



Reconsidering European Contributions to Global Justice

# **The Solidarisation of International Society**

## **The EU in the Global Climate Change Regime**

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## **Abstract**

The European Union more often than not is either assumed or expected to play a leading role in international politics of climate change. This expectation emanates largely from the assumption that the EU as a normative power is able to induce change in international society. This paper intends to explore this assumed transformative potential of the EU in the specific context of climate politics. Suggesting an English School approach, in this paper I conceptualise the EU's potential transformative impact as the solidarisation of international society. The advantage of such an analytical perspective is that it directs the focus on tensions and ambiguities that always and unavoidably exist in processes of change. In the paper, I first elaborate on the conceptualisation of change as solidarisation. Second, I spell out in detail what such a solidarisation means in international climate politics. Third, an empirical analysis of the EU's discourse and practices in climate politics reveals whether the EU indeed acts as a source of solidarisation in this particular policy field. In contrast to the widespread assumption that consistency is key to change, this paper suggests that accepting and embracing ambiguities indeed enhances the EU's contribution to solidarisation.

## **Keywords**

Ambiguity, change as solidarisation, climate regime, international society, normative power

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## Introduction

The European Union is considered as a leader in the international climate change regime. While this role was previously ascribed to the US, the EU started to establish itself as a progressive actor with ambitious goals towards the end of the 1980s. Since the end of the 1990s, at the latest, the EU is generally considered as a strong proponent of an effective global climate change regime and the expectations that it will contribute accordingly to the further enhancement of such a regime are thus relatively high. In addition, the EU has also discovered climate change as a rewarding topic that would have the potential to give a boost to the internal project of European integration. Yet, while the EU's ambitions in climate change are largely uncontested, the picture presents itself differently when it comes to assessments of how successful the EU indeed promotes and implements agreements and measures to effectively combat global warming. We can easily find major achievements by the EU, such as its role in the ratification process of the Kyoto Protocol to which the EU's engagement has been paramount after the US withdrawal. At the same time, we do also find tremendous failures and underachievement in the EU's performance: The event that first springs to mind, presumably, is COP15 in Copenhagen in 2009. The expectation was that in Copenhagen the international community would produce a legally binding agreement defining the clear target of limiting the global average rise in temperature to less than 2°C compared to pre-industrial levels (Oberthür 2011, 670). As such, the outcome of the Copenhagen Conference would have been a decisive agreement that was urgently needed as a follow-up to the Kyoto Protocol. Yet, ultimately the 'Copenhagen Accord' was nothing more than a rather weak notice of intention which was even not formally adopted at the conference, but only 'taken note of' (ibid., 670). While Copenhagen most clearly testifies to the failure of the international community as a whole, the EU's failure stands out most clearly as measured by its own particularly high ambitions.

The EU's own aspirations as a climate change vanguard make it in principle a likely candidate to indeed shape and potently influence the global climate change regime towards more effective mitigation of global warming. What is more, the widely discussed idea of the EU as a normative power (Manners 2002; 2006) underpins this expectation. Working towards specific goals that have a particular normative value even if the pursuit of such goals entails costs and leads to certain self-restrictions, is a core characteristic of Normative Power Europe (NPE). It therefore suggests itself to relate the EU's potential as NPE with the climate change regime. At first glance, it seems that the EU indeed takes on this role in some cases in the climate change regime, while lagging behind in others. Moreover, at times the EU seems to struggle internally with similar obstacles that we also find on the global level, such as the reluctance to wholeheartedly move beyond matters of national sovereignty in order to really get to grips with global warming. For Manners (2008, 60), indeed such a transformation of state-centric politics seems the most crucial criterion for NPE. This paper wants to engage with the EU's impact on the global climate change regime and its transformative potential. It therefore takes Manners' NPE argument, in a sense, as its starting point. A classical analysis from an

NPE perspective, however, is problematic because it is ill-equipped to deal with inconsistent policies. Such an approach would most likely define the kind of norms that the EU ideally would promote as an NPE in the climate change regime in order to then identify successes and failures of EU action in climate politics. As outlined before, in all likelihood, we will find successful as well as failed attempts of such norm promotion and the assessment whether the EU ultimately acts as a normative power seems to arbitrarily depend on the researcher's overall sympathy towards the argument. In a nutshell, the problem with NPE is that it is not very well suited to map and neither to theoretically make sense of seemingly inconsistent policy action. Similarly, the broader literature on the EU and climate change (without particular NPE focus) has the same problem: There are myriad empirically rich and well-researched analyses of the EU's role in international climate change politics. This literature, however, rarely provides an explicit theoretical basis to address inconsistencies in EU climate politics and to study further the practical as well as theoretical implications of such policy action.

Addressing this problem, I suggest using the English School distinction of a pluralist versus a solidarist conception of international society. Doing this, allows me to look at processes of change and the EU's role therein in spite of its sometimes seemingly inconsistent behaviour. The English School assumes that its core concept *international society* is imagined, constructed and put to practice in two different versions: A pluralist international society builds on a rather thin and weak basis of shared norms and values and hence, there is a strong focus on difference between its distinct members, i.e. nation states. National sovereignty in its classical meaning and non-intervention thus, are core values. In contrast, a much thicker basis of shared norms and values underpins the solidarist version of international society, in which individuals apart from states become relevant bearers of rights and duties. The universalisation of particular ideas becomes possible and desirable because states in all their difference are not the only reference point of international politics anymore. Most importantly, solidarisation as a process, hence, entails the overcoming of state borders and a transformation of a thoroughly state-centric conceptualisation of the international realm. The EU has indeed played a decisive role in such processes (Ahrens and Diez 2015) and it is this paper's objective to study the EU's contribution to solidarisation in the field of climate change. This endeavour makes it likewise necessary to locate the climate change regime itself on the pluralist-solidarist spectrum and to identify which of its components feature pluralist or solidarist characteristics respectively. The focus, however, is on the EU's contribution to the regime's further solidarisation. Such an analytical perspective is advantageous in that it directs the focus on tensions and ambiguities that always and unavoidably exist between pluralist and solidarist ideas and practices. Rather than distinct categories, I understand solidarism and pluralism as opposing poles on a continuum. Consequently, the analysis of particular structures or of the action and characteristics of certain actors is never about putting the one and only applicable label on the object of study; but, it is about identifying processes of change including their inherent tensions and (normative) ambiguities as well as about understanding these processes in spite of seemingly contradicting developments or backlashes.

The paper first discusses in further detail pluralism and solidarism as analytical tools in order to then outline criteria to identify processes of solidarisation in the global climate change regime. Second, I apply these criteria to processes of change in the global climate change regime and by reviewing the EU's role in the regime, I provide an analysis of its contribution to processes of solidarisation. Methodologically, applying the criteria of solidarisation, the empirical analysis draws on secondary literature, interviews with EU policy-makers (conducted in May 2017 in Brussels) as well as policy documents and documentation of negotiations in order a) to identify processes of change towards or away from solidarism and b) to capture the EU's influence on such change. Regarding the latter, I shall be explicit about the following caveat: It is extremely difficult to trace with any accuracy the exact pathways of influence of the EU in such complex processes of change, since it is not possible to meticulously separate the EU's exact impact from other factors. It is nonetheless possible and conventional to rely on a heuristic argumentation to make a plausible case for the EU's contribution. The paper concludes with the argument that ambiguities and seemingly inconsistent behaviour does not necessarily inhibit processes of change. Instead, I argue that such ambiguities are necessary parts of solidarising processes and embracing them is even conducive rather than an obstacle to change.

### Moving international society towards its solidarist pole

The distinction between a pluralist and a solidarist conception of international society is crucial and well established in English School theory (Bain 2014; Buzan 2004, 2014; Weinert 2011; Wheeler 1992; Wheeler and Dunne 1996; Williams 2005). Solidarism and pluralism as two versions of international society constitute a further refinement of the classical English School triad consisting of *International System*, *International Society*, and *World Society* which build a 'three-fold method for understanding how the world operates' (Murray 2013, 8). It is crucial for English School thinking that all three conceptualisations of the international realm are relevant and influential (Buzan 2004, 6–8; Wight 1991), although international society clearly enjoys analytical and normative priority amongst most English School scholars. Yet, in spite of this prioritisation, all three conceptualisations operate in parallel and hence tensions arise between them. The international system embodies a classical realist worldview, in which anarchy and traditional power politics between sovereign states are the core features. World society at the opposite end of the spectrum epitomises a rather cosmopolitan order which has superseded anarchy and which takes individuals or humanity as a whole as its major referent object. International society as the middle ground between these two extremes is marked by the emergence of institutions based on consciously shared identities and common values amongst its members. While anarchy in this conception is still a core feature, the existence of a consciously created and maintained international order in spite of anarchy is crucial. The tension that emanates from the parallelism of the three conceptualisations of the international realm crystallises in the pluralist-solidarist debate. Pluralism leans towards the international system pole and hence focuses much

more on (cultural) differences and the distinctiveness of nation states as the core constituents of international society. Solidarism in contrast emphasises commonalities between these constituents and allows for non-state actors as equally significant members of international society. Just as the three core concepts operate in parallel, also pluralism and solidarism are not exclusionary, distinct categories, but should be understood as a continuum along which particular structures, actions and agents can be characterised (Weinert 2011; Buzan 2004, 49, 59).

The relevance of the pluralist-solidarist debate re international climate change is perfectly obvious. Hedley Bull's *Anarchical Society*, for instance reflects that climate change as an issue of global governance does exceed the boundaries and logics of a state-centric conceptualisation. He writes:

In the long run it is unlikely that action at the purely state level will be sufficient to cope with environmental dangers, and the functionality of the states system [...] will depend upon the emergence of a greater sense of human cohesion than now exists.

(Bull 2002, 284)

It is contested within the English School whether climate change inevitably requires international society to move beyond its solidarist pole, as e.g. Hurrell (2007, 222) argues. But even Buzan, who asserts that also a pluralist international society must provide for some possibility to combat global warming (2004, 145), does admit that cooperation for environmental concerns naturally entails solidarism to the extent that it exceeds a basic level of cooperation (ibid., 67). More specifically, solidarism and pluralism are applicable to climate change in the following way: It is at the very core of the climate change problematique that the consequences of global warming do not follow a state-centric logic, since the effects of greenhouse gas emissions (GHGE) do not necessarily occur at the exact same place where they have been produced. Likewise, the rewards for GHGE reduction do not follow any locally bound logic. Yet, in contrast, the mitigation of climate change in one way or another requires concerted action by *states*. This is the case, precisely because in spite of solidarist tendencies, states still are the most relevant entities, and thus still are the major point of reference for any attempts of regulation and institution-building in climate change politics. What is more, the individual inevitably plays a crucial role in the debate about climate change as a major point of reference, even if not the only one, because global warming does infringe basic individual human rights. Hence, it is anything but beside the point to argue that individuals are or should be legitimate claimants of rights in the context of climate change. There are therefore solidarist elements to the debate and to any attempts of finding global governance solutions to tackle climate change, whereas at the same time the current structure of international society obviously entails pluralist components. Hence, the issue at hand itself brings to the fore a tension that is clearly reflected in the pluralist-solidarist debate and therefore an application of this English School perspective seems to make perfectly sense.



The same is true for the EU as an actor in international society: When the project of European Integration was launched in the aftermath of WW II, the explicit normative idea behind it was to create an institutional setting, which would contribute to a fundamental transformation of a strictly state-centric order. At the very core of the EU's nature and self-understanding, thus, is a solidarist agenda. And this transformational agenda is also at the core of Manners' idea of normative power Europe (Manners 2002, 2008). Yet, at the same time, the EU itself is also embedded in and reflects elements of a pluralist order with sovereign states at its core. In particular, with regard to its potential to develop actor capacities on the international level, the EU had and still has to tie in with those rather pluralist structures because otherwise there would not be any chance of being recognized as such an actor. Hence, the EU as an actor is itself a manifestation of the tension that builds the very core of the pluralist-solidarist debate. This transformative impetus of the EU that is also crucial to the NPE argument partly explains the EU's own high ambitions in the climate change regime as well as high expectations from other actors that the EU would indeed contribute effectively to the climate change regime. Following this reasoning, this paper focuses on the question whether the EU indeed contributes to the solidarisation of international society in the climate change regime. This endeavour requires the formulation of criteria of solidarisation. What does solidarisation of international society mean in the context of the global climate change regime? For Hedley Bull, who first introduced the distinction between pluralism and solidarism in *The Grotian Conception of International Society* (1966) and in the *Anarchical Society* (2002, 230–232), solidarism ultimately means transferring classical features of domestic societies to the international level. With reference to Bull, but also Hugo Grotius himself whose ideas constitute a 17<sup>th</sup> century blueprint of a solidarist conception of international society (Lauterpacht 1946), I suggest deducing the criteria discussed in the next paragraphs for solidarisation.

### **The enhancement of the degree of cooperation amongst states**

For Bull's understanding of international society his tripartite typology of rules is paramount (Bull 2002, 64–86): First, there are 'constitutional normative principles of world politics' that define the basic ordering mechanism, such as the organisation of international society in territorially differentiated sovereign states. Second, 'rules of coexistence' are minimal in scope to the extent that they serve to fulfil the basic goals that any society needs to provide for: limitation of violence, some property rights and a certain degree of reliability of agreements. These two levels of rules would be sufficient for a pluralist conception of international society. Bull's third level – 'rules concerned to regulate cooperation' are the gateway for solidarism:

Rules of this kind prescribe behaviour that is appropriate not to the elementary or primary goals of international life, but rather to those more advanced or secondary goals that are a feature of an international society in which a consensus has been reached about a wider range of objectives than mere coexistence.

(*ibid.*, 67)

Thus, any moves to push for the development of more far-reaching regulations in international society constitute an indication of solidarisation.

A contribution to this kind of solidarisation in climate politics would mean that the EU acts as a leader in negotiations, pursuing ambitious objectives and pushing towards the formulation of clear and ambitious targets to be agreed upon by the international community. Solidarisation in this sense is restricted to the substantive level and hence entails only the most evident, yet not the most far-reaching kind of change. Any enhancement of international law provisions in the context of climate change would constitute solidarisation in this sense.

## **A strengthened role of individuals and non-state actors in the regime**

This indicator's meaning is twofold: Solidarism 'ties together state and non-state actors' (Buzan 2004, 48). Solidarisation in this sense, thus, takes place, when non-state actors play an increasingly important role in international politics, thereby challenging the primacy of the state. This dimension is about the procedural involvement of non-state actors. Moreover, individuals can become subjects of international law to the extent that there is 'a transition from one principle of international legitimacy, based purely on the rights of states, to another, based partly on the rights of individuals' (Armstrong 2006, 132). In Grotius' terms this means that 'the development, the well-being, and the dignity of the individual human being are a matter of direct concern to international law' (Lauterpacht 1946, 27).

This second dimension goes beyond the procedural one and entails further qualifications: Following the first dimension, in principle any procedural involvement of non-state actors would indicate solidarisation. This fits Buzan's (2004, 147) broad understanding of solidarism which he seeks to detach from an explicitly liberal-democratic interpretation. He argues instead that any kind of values can underpin solidarism as long as this leads to greater convergence amongst a group of states. While this makes absolute sense theoretically, it causes huge trouble in the practical application of solidarisation as analytical tool: The procedural involvement of particular non-state actors could ultimately undermine solidarisation (as captured by the first indicator) if these actors' objectives do not aim at the well-being and the dignity of the individual human being. Hence, this indicator entails two different dimensions, yet, both dimensions are intertwined in that the second one constitutes a qualitative restriction to the first.

Regarding the climate change regime, the EU would contribute to solidarisation if it clearly formulated and effectively promoted individuals and other non-state actors as reference point for the combat against global warming and as legitimate claimants of rights in this context. Furthermore, the institutionalised integration of non-state actors in the regime's institutional set-up constitutes solidarisation in the first dimension's sense provided that the outlined qualifications are met. A concrete possibility for such processes would be if the EU actively tried to reach out to non-state actors in its diplomatic activity rather than focusing on states and governments only and if these non-state actors likewise advocated the enhancement of international law provisions and effective regulation.

### A reinterpretation of national sovereignty

In solidarist terms the exertion of sovereign rights through states is more and more tied to states' responsibility for their own people (Vincent 1986, 113–118; Reus-Smit 2001; Buzan 2014, 124) and even for people outside their own territory (Wheeler 2000). Hugo Grotius shared this idea of sovereignty as a conditional rather than an absolute principle. He stated that by breaching international law provisions, states put themselves 'in a position of inferiority to other states' (Lauterpacht 1946, 21). Moreover, solidarisation takes place if '[s]overeignty is pooled in the sense that, in many areas, states' legal authority over internal and external affairs is transferred to the Community level as a whole, authorizing action through procedures not involving state vetoes' (Keohane 2002, 748).

Richard Falk describes a similar kind of change as a shift from consent to consensus as the basis of international law (Falk 1998; cf. also Bull 2002, 142f; Armstrong 2006, 130).

The EU would exert solidarising moves if it promoted the idea that national sovereignty cannot serve as an absolute excuse for not committing to agreements that would enhance the climate change regime. Furthermore, solidarisation in this sense would mean that principles are implemented which emphasise commonalities amongst states and the similarities of how they are affected by global warming rather than constantly pointing to differences between them. Finally, the establishment of institutional mechanisms in the regime that aim at exposing states' action regarding climate change to the scrutiny of the international community imply solidarisation in that such exposure also affects the sovereign autonomy of states.

## Processes of solidarisation in climate change and the EU's contribution

### Solidarisation through the EU's way towards a climate change vanguard

Today we clearly showed that we mean business. [...] Today's agreement shows unity and solidarity as Member States take a European approach, just as we did in Paris. This is what Europe is all about. In difficult times, we get our act together, and we make the difference. [...] We are reaching a critical period for decisive climate action.

(European Commission 2016)

With these words Miguel Arias Cañete, Climate Action and Energy Commissioner, commented on the ratification of the Paris Agreement by the EU's Environment Council on 30 September 2016. The quote illustrates the EU's strong self-identification as a decisive and progressive leader in the climate change regime. Looking at the EU's role in the development of the global climate change regime indeed gives some evidence for such a strong role and an effective enhancement of the regime and hence a contribution to solidarisation in terms of increased cooperation (indicator 1). In addition, as I will discuss below, the EU's position on the 'common but differentiated responsibilities' (CBDR) principle, has contributed to solidarisation following the third indicator.

In the academic debate the EU is nowadays widely acknowledged as a vital actor in the climate change regime, pertaining to both its contribution to international negotiations as well as its internal pursuit of progressive climate change policies (Vogler and Bretherton 2006, 2; Schunz 2015; Oberthür 2009, 192; Wurzel and Connelly 2011, 3; Gupta and Grubb 2000). Yet, in fact, the EU is not considered to have always been the outstanding leader in environmental and climate politics. It has rather been the US assuming such a leadership role in the 1970s and 1980s with the then European Community still struggling for clear and decisive action towards environmental protection (Vogler 2005, 837; Vogler and Bretherton 2006, 2; Jordan and Rayner 2010, 53). Yet, towards the end of the 80s scientific knowledge on climate change and its anthropogenic causes increasingly carried the day and it was also by this time that the EU began to establish itself as a visible and progressive climate change actor. Taking a closer look at the major steps of the development of the global climate change regime, we do indeed find evidence for an effective EU contribution to solidarisation in terms of increased cooperation.

The first major step in this direction was the adoption of the United Nations Framework Convention on Climate Change (UNFCCC) at the 1992 UN Conference on Environment and Development (UNED) in Rio de Janeiro. The way the EU advocated the UNFCCC has been interpreted by Robert Kagan as an expression of 'the European predilection for a Kantian world order, in which contentious issues are addressed, and potential conflicts

resolved, through the establishment of suitably empowered global structures of governance' (Schmidt 2008, 94). What Kagan calls the predilection for a Kantian world order clearly resembles what I call a solidarist agenda. Indeed, the EU fought very actively for an inclusion of clear targets into the convention which would commit all industrialised countries to reduce their GHGE to 1990 levels by the year 2000 (Bäckstrand and Elgström 2013, 1375; Oberthür 2011, 669). The formulation of such a clear target within the convention was mainly opposed by the United States. Ultimately, the EU was not successful in pushing for such clearly defined targets. The convention only uses broad language in order to determine in a non-binding manner that the 'stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system' (United Nations 1992, Art. 2) is a core objective of UNFCCC supporters. While this obviously testifies to the EU's limited commensurable impact on the negotiations, the determination of such objectives, even if in a non-binding manner, still has been the baseline for further cooperation on the issue (Oberthür 2011, 669). It is a small step, but it is one towards further solidarisation. The EU increased its diplomatic activity considerably in the run-up phase to the Rio Summit (Jordan and Rayner 2010). It played a significant role in the adoption of the Rio Declaration and hence the establishment of UNFCCC (Jordan et al. 2010) which indeed testifies to the EU's contribution to solidarisation in terms of the first indicator. Furthermore, in the negotiations on the outcome document of the 1992 Earth Summit the EC delegation suggested and successfully implemented principle 15 of the Rio Declaration (Vogler 2005, 843): 'Where there are threats of serious and irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective action'. This principle became known as the *precautionary principle*, indicating that the absence of scientific consensus about the harmfulness of particular actions shall not be used to legitimise non-action on the matter. This was indeed crucial at a time when scientific evidence for the anthropogenic causes of global warming was increased, but not fully accepted yet. The *precautionary principle* turns the logic of the need for action upside down by transferring the burden of proof to those who argue that GHGE would not cause global warming. The principle is now part of general EU law (art. 191 (2) TFEU) and beyond that it is still a cornerstone of today's climate change regime. The implementation of the *precautionary principle* constitutes solidarisation on the substantive level to the extent that it de-legitimises arguments, which contend that further cooperation to combat global warming could not be implemented before scientific evidence was increased.

In the context of the negotiations of the Rio declaration another contentious issue is important with regard to solidarisation: The CBDR found its way into the Rio declaration in its article 3. While the EU accepted this principle rather reluctantly (Bäckstrand and Elgström 2013, 1675), it has nevertheless become one of the cornerstones of the climate change regime. The CBDR clearly reflects a crucial dilemma that lies at the core of the climate change regime: States do have different historical responsibilities in causing global warming as well as unequal opportunities to combat the consequences of climate change nowadays. Hence, from a justice point of view there are some valid arguments to

defend the CBDR. And yet, the solidarisation perspective suggests another interpretation: The CBDR constitutes a manifestation of a rather pluralist version of international society to the extent that it emphasises the differences between states, i.e. in particular between developed and developing states. The CBDR tends to focus on the fact that international society consists of disparate and distinct states, which accordingly have different obligations. This holds true above all because at least in the political debate, the CBDR is generally read as a differentiation principle between *states*. Such a state-centric interpretation of the CBDR is not a logical necessity as the more philosophical and theoretical debate on climate justice suggests (for an individualistic approach to climate justice see e.g. Neumayer 2000). Yet, I am not aware of practical attempts to apply the CBDR to the individual level, which would then indeed open up the way for a more solidarist understanding. Within the global climate change regime, the CBDR clearly has a state-centric tone to it. The EU took a rather sceptical stance on the CBDR during the negotiations for a reason that soon proved to be true: While the EU has always been in favour of differentiation in the regime (Interview 2017a; 2017b), it feared that the CBDR would rather lead to a problematic bifurcation of the regime than to an adequate and eventually just differentiation. As became clear in the course of the years, the implementation of the CBDR in UNFCCC and its reassertion in the Kyoto Protocol has indeed led towards a thoroughly problematic dichotomisation of the climate change regime which has prevented further progress and effective change towards effective mitigation of global warming.

The post-Kyoto negotiations (starting immediately after its entry into force in 2005), demonstrated that such a dichotomisation was indeed problematic and jeopardised further success of the negotiations on an effective climate change agreement. The Bali Roadmap, i.e. the outcome document of COP13 in 2007, established a ‘two-track negotiation approach’ (Bäckstrand and Elgström 2013, 1377). Such an approach in principle could have led to the further dichotomisation of the regime, which was the favoured position by most developing states. The EU instead strongly promoted an approach that would ultimately lead to one comprehensive agreement committing all states to effectively mitigate global warming. The issue was not solved in Bali and it also played a role for the tremendous failure of the Copenhagen Climate Summit in 2009. Yet, the outcome document of COP 17 in Durban (2011) ultimately did not reconfirm the CBDR. This can be interpreted as a major step in overcoming the dichotomisation between the developed and the developing world (Hurrell and Sengupta 2012) and hence as a major precondition for the successful negotiation of the Paris Agreement in 2015. The latter, on the other hand, does reaffirm the CBDR (United Nations 2015, preamble; Art. 2(2); Art. 4 (3+29)). This demonstrates that the Paris Agreement is far from jettisoning pluralism. Yet, as I will discuss below, the Paris Agreement is the comprehensive and inclusive accord that the EU had always pursued in contrast to two separated agreements. That the Paris Agreement at the same time takes on pluralist elements, is rather a precondition to further solidarisation than an obstruction to it. In short, the discussion of the CBDR illustrates the following: The principle constitutes a manifestation of a rather pluralist version of international society. The EU was sceptical about its implementation right from the start because it feared it would lead to

bifurcation rather than a desirable degree of differentiation. The EU effectively worked towards the overcoming of the dichotomisation within the regime (Bäckstrand and Elgström 2013, 1377) that was largely due to this principle – or more precisely a particular interpretation of it.

Another example of the EU's contribution to solidarisation in terms of increased co-operation and the enhancement of international law is its crucial role in the ratification process of the Kyoto Protocol. It is widely acknowledged that after the US withdrawal from the agreement, its successful ratification is largely due to the EU's engagement (Torney 2015). Thus, while EU leadership was still rather limited in the negotiation phase of the Kyoto Protocol, EU's diplomatic action has indeed been paramount to rescue the agreement after US withdrawal. As regards its concrete content, the Kyoto Protocol constitutes a compromise between US and EU positions: The EU clearly promoted a top-down or regulatory approach, to wit clear and legally binding targets and no flexibility on the actual commitments that states make by signing the protocol. In the negotiation phase, the US was reluctant to commit to such an approach, but then followed the EU's lead (Bodansky 2013, 40). On the other hand, the EU was initially reluctant as regards the flexibility mechanisms, such as the International Emission Trading (IET). Yet, the EU agreed to it in order to keep the US on board. While this strategy seemed to be successful initially, it still could not prevent the US withdrawal later, for which there were two major reasons: First, the US, as well as other state actors, ultimately was not willing to commit to the strong top-down approach favoured by the EU. Second, through the implementation of the CBDR, the Kyoto Protocol did not include any reduction commitments for developing countries. Regarding solidarisation, the implications are rather mixed: With the CBDR we find a thoroughly *pluralist* principle as one of the major sources for the ineffectiveness and the deadlock of the regime as institutionalised by the Kyoto protocol. I have already discussed above that the overcoming of the dichotomisation put in place by the CBDR constitutes a solidarist move to which the EU has contributed. Second, the successful implementation of the top-down approach to which the EU had contributed, clearly constitutes an instance of solidarisation in the climate change regime. Yet, some state actors saw their sovereignty put into jeopardy by this approach to an extent that they refused to commit themselves, which ultimately led to a significantly reduced effectivity of the Kyoto Protocol. The next section, further engages with this very issue, by discussing the further development of the climate change regime up until the adoption of the Paris Agreement.

### **Solidarisation through the embracement of ambiguity in the Paris Agreement**

The limited effectiveness and actual deadlock of the regime which I have outlined in the previous section, sadly culminated in the tremendous failure of the COP 15 in Copenhagen in 2009. Up to that point in time, the EU had still adhered to its strict top-down approach as its primary strategy in climate change negotiations. However, Copenhagen clearly illustrated that a change in strategy was necessary. The post-

Copenhagen efforts and the ultimate nature of the Paris Agreement of 2015 indeed reflects such a change in strategy. The argument I wish to put forward here is the following: Regarding solidarisation, the Paris Agreement is ambiguous as it reproduces pluralist structures, while still clearly aiming at solidarisation. Interestingly, rather than preventing effective change in the regime, this ambiguity constitutes a core precondition and source of solidarist change and of the enhancement of the climate change regime.

The Paris Agreement fosters solidarisation in international society to the extent that it enhances international law provisions, enables further cooperation on the issue of climate change, and further paves the way to find a solution to effectively mitigate the devastating effects of global warming. On the other hand, the reproduction of pluralism is rooted in the fact that the Paris Agreement acknowledges that one cannot simply force states into a top-down logic to reduce their GHGE. Instead it indeed accepts the dominance of states and their claims to sovereignty in climate change politics (Falkner 2016, 1108). It does so by changing the top-down approach of forced emission cuts into a bottom-up approach of voluntary pledges. States are supposed to submit so called ‘Nationally Determined Contributions’ (NDCs) on a regular basis, indicating the individual contribution of each country to GHGE reduction. The basic core of this system of voluntary pledges reproduces a pluralist version of international society to the extent that it puts sovereign states in all their difference at centre stage. Hence, ironically, the regulatory top-down approach seems more solidarist in the first instance. And yet, by integrating with already existing pluralist structures by employing a bottom-up approach, it more effectively opens up the way towards solidarisation in international society.

Furthermore, while also re-enforcing pluralist structures, on second glance, the Paris Agreement contains even further potential for solidarisation on various levels: First, states are required to communicate their NDCs on a regular basis, i.e. every five years (Art. 4 (9) Paris Agreement). Besides, Art. 3 commits states to determine ‘ambitious’ NDCs and to produce progress with every newly submitted NDC. Also, NDCs are reported to and publicly documented by UNFCCC. This has an impact on the underlying understanding of state sovereignty and hence constitutes an instance of solidarisation in terms of the third indicator: Through public documentation, states and their actual commitments are exposed and thus, a system of institutionalised pressure on states to actually live up to their commitments and to provide ambitious enough NDCs is established.

Second, the Paris Agreement also creates opportunities for a stronger role of non-state actors in the climate change regime, thereby contributing to solidarisation in terms of indicator 2. The just outlined system of institutionalised pressure strongly depends on civil society actors and transnational NGOs to contribute to this pressure by creating a discourse that indeed challenges states to come up with ambitious objectives and to actually live up to them. This particular discursive role that non-state actors are supposed to play, reflects the restrictive qualification of this indicator of solidarisation, as discussed above. It is also in this sense that Falkner (2016, 1111–1112) identifies a trend towards transnationalisation in the climate change regime.



Such a solidarist move towards a stronger role of non-state actors is in principle desirable, as it potentially strengthens the effectiveness of the regime. However, debates at the latest COP 22 in Marrakesh in 2016 have brought to the fore potential downsides of such a solidarisation: At this meeting, concerns were raised that states would try and simply transfer responsibilities to the civil society level. As long as the fundamental underlying structure is still an international society that consists of states (even if not exclusively), such a tendency would imply an impairment of the regime's effectiveness, because states might be tempted to abdicate from their own responsibilities. A solidarist move towards an enhanced role of non-state actors, thus is only a normatively desirable and progressive move, if it implies a clear connection to the state level. This allows once more for the conclusion that the parallelism of pluralist and solidarist structures is paramount and ultimately constitutes the more crucial step towards change than a complete detachment from a state-centric international society would mean.

In summary, the Paris Agreement indeed entails various instances of solidarisation in the climate change regime. These changes rather tie in and supplement pluralist structures than replacing them. Interestingly, we find evidence that this parallelism of pluralist and solidarist structures ultimately rather enabled change than inhibiting it.

What was the EU's role in these processes? To begin with, the renunciation of the regulatory top-down approach towards a system of voluntary pledges for a long time has not been the favoured option on the EU's agenda. However, it would be premature to interpret this simply as a case of EU failure to actively shape and advance the climate change regime. I have argued above that the EU contributed considerably to the overcoming of the severe dichotomisation that had led to a deadlock in the climate change regime. The Paris Agreement is indeed a result of this process. Furthermore, the literature as well as reports by observing participants give evidence that the EU had a clear impact and assumed a formative role during the negotiations in Paris (Bergamaschi et al. 2016; Dimitrov 2016; Oberthür 2016; Oberthür and Groen 2017). The next section deals with the EU's diplomatic activity in the run-up to Paris and seeks to trace its efforts in bringing about the Paris Agreement, including the entailed instances of solidarisation.

### **Solidarisation through a change in diplomatic activity**

Partly as a consequence from the failure in Copenhagen, the EU has re-arranged its diplomatic activity in the run-up phase to Paris. In this section, I argue that the readjustment of EU climate diplomacy constitutes a solidarisation of the EU's diplomatic practice. This process was paramount to the EU's contribution to solidarisation in the global climate change regime (indicator 2).

According to the outlined indicators of solidarisation, two ways in which the EU could contribute to solidarisation in the practice of climate diplomacy suggest themselves: First, the EU could promote the active inclusion of civil society actors in the diplomatic process and enhance outreach to civil society. Second, the EU could deliberately gear its

diplomatic activity towards the overcoming of structures that emphasise a strong dividing line between particular states, i.e. between developing and developed states. In this sense, active coalition-building that aims at underlining commonalities between different states constitutes a solidarising move (indicator 3). The following brief discussion of both aspects reveals that the solidarising impact was noticeable, though limited as regards indicator 2, but much more evident in relation to the second aspect.

Up until the failure of COP 15 in Copenhagen, the EU's main approach in climate negotiations was to pursue a very principled normative agenda by campaigning for clear and quantified emission reduction targets. The diplomatic strategy was mainly based on the assumption that its own ambitious normative agenda combined with efforts at persuasion would bring others to follow the EU example. Yet, the EU seemed to ignore the fact that power structures had tremendously changed and that newly emerging powers would have the capacities to successfully promote their own, much less reformist agenda (Hurrell and Sengupta 2012). The EU therefore overestimated its persuasive power, because in circumstances, which are marked by highly dispersed power structures, leading by example turned out extremely difficult (Wurzel and Connelly 2011, 9). Thus, rather than relying on the normative persuasiveness of its own position, many have pointed out that the EU would have had to put much more effort in coalition-building and the active organisation of outreach to third actors (Bäckstrand and Elgström 2013; Biedenkopf 2016; Oberthür and Groen 2017; Oberthür and Wyns 2014; Schunz 2012, 2015). In the aftermath of Copenhagen, the EU indeed revised its diplomatic strategy and improved its efforts in coalition-building and outreach to third actors significantly.

Regarding the inclusion of non-state actors at the Paris summit, there is, first of all, evidence for a non-solidarist development: Access to negotiation sessions at COP 21 was extremely restricted. NGOs were excluded and were only enabled to follow these sessions from the outside through video transmission (Dimitrov 2016, 2). While this constitutes a non-solidarist element in terms of indicator 2, I have no data about the EU's particular position on this practice, such as whether the EU supported it or tried to prevent NGO exclusion. Moreover, this does not mean, that there was no civil society involvement at all in the Paris process or that no solidarising move whatsoever according to this indicator was undertaken. In contrast, active outreach to and through non-state actors was essential in the EU's realignment of diplomatic activity in the run-up phase to Paris. It was the EU's declared goal to enhance elements of public diplomacy, i.e. outreach to foreign publics (Cross 2017, 10, 16; EEAS and European Commission 2013). In this process, the EU also promoted the role of celebrities in gaining public support for a strong and far-reaching new international climate deal (Neslen 2015). The *EU Climate Diplomacy Action Plan* of early 2015 is very explicit about the significance of addressing and involving non-actors as part of diplomatic activity to achieve political mobilisation:

We must also target and involve national parliaments, local authorities, civil society, the private sector and journalists at home and abroad. These actors are playing an ever increasing role in the climate debate and must be included in our

dialogues to ensure the securing of a transparent and inclusive post-2020 international climate change agreement. Particular focus should be put on mobilizing the private sector as a major source of financing and of innovation to tackle climate change.

(EU Council 2015, 1)

As part of its diplomatic activity for climate change, the EU had also established the *Global Climate Change Alliance (GCCA)* already in 2007. In 2014, a new phase of GCCA was launched under the *GCCA+ flagship initiative*. This updated version of the GCCA testifies to the solidarisation of the EU's diplomatic activity by explicitly promoting '[e]nhanced cooperation with Non-State Actors and Civil Society Organisations as well as new alliances with new stakeholders such as the private sector' (GCCA 2015, 3) as a new feature.

Thus, there is evidence that solidarising processes took place in EU climate diplomacy according to the second indicator of solidarisation. This solidarising process was a deliberate part of a general realignment of EU diplomatic activity which aimed at ensuring an ambitious climate deal in Paris. The exact impact of such measures is hard to demonstrate. Nonetheless, it seems plausible to assume that these activities have contributed at least to some extent to enabling a new international climate agreement. The evidence for such a facilitating impact of solidarisation in EU diplomacy is much greater with regard to the third indicator of solidarisation, i.e. bridge-building outreach to third actors in order to overcome structures in the climate change regime which emphasise difference among sovereign states.

I have illustrated above, how the EU through its particular stance on the CBDR has contributed to minimise the climate change regime's bifurcation between developed and developing states. Another aspect of the EU's realignment of climate diplomacy has served the exact same purpose. Much more than prior to Copenhagen, the EU organised active outreach and close exchange to third actors, in particular a number of developing and most vulnerable countries, such as Small Island Development States (SIDSs) and Least Developed Countries (LDCs). This happened through various diplomatic channels and fora.

For instance, the above mentioned GCCA/GCCA+ aims at strengthening dialogue and cooperation with developing countries by providing an exchange structure, but also financial support to developing countries. Through a number of programmes in more than 30 countries, the GCCA intends to mainstream climate change considerations in development processes at an early stage (Cross 2017, 12).

Furthermore, the EU's Green Diplomacy Network (GDN) is crucial in this context. Initially established in 2003, it was relaunched as part of the broader diplomatic renewal prior to the Paris summit (Torney 2015). Since the entry into force of the Lisbon Treaty, the EEAS is in charge of the GDN. Through local branches in third countries, the GDN aims at initiating outreach campaigns and consultations in these countries in order to gather information about other stakeholder's positions on climate issues as well as to

promote the EU's position. This improved dialogue with third countries rather than relying solely on the persuasiveness of its own normative position, has enhanced the EU's impact on the negotiations (Cross 2017, 11) and played a crucial role in establishing the Durban Platform – a first significant step towards overcoming the regime's dichotomisation (Cross 2017, 11; Obergassel et al. 2016, 35; Oberthür 2016, 3–4).

Another crucial network for bridge-building between developed and developing states was the *Cartagena Dialogue for Progressive Action* (Biedenkopf 2016; Oberthür 2016). The same informal structures and diplomatic links culminated during the Paris summit in the formation of the *high ambition coalition*, which played a major role in bringing about the Paris Agreement (Oberthür and Groen 2017; Interview 2017b, 2017c). Initially an alliance between the EU and a number of smaller developing countries, the coalition managed to gain support by the US, Japan and Brazil, the latter being particularly important because it split up the traditionally non-progressive BASIC group (Obergassel et al. 2016, 10). As an EU official reported, 'even China was on board [of the high ambition coalition] – even if not formally' (Interview 2017b). To take 'the lead in bridging between developed and developing states' (Interview 2017b) was the EU's major objectives behind such activities. By this means, the EU enhanced solidarisation according to indicator 3 and thus contributed to bringing about the Paris Agreement, which constitutes a solidarising moment in and of itself, as discussed above.

## **Conclusion**

In this paper, I have used the English School distinction between a pluralist and a solidarist version of international society to study the EU's contribution to the climate change regime. In so doing, the aim of this analysis was not to merely juxtapose failures and successes of EU action in the climate change regime. Instead, focusing on the question whether the EU has contributed to the solidarisation of the climate change regime proved to be rewarding, because this perspective enables us to study the EU's transformative impact in spite of mixed results as regards its successful enhancement of the climate change regime. Thus, this paper essentially allows conclusions for three different fields of study.

First, with regard to the English School, the paper adds to the rather novel debate about the role of international organisations for change in international society (Knudsen and Navari forthcoming). Traditionally, the English School has tended to underestimate the role of international organisations because English School scholars have always emphasised the greater significance of the more fundamental institutions of international society. This paper illustrates how the EU as an international organisation can contribute to change in international society, while it is at the same time embedded in and thus bound by this international society (Ahrens forthcoming).

Second, it adds to the Normative Power Europe debate by adding a perspective that helps to make theoretically sense of inconsistencies in EU policies. Within this debate,

there is widespread criticism that the EU is not able to exert a transformative impact on international society if its action is not constantly, thoroughly and in an absolute consistent manner directed towards such transformational processes. This paper helps putting such criticism into perspective. This is all the more important once we acknowledge, as the paper suggests, that processes of change necessarily entail tensions and ambiguities rather than following a linear logic. The major and maybe somewhat counterintuitive finding therefore is that tensions and ambiguities not only are unavoidable constituents of change, but that they can ultimately facilitate change, rather than inhibiting it. This is worth noting, in particular in the light of widespread voices that call for more consistency in EU action.

Third, the same insight also adds to the broader literature on the EU and climate change. Acknowledging the parallelism of pluralist along with solidarist structures provides a deeper understanding of the dynamics of change, setbacks, stalemates and progression in the climate change regime as well as the role of various actors in such processes. We have seen many of such ambiguous processes of change in the climate change regime and the odds are that we encounter such ambiguities in the future.

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