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Arguing, Bargaining and Problem-solving:  
The Use of Negotiation Approaches by the  
EU in Global Environmental Negotiations

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# Arguing, Bargaining and Problem-solving: The Use of Negotiation Approaches by the EU in Global Environmental Negotiations

by

Frauke Pipart\*

## Abstract

*This paper studies the EU's strategic approach in international environmental negotiations. Analysing the EU's bargaining approach at the Conference of the Parties (COP) to the Rotterdam Convention 2019, the EU's arguing approach at the COP to the Convention on Biological Diversity 2018 and the EU's problem-solving approach at the United Nations Environment Assembly 2019, the paper explains how and why the EU uses different strategic approaches to achieve a desirable outcome. Analysing the EU's diplomatic activities in different issues under negotiation, this paper addresses the following research question: How do different factors explain the strategic approach that the EU applies in international environmental negotiations? The paper relies on three main data sources: interviews with EU delegates involved in the negotiations, official documents (Council and Commission documents, as well as EU position papers) and reports by the Earth Negotiations Bulletin. Through three case studies, the paper highlights that a high ambition, a high salience, as well as end-game negotiations lead the EU to engage in bargaining and arguing. A low ambition, low salience and early stage negotiations lead the EU to use problem-solving.*

**Keywords:** EU; Diplomacy activity; International environmental negotiations; Strategic approach; Arguing; Bargaining; Problem-solving

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# Arguing, Bargaining and Problem-solving: The Use of Negotiation Approaches by the EU in Global Environmental Negotiations

## I. Introduction

The European Union (EU)<sup>1</sup> is typically portrayed as an active and vocal player in international environmental negotiations (Groen, 2018). Regularly, the EU seeks compromise solutions and tries to build bridges and coalitions between opposing parties (Bäckstrand & Elgström, 2013). Yet, the literature rarely focuses on the concrete diplomatic activities and strategic approaches the EU applies to achieve a desired outcome. To gain a more thorough understanding of international environmental negotiations and the EU's strategic approach therein, it is crucial to understand how participants adjust their positions and “make concessions and compromises in order to reach agreement” (Chasek, 2001, 35). Whereas the literature shows that the EU *is* an active player, it knows less about *why* the EU relies on different strategic approaches in international negotiations. This paper wishes to unpack the process of negotiations by comparing three strategic approaches – bargaining, arguing and problem-solving – of the EU.

In doing so, the paper addresses three shortcomings of the existing literature. First, scholars initially analysed the EU's actorness and then turned their attention to its influence and goal achievement in international negotiations covering different policy areas (Da Conceição-Heldt & Meunier, 2014; Niemann & Bretherton, 2013; Oberthür & Groen, 2015). However, the EU's concrete activities in those negotiations and the strategic approach it applies remain understudied. A notable exception is the research by Niemann (2004) who analyses the EU's strategic action and bargaining in negotiations regarding a World Trade Organization (WTO) Agreement on Basic Telecommunications Services. He argues “that strategic bargaining cannot capture substantial parts of the negotiations” (Niemann, 2004, 402). Yet, most studies on negotiation strategy do not look at the EU specifically (Odell, 2000; Panke, Lang, & Wiedemann, 2018) or focus on EU internal dynamics (Elgström & Jönsson, 2000). This paper contributes to the literature by putting the EU's strategic approach into focus, explaining its use of bargaining, arguing and problem-solving.

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<sup>1</sup> The EU is understood as the EU institutions and its member states.

Second, current studies discussing the EU's activities in international negotiations only understand them as means to an end, by questioning if the EU's activities have an impact on the negotiation outcome (Groen, 2018; Oberthür & Groen, 2018). For example, in the negotiations to the Paris Agreement, the EU principally relied on coalition and bridge-building strategies. Thereby, well-adjusted diplomatic engagement can ensure a high level of goal achievement (Groen, 2018). Thus far, these studies primarily show to what extent the EU is active in the negotiations, without explaining why the EU relies on these strategic approaches. Hence, the literature shows that the EU relies on specific strategic approaches to achieve its goals, but does not yet understand the conditions under which a specific approach is employed. As diplomatic activities are "an important precondition for success in international negotiations" (Panke, 2010, 800), it is necessary to comprehend why the EU applies different strategic approaches in international negotiations, when engaging in these activities. By putting a focus on strategic approaches, this paper reveals deeper insights into the negotiation dynamics at international environmental negotiations and how the EU engages therein.

Third, while climate change negotiations receive much scholarly attention, other environmental forums are understudied (Bäckstrand & Elgström, 2013; Oberthür & Groen, 2018). It is however likely that the EU's diplomatic activities and strategic approaches in other, less politicised international environmental forums will differ from those in climate change negotiations. In high politics negotiations, the EU might be less inclined to make concessions to other actors. Addressing the bias in the literature, the paper examines the EU's strategic approaches in three environmental forums. Those are the United Nations Environment Assembly (UNEA), the Convention on Biological Diversity (CBD) and the Rotterdam Convention (RC). All are UN-wide forums with quasi-universal membership, highly institutionalised and with a similar negotiation arrangement between the EU and its member states.

Analysing the EU's strategic approaches in different issues under negotiation, this paper addresses the following research question: *How do different factors explain the strategic approach that the EU applies in international environmental when conducting its diplomatic activities?* Diplomatic activities are the concrete actions employed by the EU, such as engaging in plurilateral meetings with its key opponents. Strategic approaches are the way in which these diplomatic activities are conducted. To respond to the question, I conduct interviews with EU officials (Commission and member state representatives), who negotiated on behalf of the EU in the respective environmental negotiations. In addition, I analyse official documents, such as Council decisions, EU position papers and conference reports, as well as reports by the Earth Negotiations Bulletin (ENB). Through three case studies, the paper highlights that a high ambition, a high salience, as well as end-game negotiations lead the EU to engage in



bargaining and arguing. When the EU had neither a high ambition nor a keen interest and the negotiations were in an early stage, it relied on problem-solving.

The remainder of this paper is structured as follows: the next section reviews the existing literature on the EU as a diplomatic actor and identifies factors that determine variation in the EU's strategic approach. Section three discusses the method and data collection. Section four gives an overview of the cases, assesses the EU's strategic approach and then proceeds to explaining the reasons for this choice. Section five further discusses and generalizes the findings and section six concludes.

## **II. Conceptual Framework**

### **A. EU as a diplomatic actor**

Studies of diplomacy or actorness focus, generally speaking, on what the EU does in foreign policy (Bretherton & Vogler, 2006; Da Conceição-Heldt & Meunier, 2014; Smith, 2015). Diplomacy is often relatively broadly defined, but usually refers to some form of communication between countries, with the aim to resolve conflicts through negotiations (Rathbun, 2014). Schunz (2015, 179) has described diplomacy as “the active part of foreign policy occurring at the interface between the domestic [...] and the external”. Building on the literature that studies the EU's capacity and opportunity, Smith (2015) suggests to pay attention to the EU's action, i.e. to what diplomats do in the global context. I aim to narrow down this concept further, by only looking at the EU's actions and strategic approaches at the highest level of institutionalised international negotiation forums, i.e. conferences of the parties (COPs) and UNEA summits. Thus, I examine the EU's strategic approaches at international environmental forums.

The EU is usually described as an active player in international negotiations, engaging in many diplomatic activities (Delreux & Ohler, 2021). Attempting to be more specific on the way in which the EU conducts these activities, studies describe the EU as a bridge-builder or as a frontrunner (Eckersley, 2020; Groen, 2018; Wurzel, Liefferink, & Torney, 2019). As a bridge-builder, the EU is making constructive compromises and tries to find solutions to collective problems (Bäckstrand & Elgström, 2013; Groen, 2018; Kissack, 2010). To build bridges, the EU focuses on bilateral or plurilateral meetings with the most important parties as well as on making compromise proposal that help to connect the interests of all actors. In other situations, the EU might act as a frontrunner, trying to lead by example (Delreux & Happaerts, 2016; Kissack, 2010). The EU is described as a frontrunner when it domestically implements agreements early, but also when it makes proposals for new agreements at international level. Yet, these concepts are neither exclusive in covering possible EU activities nor are they clearly distinguished from each other. They can be useful in describing

some of the EU's behaviour in international negotiations, but cannot cover the overall approach the EU is using in order to achieve its goals. To identify why the EU's activities vary in international negotiations, clearly distinguished concepts are needed. Hence, I focus on three different strategic approaches the EU could use. These approaches encompass the potential ways in which the EU can conduct its diplomatic activities.

Like all international actors, the EU seeks to achieve its objectives in a given negotiations. Thus, it applies a particular strategy in order to be influential. Strategy refers to a "set of behaviours that are observable in principle and associated with a plan to achieve some objectives" (Odell, 2000, 31). Initially, Odell (2000) has proposed to distinguish between value-claiming and value-creating strategies. Other actors distinguish between arguing and bargaining (Müller, 2004), bargaining and problem-solving (Elgström & Jönsson, 2000), distributive and integrative bargaining (Gupta & Ringius, 2001) or bargaining and persuasion (Risse & Kleine, 2010). And again others make a distinction between cooperative and competitive actors (Druckman & Mitchell, 1995; Eckersley, 2020).

I agree that it is useful to distinguish between cooperative and competitive strategy, yet I suggest to break these further down into three strategic approaches. On the one hand, arguing and bargaining, which are competitive strategies and on the other hand problem-solving, which is a cooperative strategy. This allows for highlighting two different possibilities for the EU when it has competing interest with its opponents. It can either engage in arguing or in bargaining. All three approaches have been previously used in the literature, but were not yet applied together to the EU in international environmental negotiations. Arguing assumes that an ideal situation exists, "in which nothing but the better arguments count and actors attempt to convince each other" (Niemann, 2004, 382). Arguing is most effective when the actor can convince others that its claim represents the truth (Müller, 2004). Using arguing, the EU tries to defend its own position, claiming that this position would represent the ideal solution to a given problem. As such, it will try to convince its opponents of its position. Bargaining is oriented towards an actors self-interests (Elgström & Jönsson, 2000). Thereby, the EU might criticize or blame other parties, reject possible concessions, force concessions from others, manipulate information or make threats (Odell, 2000). The EU will also use this strategic approach when defending competing interests, but the focus will be on pressuring instead of convincing its opponents. When engaging in problem-solving, the EU searches for a compromise and tries to reach a solution that allows every participant to gain from the deal (Elgström & Jönsson, 2000). Hence, this strategic approach is more cooperative. Problem-solving includes a "joint exploration for opportunities to create joint gains" (Odell, 2010, 621). To put it short, arguing is about convincing others, bargaining is about forcing concessions from others and problem-solving is about finding compromise.

## B. Explanatory factors

The literature on international environmental negotiations has rarely tried to explain the EU's strategic approaches as envisioned in the previous section. Nonetheless, studies on diplomacy and negotiations have identified some factors which can be useful to explain the EU's strategic choices. Based on this scholarship, I have identified four factors, which provide promising insights to explain the EU's strategic approaches.

First, the level of *ambition* of the EU's position is expected to have an impact on its strategic approach. Ambition is "the extent to which the EU prefers a negotiation outcome that will lead to a high level of environmental protection" (Delreux & Ohler, 2021, 1289). Ambitious positions are expected to make it more challenging for the EU to engage in bridge building activities and it will rather focus on defending its position vis-à-vis other interests (Groen, 2018). Having a high ambitious position makes it difficult for the EU to "present compromise proposals that reflect [...] its own objectives" (Groen, 2018, 84). Hence, it cannot use a problem-solving approach and will rather rely on arguing or bargaining. The EU is most likely to use problem-solving, when it presents a moderate ambition, because it can easily create "a sense of collective ownership" (Romanyshyn, 2018, 678).

Second, the *salience* of the issue under negotiations for the EU. Salience refers to the extent to which the EU attributes importance to an issue. Highly salient issues are expected to motivate "actors to invest their ultimately scarce resources into specific issues under negotiation" (Panke et al., 2018, 48). In such cases, the EU is expected to use hard bargaining, because negotiations are more closely followed by the domestic audiences and negotiators are reluctant to show flexibility (McKibben, 2010; Stasavage, 2004). I expect the EU to engage in arguing, when the issue is of low salience. Having no particular interest in the negotiations, it is more likely that other actors will listen to its argumentation (Warntjen, 2010). The EU is expected to "refrain from using [its] power in the case of issues in which [it is] not interested" (Warntjen, 2010, 669). Elgström and Jönsson (2000) have argued that low politicized and thus low salient issues will favour more cooperative strategies. Hence, a low salient position is expected to lead to the use of problem-solving by the EU.

Third, the *isolation* of the EU is expected to influence its strategic approach. Isolation refers to the extent to which the EU is surrounded by a group of supporters (Groen, 2018; Gupta & Ringius, 2001). If the EU is isolated, it will most likely engage in bargaining, as being far away from its negotiation partners will make it challenging to find a compromise solution that would be acceptable to the EU. Therefore, the EU will try to use hard bargaining tactics in order to force concession from its opponents. If the EU is surrounded by many actors with a similar position, it has a low isolation and it will have a better basis to find a compromise and build bridges (Groen, 2018). Thus, it can act as a mediator and engage in problem-solving. As an alternative, the EU could engage in arguing when having a low level

of isolation, as it is more likely that like-minded actors will listen to its opinions. Gupta and Ringius (2001, 288) have previously found that the EU “was unable to articulate and defend why its approach would be more reasonable”, when it was isolated from the other actors.

Forth, the *stage in the decision-making process* can have an impact on the EU’s strategic approach. The stage in the decision-making process refers to how advanced negotiations are, i.e. if it is about the exploration of the issue or the final phase of making a deal (Depledge, 2005). In the early stage of discussing new issues, the EU is more likely to engage in problem-solving, trying to find a solution to a problem. In this stage, the issue is broad-up for the first time and preferences and potential solutions are still unclear. In the end-game however, the EU might rely on bargaining or arguing because its self-interests will be more dominantly present in the final moments of concluding an agreement (Elgström & Jönsson, 2000). As such, the EU will either try to convince others of its position (arguing) or put pressure on them to accept the EU’s proposal (bargaining) in the last moments of a negotiation (Depledge, 2005). This is especially relevant if the text has been negotiated at previous conferences, without leading to an adopted agreement. In this case, positions will be well known, the text is well prepared and the room for making additional compromises will be lower. Moreover, the position of the EU will have been discussed at large internally and the well-coordinate position will allow less flexibility for the EU negotiators.

*Table 1 Expected impact of the explanatory factors on the EU's strategic approach*

	<b>Ambition</b>	<b>Salience</b>	<b>Isolation</b>	<b>Stage in the decision-making process</b>
<b>Arguing</b>	High	Low	Low	End-game
<b>Bargaining</b>	High	High	High	End-game
<b>Problem-solving</b>	Moderate	Low	Low	Early-stage

These factors are useful to explain the EU’s strategic approach in international negotiations. Whereas they might have an impact independently, I am in particular interested in the combination of factors. This is because individually, some could explain the use of two different strategic approaches. For example, if the EU is high ambitious, it could either use arguing or bargaining. Thus, to understand the EU’s strategic approach, additional factors need to

be studied. This paper focuses on the combination of explanatory factors in order to provide robust explanations for the choice of the EU's strategic approach. Scholars have previously suggested some potential linkages. Groen (2018) connects the EU's ambition as well as the isolation by arguing that a moderately ambitious position and a low isolation do require the EU to engage in bridge building activities and act as a mediator. Hence, it is likely to engage in problem-solving.

### III. Data and Method

To study the EU's strategic approach, I selected three issues that were negotiated at international environmental forums in 2018 and 2019. The analysis at issue-specific level is necessary, because the EU uses different strategic approaches per issue and it is thus impossible to study them at the level of the negotiation forum. The selected issues are the negotiations on a compliance mechanism under the RC, the negotiations on a reference to the UN Convention on the Law of the Sea (UNCLOS) under CBD, as well as the negotiations on geoengineering at UNEA. The cases were selected in order to present typical cases of the three different strategic approaches. In the negotiations on UNCLOS, the EU applies an arguing approach and in the negotiations on geoengineering it applies a problem-solving approach. In the negotiations on compliance, the EU does use bargaining approaches, although initially it relies on arguing to some extent. This case is nonetheless chosen as a case for bargaining, because the key strategic approach targeting its opponents was bargaining. The cases have been chosen on the basis that they can highlight the reasons for variation in the EU's strategic approach, but are not representatives of the EU's strategic approach in the respective forum. Hence, I do not make any claims as to what extent the EU is using these strategic approaches within the negotiations in general.

*Table 2 Overview cases*

Case	Strategic approach
Compliance Mechanism in the Rotterdam Convention	Bargaining
Making a reference to the UN Convention on the Law of the Sea (UNCLOS) in the Convention of Biological Diversity	Arguing
Geoengineering in UNEA	Problem-solving

To answer the research question, this paper triangulates different sources. First, I conducted interviews with EU and member state delegates who were involved in the negotiations. Ten semi-structured interviews, minimum two per case, allow me to include “all types of negotiation arenas, both formal and informal” and provide in-depth empirical insights into the EU’s strategic approaches (Panke et al., 2018, 38). Second, I analysed official documents (Council decisions, EU position papers, Commission documents as well as conference reports) and ENB reports.

The EU’s strategic approach is considered to focus on bargaining when the EU blames other actors, rejects demands for concessions, manipulates information or makes threats (Odell, 2000). The strategic approach is considered focused on problem-solving when the EU proposes compromise solutions that benefit all sides, listens to the concerns of the others or initiates meetings to find joint solutions (Odell, 2000). The EU engages in negotiations focused on arguing, when it repeatedly states its position and tries to convince other parties that its argument is the truth and the only logical solution. The assessment of the EU’s strategic approach is based on interviews with EU and member states officials.

The EU’s ambition is assessed in comparison to the ambition of other actors. It is highly ambitious if its position is among the most environmentally friendly ones. Its ambition is low when its position is closest to the status quo or if most other countries are more ambitious. If the EU finds itself in the middle of the spectrum, i.e. far away from the status-quo, but not among the most environmentally friendly actors, its ambition is assessed as medium. The assessment is based on interview data, as well as the description of the issue in the ENB reports. The issue is of high salience for the EU when it adopted a Council decision or conclusion on the issue or when it proposed a resolution in UNEA. If this was not the case, the issue is considered of low salience. The EU’s isolation is low, when it is surrounded by many like-minded countries or has a middle position, with countries on both sides of the spectrum of preferences. Its isolation is high, when it has very few or even no allies at all. This assessment is based on responses by interviewees, who describe the allies and opponents of the EU. The decision-making stage is assessed based on the discussions at the meeting and the proposed text. Discussions on whether an agreement is necessary at all, as well as on broad questions regarding the issue are assessed as early stage negotiations. In-depth textual discussions and on how to reach the final agreement are assessed as end-game negotiations. This assessment is based on interviews, as well as ENB and meeting reports.



## IV. Findings

### A. Compliance in the Rotterdam Convention

The main purpose of the negotiation on a compliance mechanism at the 2019 RC COP was to ensure “that governments have the information they need [...] to assess the risks and take informed decisions when importing chemicals” (Templeton, Allan, Kantai, Pasini, & Andrade, 2019, 1). After the introduction in plenary, the COP president established a friends of the president group to discuss the issue further, as the proposal had already been discussed for several COPs, without reaching an agreement (Templeton et al., 2019). As the discussions did not lead to a consensus decision, Switzerland called for a vote, which was successful with 120 parties supporting and only 6 opposing the decision (Templeton et al., 2019).

#### 1. The EU’s bargaining approach

From the start of the negotiations, the EU expressed its support for the adoption of a compliance mechanism (Templeton et al., 2019). Its strategic approach was focused on bargaining, because the EU tried increasing pressure on other parties, presenting the proposed text as a take-it or leave-it option. Whereas the EU initially tried to explain the compliance mechanism to other parties and address all concerns that came up, it mainly tried putting pressure on its key opponents. An interviewee said that “the strategy was to try to, of course first have consensus, if that didn’t work, we would try to isolate the negative ones or blocking ones to just as few as possible” (Interview 6). The EU sent a clear message, showing opposing countries that they are isolated with their position and that the decision can be adopted without them. It argued that there would be no other choice but to adopt the proposal with those who are willing to, leaving the hesitant actors behind (General Secretariat of the Council, 2019). In addition, the EU was calling out parties who were trying to present the compliance mechanism “in a way that was not correct” in order to manipulate others (Interview 6). The EU emphasised that the RC requires parties to set up a compliance mechanism and that the time to discuss the text was over (General Secretariat of the Council, 2019). As no consensus with all parties was possible, the EU’s goal was to isolate the main opponents, increasing the pressure on them. By criticising their unwillingness to agree on the mechanism and rejecting to reopen the agreed text, the EU applied a bargaining approach. Nevertheless, it was Switzerland and not the EU who called for a vote in plenary. This is because the EU is generally rather reluctant to use hard bargaining. The EU was aware that Switzerland would call for a vote, but there was no prior coordination as to which actor might propose the vote. An interviewee highlighted that it might not be perceived well when the EU calls for the vote itself, given that the EU and its member

states “have a lot of votes all together” (Interview 5). Hence, the EU was unwilling to call for a vote itself.

## 2. Explaining bargaining

In the negotiations on compliance, the EU’s ambition was high. By supporting the draft decision without amendments, the EU was among the most ambitious parties. In its first speech in plenary, the EU argued that the previously negotiated text should not be reopened (General Secretariat of the Council, 2019).

Moreover, the issue was highly salient. The EU adopted a Council decision on the compliance mechanism, outlying its position (General Secretariat of the Council, 2018b). This put additional political weight behind the EU’s position, showing that it was one of the top priorities. The high importance led the EU to put “more effort in it than other countries” (Interview 6). The EU argued that compliance is of high importance, because it allows to put the focus on the implementation of the convention and shows that some progress on this longstanding issue is possible (Interview 5).

During the negotiations, the EU was supported by most countries and its isolation was therefore low. Whereas Many countries were supporting the EU in their call for a compliance mechanism, only few were vocal about it (Interview 6). Some parties were negative and against the mechanism, but most remained rather silent or were asking questions about the text (Interview 6). Together with its allies, the EU could increase the pressure on its opponents.

The negotiations on a compliance mechanism were at the end-game as the issue had been discussed at several previous COPs, without parties being able to reach an agreement (Templeton et al., 2019). An interviewee described it as a ‘stalemate’, with some countries being unwilling to agree to any kind of compliance mechanism (Interview 5). In addition, the draft decision was a well-prepared text and negotiations focused on the possibility of adopting it and not on making changes to the text anymore. The draft decision included only very few, minor outstanding issues and it “was a question of principal, [...] not on substance” (Interview 6). As the EU had been strongly involved in the previous discussions, it knew the text very well and could easily assess that most objections were ill founded (Interview 6).

*Table 3 Summary compliance case*

<b>Compliance</b>	High ambition	High salience	Low isolation	End-game	Bargaining
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## B. Making a reference to the UN Convention the Law of the Sea in the Convention on Biological Diversity

The negotiation on a reference to UNCLOS took place within the decision on Ecologically or Biologically Significant Marine Areas (EBSAs). Making a reference to UNCLOS within a CBD decision had already been discussed for several years. In the final decision adopted, the reference to UNCLOS was included. However, Turkey, Venezuela and Colombia each added a separate footnote to outline that they do not fully agree with this reference (Convention on Biological Diversity, 2019).

### 1. The EU's arguing approach

The EU reached out to like-minded countries, as well as to those opposing the EU's position, trying to convince them of its opinion (Interview 8). The EU's strategic approach was focused on arguing. As the EU had a rather strict position concerning the reference to UNCLOS, it tried to convince other parties to agree (Interview 8). The EU's main argument was that a reference to UNCLOS needs to be in the decision and that this shouldn't be problematic, as there is an annual resolution on the ocean and law of the sea by the UN general assembly, which recalls "that UNCLOS is the legal framework within which all activities in seas and oceans are taking place" (Interview 7). Hence, the EU was trying to convince other parties that its position was the only logical solution.

### 2. Explaining arguing

The EU's ambition on a reference to UNCLOS in the CBD was high. The EU was in favour of including the reference to UNCLOS, trying to profile itself as an important player in ocean multilateralism. With its position, it was among the most ambitious actors. In its council conclusion, the EU recalled "that United Nations General Assembly resolution 72/73 reaffirms that the United Nations Convention on the Law of the Sea sets out the legal framework within which all activities in the oceans and seas must be carried out" (General Secretariat of the Council, 2018a, 8).

The negotiation was important for the EU, although it was not the most important issue at the COP in 2018 (Interview 1, 9). Still, the EU strongly wished to get an agreement on the issue of UNCLOS (Interview 3, 12). The EU even mentioned UNCLOS in its Council conclusion, thus, the salience is assessed as high (General Secretariat of the Council, 2018a).

The EU was surrounded by many like-minded countries on the issue of UNCLOS. Hence, the EU had a low isolation. Three countries were opposing a reference to UNCLOS (Interview 1, 9, 12). Most other parties did however support the EU's position. The EU tried

to convince the three key opponents that the reference to UNCLOS in the decision was logical and the only possible solution.

Negotiations concerning a reference to UNCLOS focused on textual changes, in particular on including footnotes to accommodate the concerns by opposing parties. However, the issue had been discussed at previous COPs as well and no further changes to the wording were negotiated. The EU had been pushing for referring to UNCLOS when talking about marine and coastal biodiversity for many years (see for example General Secretariat of the Council, 2016). Thus, this discussion is considered an end-game negotiation.

*Table 4 Summary UNCLOS case*

<b>UNCLOS</b>	High ambition	High salience	Low isolation	End-game	Arguing
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### C. Geoengineering in the UN Environment Assembly

The aim of a resolution on geoengineering, proposed by Switzerland, at UNEA4 in 2019, was to prepare “a global assessment of potential risks and benefits of geoengineering technologies” (Paul et al., 2019). Discussions in the working group, as well as informal consultations led to changes to the draft resolution, but ultimately no agreement was reached. In the end, this resolution was withdrawn by Switzerland (Paul et al., 2019).

#### 1. The EU’s problem-solving approach

Much work on the resolution was done by Switzerland and its co-sponsors. The EU rather waited for others to act and to see how negotiations evolved (Interview 9). However, in the later stage of the negotiations, the EU used problem-solving by acting as a bridge-builder and “brokered between the United States and [...] the sponsors of the resolution” (Interview 9). The EU was providing additional information and tried to clarify the meaning of the resolution for opposing parties (Interview 9). The EU often led the informal groups because it had rather a middle position and could help bring major opposing views together. It mainly focused on exploring potential compromise solutions and tried to listen to the concerns from both supporters and opponents of the resolution. Thus, in the negotiations on geoengineering, the EU applied a problem-solving approach.

#### 2. Explaining problem-solving

The EU’s ambition on the resolution on geoengineering was moderate. The EU did not think that it was particularly necessary to engage on geoengineering and wanted to make

sure that the resolution would not conflict with mitigation efforts (Interview 9). Many other parties, in particular the co-sponsors of the resolution, were more ambitious than the EU (Interview 4, 9). The EU's ambition was moderate because it argued that technologies on geoengineering are still in an early phase and that it does not provide a real solution (Interview 4). The EU therefore did not want a resolution that was only intended to promote geoengineering technologies for the sake of promoting them (Interview 4). Nonetheless, the EU was willing to find a compromise solution that did not counter its position and could satisfy the preferences of other actors.

In addition, the resolution was of low importance to the EU and it was not willing to become a co-sponsor (Interview 9). It was only a "nice-to-have resolution" (Interview 9). As such, the EU was willing to engage in discussions, but did not see a particular need to put an extra effort into the negotiations.

As in the other two cases, the EU had a low isolation. Although the EU did not feel that this resolution was necessary, it was willing to engage in the discussions with the proponents. As the resolution was sponsored by Switzerland and others, they initiated most of the informal meetings. The EU participated in them, trying to help find a compromise solution. This was especially feasible for the EU, because it found itself with a position in between the proponents and the opponents of the first draft of the resolution.

The resolution was proposed for the first time and many issues sparked discussion because they were still unclear. As such, this issue was in an early-stage negotiation. In the beginning, also the EU was quite unsure about the resolution and asked a lot of questions to the sponsors of the resolution (Interview 9). The goal of Switzerland and its co-sponsors was to create a first discussion on the issue and as the resolution was not adopted, it will most likely be discussed again at the next UNEA.

*Table 5 Summary geoengineering case*

<b>Geoengineering</b>	Moderate ambition	Low salience	Low isolation	Early stage	Problem-solving
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## V. Discussion

The three cases present three different strategic approaches by the EU and show variation across the explanatory factors (see Table 3). The underlined words indicate the findings that confirm the theoretical expectations.

Table 6 Overview explanatory factors

Case	Explanatory factors				EU strategic approach
	EU ambition	EU salience	Isolation	Stage in the decision-making	
Compliance	<u>High</u>	<u>High</u>	Low	<u>End-game</u>	Bargaining
UNCLOS	<u>High</u>	High	<u>Low</u>	<u>End-game</u>	Arguing
Geoengi-neering	<u>Moderate</u>	<u>Low</u>	<u>Low</u>	<u>Early stage</u>	Problem-solving

From these cases, four observations can be made. First, the factors explain the choice of the EU's strategic approach only in combination with each other. I find that the factors are interlinked and ultimately lead to a specific EU strategic approach. In the negotiations on a compliance mechanism in the RC COP 2019, the EU's high ambition, high salience, as well as its low isolation and the end-game character of the negotiations led to the EU adopting a bargaining approach. On UNCLOS, the EU had a high ambition, high salience, low isolation and it was an end-game negotiation. As a consequence, the EU was using an arguing approach. Interestingly, the same combination of factors led to two different strategic approaches. This could mean that other factors are at play as well, or that the factors need to be studied in more detail to identify nuances between the two cases. In the negotiations on the geoengineering resolution, a low ambition, low salience, low isolation and early stage negotiations corresponded to the EU using problem-solving.

Second, to understand the difference in the EU's strategic approach in the cases of compliance and UNCLOS, the negotiations need to be studied in-depth. Diving further into the specific cases reveals the reasons for the difference in the approaches between the compliance mechanism and UNCLOS. The compliance mechanism was the most important issue in the 2019 RC COP for the EU. In addition, the EU was aware that the opposing parties were against any sort of compliance, thus no compromise solution was possible. However, the issue of UNCLOS was salient for the EU, yet other issues at the 2018 CBD COP were of higher priority for the EU. Moreover, the opposing parties showed their willingness to accept the reference to UNCLOS, if a reasonable compromise could be

found. This highlights that there is indeed a difference between the two cases, in particular for the factors of salience and isolation. Both need to be understood in more depth in order to identify why the EU chose a bargaining approach in one case and an arguing approach in the other.

Third, variation in the EU's ambition, salience and the stage in the decision-making process explains the EU's strategic choice. As expected, the EU indeed relies on competitive strategies, i.e. bargaining and arguing, when defending a high ambitious position. With a moderate ambition, the EU is more inclined to use problem-solving. Concerning the EU's salience, I find that, as expected, a low salience makes it easier for the EU to engage in problem-solving, as it is less focused on achieving an outcome. In addition, the EU used bargaining on a highly salient issue in the case of compliance. This confirms the arguments by McKibben (2010) and Elgström and Jönsson (2000). The EU's use of arguing on a highly salient issue does not confirm the thesis by Warntjen (2010) who suggested that it is more likely that others will listen to the EU when it has no particular interest in the discussion. The findings on the stage in the decision-making process show that the EU indeed relies on problem-solving in the early stages, but then moves to bargaining or arguing at the end-game negotiations (Elgström & Jönsson, 2000). Hence, this research strengthens the understanding of the EU's strategic choices in international negotiations. For future negotiations, I expect that having a high ambition and a highly salient position in the end-game negotiations are likely to lead to the EU adopting competitive strategies, thus relying on arguing or bargaining approaches. Problem-solving seems especially promising for the EU, when it engages in early-stage negotiations to which it attributes a low salience.

Fourth, it is not possible to draw any conclusions with regard to isolation in the three case studies. In all cases, the EU had a low isolation, as it was surrounded by many allies. Generally speaking, it is rather rare in international environmental negotiations to find the EU fully isolated. Nevertheless, when selecting the three cases based on three different strategic approaches, I expected to also find variation in the EU's isolation. Previous literature had pointed out that the EU would be more likely to use cooperative strategies and engage in problem-solving, when having a low isolation (Groen, 2018). This is true for the case of geoengineering. Yet, also in the other two cases, where the EU used arguing and bargaining, the EU's isolation was low. The observation that the EU's isolation in all cases was low is puzzling and demands for further research. Selecting cases based on variation in the EU's isolation could explain its impact on the choice of the EU's strategic approach.

## VI. Conclusion

Explaining the EU's strategic approach in international environmental negotiations, this paper focuses on four explanatory factors: the EU's ambition, salience, isolation and the

stage in the decision-making process. The cases highlight that a high ambition, a high salience, as well as end-game negotiations corresponds with the EU using more competitive strategies and engage in bargaining and arguing. On the issue of geoengineering, the EU used a problem-solving approach, as it had neither a high ambition nor a keen interest and the negotiations were in an early stage.

The case studies could not reveal in detail, why the EU chooses different competitive strategies in similar negotiation setting. The previous section has put forward some additional explanations to distinguish the cases of compliance and UNCLOS. Yet, these differences seems rather minor. Further research could in particular investigate the differences between the use of bargaining and arguing by the EU. Although the EU tends to use problem-solving more often, given that negotiations are consensus-based, it would be interesting to study the negotiation dynamic pushing it to engage in either bargaining or arguing. The findings do support previous research distinguishing only between competitive and cooperative strategies (Elgström & Jönsson, 2000; Gupta & Ringius, 2001; Odell, 2000). Nevertheless, my research shows the value of separating arguing and bargaining, as the cases have revealed that the EU did act differently in both negotiations, even if the circumstances were rather similar.

The choice to focus on three typical cases, has allowed to conduct in-depth case studies and to highlight the impact of different explanatory factors. However, relying on only three case studies, the findings cannot yet be generalised for the EU's strategic approaches in all international environmental negotiations. Thus, future research could investigate a large set of cases in such negotiations, in order to confirm my qualitative findings with more quantitative ones. In addition, I want to draw the readers' attention to the selection of typical cases. By choosing cases in which the EU did engage in bargaining, arguing or problem-solving, I do not exclude that the EU might make different strategic choices throughout the course of negotiations. In particular, if negotiations last over a period of two weeks, as it the case for most COPs, the negotiations can evolve from early stage to end game, requiring different strategies in order to achieve a successful outcome. Therefore, it is important to be aware of developments during the negotiations, when studying the EU's strategic approaches. These case studies have allowed to collect in-depth data on each case, thereby tracing the negotiation process and highlighting the impact of the explanatory factors on the EU's strategic approach.

\* \* \*

**List of abbreviations**

CBD	Convention on Biological Diversity
COP	Conference of the Parties
EBSA	Ecologically or Biologically Significant Marine Areas
ENB	Earth Negotiations Bulletin
EU	European Union
RC	Rotterdam Convention
UN	United Nations
UNCLOS	UN Convention the Law of the Sea
UNEA	United Nations Environment Assembly



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### List of interviews

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2)	Interview on UNCLOS	Zoom	24/02/2021
3)	Interview on UNCLOS	MS Teams	26/02/2021
4)	Interview on geoengineering	MS Teams	02/03/2021
5)	Interview on compliance	MS Teams	04/03/2021
6)	Interview on compliance	MS Teams	09/03/2021
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