council and the preserving of the system of rotation for the Council of Ministers.

### 3.1 The Institutional Development of the Presidency and its Functions

As the EU's political system has expanded the Presidency's four functions have developed as a response to functional needs (Tallberg, 2001:15f). The traditional administrative role has grown as new areas of cooperation have been introduced on the agenda. The increased number of issues and policy areas has led to the fact that political prioritization is needed and demands from the member states of larger influence to counterbalance the commission and its political goals, have further established the function of agenda management. Through the expansion and inclusion of more member states and the shift to qualified majority voting, the function of the Presidency as a mediator and broker has evolved and grown of importance. Due to an extended global presence and in relations to the European Parliament and the Commission, the Presidency has been delegated representational responsibilities (ibid).

As its first established and most basic responsibility the Presidency must administer and coordinate the work of the Council and the Council of Ministers. Therein lies the task of planning and arranging meetings at all levels and coordinating its activities with the Commission and the Parliament (Elgström, 2003:5). The demand on a successful handling of these tasks has increased since the number of Council constellations have grown in number. Whether the Presidency manages to perform this role well, will affect the overall perceived effectiveness of the Presidency (ibid).

In its function as agenda manager the member state in the chair shall "prepare and present a list of priorities" for the six-month period which are presented in the Presidency programme (Elgström, 2003:6). By using the "agenda-shaping powers" of "agenda-setting", "agenda-structuring", and "agenda-exclusion", the Presidency is able to introduce new issues, put varying emphases on the ones already on the agenda, and exclude unwanted issues (ibid). The demand for agenda management by the Council Presidency, arose during processes in the 1960's when prior leadership by the Commission was questioned and EU policies expanded. During the "empty-chair crisis in 1965-1966", France boycotted Council meetings since it refused the introduction of "supranational modes" in the council decision-making, and rejected the Commission's proposal concerning financial matters of the Common agricultural policy (CAP). Through "the Luxembourg compromise in 1966" the crisis was solved as it secured the voting principle of unanimity and "required the Commission to consult" member states before introducing issues on the Council agenda. Thereby the Commission's authority as the single driver behind EU integration was dismantled. (Tallberg, 2006: 46). During this period the extension of Council activities was a fact and with the customs union completed in 1968, the agenda allowed for the inclusion of new policy concerns and the creation of new "committees and working groups in the council", which further delegated responsibilities of agenda management to the Presidency (Tallberg, 2006:47ff). Powers of agenda-management of the

Presidency were further strengthened through the creation of the European Council in 1974 and the treaty revisions of the SEA and the TEU, which incorporated the European Council and extended EU cooperation into areas such as the environment. A work programme was first introduced in 1988 and integrated to the Council's rules of procedure in 1993 when the Presidency also received the right to "propose issues for general policy debates" and set the agendas of informal meetings (ibid). Due to a weakened Commission the European Council was created and the main responsibility of the EU agenda was delegated to the Presidency (Tallberg, 2006:54). Even though agenda-management is a central function of the Presidency a large extent is inherited. The opportunity to promote its own priorities is further limited by events which might occur but must be taken into account (Tallberg in Elgström, 2003:20). One of my interviewees confirms that; 80 % of the agenda is inherited, 10 % must be held in readiness for unexpected events, leaving 10 % to the Presidency's own priorities (Interview 11 July). The agenda-shaping potential of the Presidency is further constrained by the short time period in office and the dependence on the commission (Tallberg in Elgström, 2003:20).

As the chair of meetings in the Council of ministers and the European Council, it lies on the chairmanship to broker negotiations, suggest compromises and build consensus (Elgström, 2003:6). During the 1960's and 1970's the Commission was "distrusted for its supranational intentions" and its credibility as broker was reduced, which pushed for a demand of the mediating role to be transferred to the Presidency (Tallberg, 2006:58ff). The expansion of EU policy and the growth in number of committees and working groups, increased the demand on the Presidency to "engineer package deals". Through enlargement and specifically when enlargement expanded preferences, it became more difficult to identify an "underlying zone of agreement" (Tallberg, 2006:65). Therefore the practises of "the tour des capitales", allowing for the Presidency "to collect information on state preferences through bilateral encounters; and the "confessional", which makes it possible to adjourn meetings when a deadlock has arisen and go into "bilateral and confidential discussions" (Tallberg, 2006:64).

Last but not least the Presidency functions also as a representative, towards other EU institutions and in EU's external relations (Elgström, 2003:7). Internally this became important in the communication with the parliament after the codecision procedure was created in the TEU (Tallberg, 2006:72f). The role of external representation has grown in pace with the increasing importance of EU's role in world affairs. It is within the area of representation that Tallberg finds the most "decisive evidence in favor of a functionalist interpretation of the Presidency's institutional development" (2006:66). The decision to appoint the Presidency with the responsibility of speaking on behalf of the Union, "was motivated by a concrete risk of representation failure" and developed in "direct effect" of the "demand for an internal and external representative" (Tallberg, 2006:73).

Due to collective-action problems; agenda failure, negotiation failure and representation failure, states delegate powers and process control to the chairmanship. The chairmanship is a functional response to the demand of formal

leadership. Further delegation of responsibilities vary with experienced and anticipated collective action problems. If there is a demand for further agenda management, brokerage or representation in the climate negotiations, the states will respond to these functional demands (Tallberg, 2006:4).

## 3.2 Challenges of a Rotating Presidency

The model of rotation avoids the concentration of power “in one member state or supranational institution” as each member state has the same opportunity to hold the Presidency and thereby “shaping EU-policy making” (Tallberg, 2006:11). In a political system there is a need for agenda-shaping and a stable provision of policy initiatives (Tallberg in Elgström, 2003:31f). The Commission’s exclusive right of initiative was a functional response to the need for stable proposals, but as the impartiality of the commission has been questioned by the member states, the Presidency has gained a more prominent role as agenda manager (ibid). By the model of rotation, the system however causes “discontinuity in internal politics” and in external relations; through an “expansion of EU policy making” the Presidency has become a heavy burden impossible to carry by all states; and enlargement has “prolonged the time between each state’s periods” and has thereby reduced the “socialization effect from holding the Presidency” as well as the “notion” that gains are spread equally (Tallberg, 2006:76). According to Tallberg the system has “only been maintained after careful considerations of alternative solutions” (2006:74). In the theory of formal leadership, alternative institutional solutions can be delegated the functions of the chair, but rather than doing so EU member states have chosen to “compensate weaknesses” of rotation by inventing “mechanisms of continuity” (2006:21,74). The establishment of the Council Secretariat in 1958, and its strengthening, the cooperation between Presidencies and the troika are signs of this (Tallberg, 2006:49,74).

In climate negotiations, where competence is shared, the responsibilities of coordination, chairing of relevant committees and working groups, and “formally representing the Union”, have been delegated to the rotating presidency. Due to the differing “demands and interests” amongst member states and with variations in policy traditions in the fields of energy and taxation, which to a large extent are still under national legislation, difficulties of inconsistency are “inevitable” (Vogler, 2005:841). The half-yearly change of Presidency, further limits the possibilities of formulating a long-term strategic perspective, as well as the negotiating ability since the rotating Presidency causes discontinuity when the organisation of the negotiating delegation is shifted by every six months. (CEPS Policy Brief, 2003:5, Bretherton & Vogler, 2006b:13). As one of the prerequisites for actor capability lies the “ability to identify priorities and to formulate consistent and coherent policies”, where consistency refers to the degree of commitment to common policies (Bretherton & Vogler, 2006b:9). Implications of this would be that when the degree of commitment is low among member states, inconsistencies arise, and the actor capability is challenged.

Enlargement has led to effects of longer intervals; it will now take 14 years for a member state to have the possibility of holding the Presidency again. This will lead to a lack of experience, the "loss of institutional memory" and due to greater political salience, the risks of overexploitation of the Presidency for national gains increase (CEPS – Egmont – EPC, 2008:42f). *"In short, the Presidency mechanism inherited from the founding treaties has rapidly emerged as the nub of all problems, and a convenient explanation (sometimes all too convenient) for the majority of the Union's failings."* (CEPS – Egmont – EPC, 2008:42).

Bretherton and Vogler claim that abolishment of the rotating Presidency, as suggested in the Constitutional Treaty rejected in 2005, would "have had real benefits to environmental diplomacy" since a foreign minister and external action service would have been installed instead (Bretherton & Vogler, 2006b:14). The longer-term chair would be likely to increase the consistency EU positions (CEPS, 2003:2).

My interviewees somewhat contested the challenges of rotation, one even seemed surprised over the statement (Interview 11 July). The possibility of discontinuity was however recognized (Interview 25 July), even though it had constituted a much greater challenge before a reorganization was carried through in 2004 (Interview, 15 August). The inefficiency of constructing an entire organization only to tear it down after six months was also mentioned (Interview 2, 14 August), as well as the fact that it constitutes a heavy burden, especially on small and new member states (Interview 1, 14 August).

### 3.3 The Trio-Presidency

The merits and demerits of the rotating Presidency have been debated since the early 1970's as has the need for reform. Rotation has been claimed to cause discontinuity in internal as well as external politics, to constitute an administrative and economic burden, and to have had negative impacts on the socialization effect and the "notion of reciprocity" due to enlargement (Tallberg, 2006:76). In the discussions on reform three models for alternative chairmanship have been presented; elected or supranational chairmanship, or a modified rotating system through an extension of the period or through the introduction of a group Presidency, as in the practice of today (ibid). Through a prolonged term the office would be strengthened and greater continuity achieved but the demerits in the form of a further extended gap between states' periods at the head, the risk of private exploitation and the risk of inefficiency should the task be too great, predominated the debate. The idea of a team model, as suggested in the mid-1990s, was a shared Presidency over a longer term where different sectors of council work would be divided (Tallberg, 2006:77). While "generating greater coherence, and decreasing the burden of holding the Presidency", the model would constitute a challenge of coordination (ibid). In external representation, different forms of troikas have been used since the 1980's to handle problems of discontinuity and inconsistency (CEPS – Egmont – EPS report), which is also the

aim of today's practice of the Trio Presidency which was amended in the Presidency's Rules of Procedure in september 2006 (German Presidency's home page).

An 18-month programme was elaborated for the first time by the German, Portuguese and Slovenien Presidencies and for the second time the EU is now performing a team model consisting of three successive presidencies together formulating a joint 18-month programme. The joint programme, drafted by the French, Czech and Swedish Presidencies, was adopted in the council of ministers in june 2008 as the French Presidency began. Added to this joint programme each country still has their own specific Presidency priorities. In the discussions on the joint programme Sweden has put the issue area of climate, environment and energy as its first priority (Swedish Government Home page).

According to my interviews the non-binding, joint programme however turns out to be more of a "paper product" and an "expression of political will" (interview 11 July 2008), with rather "empty and general formulations" (interview 25 July 2008), calling on member states to present a joint programme but without any further specifications (interview 14 August). Through cooperation on the joint programme, which is a truly time- and resource- consuming work, gains can be aggregated through multilevel contacts and networking which has led to an important exchange of information (interview 11 July 2008). The joint programme promotes cooperation which would not have existed otherwise, and facilitates planning, but in climate negotiations it has not lead to any great changes (14 August), and in the Bali negotiations improvements of continuity from a joint programme were not apparent (interview 25 July). On an overall strategic level, for the continuity of EU goals and also on the political level, the Trio-Presidency could be of importance (Interview 15 August). The Czech Republic, which has not given climate change as high a priority as for example Sweden, has in the Trio-Presidency committed to pursue EU's ambitions on reaching and implementing an internal burden sharing agreement during its presidency period (Interview 11 July).

### 3.4 The Reform Treaty- Implications of the Lisbon treaty

In the Intergovernmental Conferences (IGCs) on the future of EU and its reform, opinions were split on whether to keep the rotation system as it is or whether the Presidency should be detached completely from the member states with an institutionalised or elected Presidency instead (CEPS - Egmont – EPC, 2007:45). The result was a hybrid system with an institutionalised elected long-term Presidency for the European council and the External Relations Council, and the preservation of the rotation system for the other Council constellations. The gains are obvious in the form of greater continuity but there are also possible dangers. The risk of a bad Presidency which can damage the EU under a longer period is of

course greater when the term of office is two and a half years (CEPS – Egmont – EPC, 2007:46). With the reform “the unity of the Presidency” would be destroyed since the Presidency would be split into five different levels of; “(1) *the President of the European Council*, (2) *the group of three Member States in the eighteen-month Presidency Team*, (3) *the Member State in the team holding the six-month Presidency*, (4) *the High Representative for foreign policy, President of the Foreign Affairs Council*, and (5) *the President of the euro group*.” (Ibid). Since the operational Council constellations will still be in the responsibility of the rotating Presidency, matters of inconsistency in this system could result in the isolation of the European Council to a role of “political guidance, without any grasp of the reality” (Ibid). The contrary development, where the European council would turn into an “autonomous” decision-making body, “directly responsible [...] for all politically sensitive dossiers” is also a risk, (CEPS – Egmont – EPC, 2007:47). There is also the risk of political rivalry between the different bodies and the “additional complication” in the external representation (Ibid).

The Trio-Presidency will continue under the Lisbon Treaty (Interview 11 July). As today the main responsibility of negotiations will stay within the Council of Environmental Ministers, also under the Lisbon treaty, however the Permanent President of the Council might “fly in towards the end” ( Interview 25 July). There is also the possible scenario of different interests where the Presidency, the High Representative and the Permanent Presidency of the Council all want to distinguish themselves (Interview 25 July). The negotiations will still be executed by the Ministers of the Environment with the Prime Minister temporarily holding the Presidency, as its boss, but as the issue of climate change has become an issue of “large political significance” some kind of “division” of responsibilities must be made and an extensive cooperation between the three tires will be required (Interview 15 August).

### 3.5 Functional Demand for Reform?

The half-yearly rotating presidency speaks on behalf of the member states in the climate negotiations. Through the system of the significant “troika” the Presidency, the incoming Presidency and the European Commission together conduct “high-level negotiations” (CEPS Policy brief, 2003:3, Interview 15 August). It was in the beginning of my work my conviction that the rotating Presidency was constituting a great challenge to such an extent that there was a demand for an alternative solution. Strengthened actorness through a permanent representative could perhaps further establish EU’s leadership position in this policy area. Surprisingly however, the results of my interviews show differently.

After the Irish Presidency in 2004, the challenges of rotation have not been as noticeable in climate negotiations. Before the whole EU staff had been changed twice a year but with the reorganization, suggested by the Irish, a more “robust” apparatus was established (Interview 15 July). The apparatus is controlled by a

Council working group on climate change consisting of the Environmental Ministers holding the “operational” responsibility, with eleven expertise groups below it led by “issue leaders” and “negotiators” (15 August). The positions of “issue leaders” and “negotiators” must not be filled by the current member state holding the Presidency but can be filled by a representative from another member state or the commission which can hold the position for several years (Interview 25 July). This system has brought greater continuity and lead to the fact that from a negotiation perspective decisions are taken more rapidly (25 July). The system of rotation is perceived rather as an asset; a “valuable institution” since it increases “ownership” and the development of capacity among member states (15 August); it is a “wonderful opportunity” for a country to raise its level of competence at the same time as it is hard task to small and new members (Interview 1, 14 August). The suggested changes of the new treaty have been evolved due to the challenges of rotation, but the overall negotiation situation is “well functioning” (Interview 2, 14 August). From a resource perspective, having one permanent representative would be more efficient, but in the “complex EU-reality” it is important that the matters of international negotiations lie close to the policies of the member states (Interview 2, 14 August). This leads to a “commitment”, an “ownership” and a “nearness”, and it is inevitable that rotation leads to countries wanting to do a good job which would not have been the case under a permanent Presidency (Interview 2, 14 August). Since the issues of climate and energy are responsibilities of the member states, and involve large economical matters, no politicians would want to transfer the responsibility of representation to a permanent Presidency (Interview 2, 14 August). Rotation of the Presidency is important for democracy and must build on “democratic support” (Interview 1, 14 August).

This reorganization confirms Tallbergs claim on functional processes as the driving factors of institutional development, and the fact that when “problems of discontinuity” arise due to rotation, “member states have established and strengthened mechanisms of continuity” (2006:80).

## 4 Conclusion

The rotating Presidency turns out not be that big of a problem. At least not any more. The difficulties of inconsistency in policy formulation, efficient negotiation and representation, often claimed by scholars were not experienced by the officials. Effects of discontinuity were however mentioned. The negotiating apparatus of the EU in the climate negotiations, appears to be “well functioning” with a “robust apparatus”, allowing for a greater degree of permanence as representatives leading the 11 expertise groups as “issue leaders” and “negotiators” do not have to rotate by every six month. The apparatus is controlled by a Council working group on climate change consisting of the Environmental Ministers leading the “operational work” and with the Rotating Presidency as its formal leader. This reorganisation, designed by the Irish Presidency in 2004, provided for a level of continuity and permanence to EU’s negotiating position in the climate change negotiations.

This reorganisation, suggested and undertaken by the member states, has responded to experienced and anticipated problems of collective-action problems, and the functional demands for a change. However, as we know by now, delegation of further functions must not be made to the chairmanship per se, but can be mitigated through the implementation of “mechanisms of continuity”. This development is further confirming Tallberg’s thesis on the evolution of the Presidency in response to functional pressures and in the search for efficient decision-making.

The Trio-Presidency which has also developed as a response to greater continuity, has had no obvious effect in the area of climate change. Gains can however be aggregated through the multilevel contacts and networking which has led to an important exchange of information, and it may also have impacts on an overall strategic level, for the continuity of EU goals. The impacts of the Lisbon Treaty are mostly apparent in the matter of coordination which will be required between the new bodies. There is also a risk of political rivalry as the Presidents of the multi-tire Presidency will all want to distinguish themselves.

Described as a “pioneer” and an “obvious pusher”, EU’s leadership role is confirmed by the officials. It is the most “accelerating group” and “the largest contributor”, and when the internal package already agreed upon will be carried through, EU leadership in the climate change negotiations will be further strengthened.

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# Appendix

## Questions asked to officials at the Ministry of the Environment

- 1.Can the EU be said to perform a leadership role in the climate negotiations?
- 2.Who negotiates on behalf of the EU?
- 3.Is EU's success in the negotiations dependent on the Presidency?
- 4.How is the system of rotation challenging EU's leadership role?
- 5.The trio-presidency has been developed to improve continuity and long term strategies, can these effects be realised in climate negotiations? Have these effects been realised?
- 6.How would the Lisbon Treaty affect EU's role in these negotiations?
- 7.What would be the optimal solution to EU's negotiating ability?

## Questions asked to officials at the EU co-ordination secretariat

- 1.Tell me about the Trio Presidency
- 2.What have been the greatest merits and demerits of this joint programme?
- 3.What happens with the Trio Presidency under the Lisbon Treaty?
- 4.Would you say that EU leadership in climate negotiations is limited by the system of rotation?  
  
-Could these limitations be solved by the Trio Presidency?
- 5.Does the Presidency influence EU's leadership in climate negotiations?