



Post 2015: What Can the European Union Learn from Past International Negotiations?

Summary

On 27 February 2013 the European Commissioners for Development and Environment presented a proposal for a joint European Union (EU) position for a post-2015 framework on global development. This Briefing Paper looks into what the EU can learn from three past international negotiation processes on how to further develop and effectively promote a joint position:

- The 2008 Accra High Level Forum on Aid Effectiveness
- The 2011 Busan High Level Forum on Aid Effectiveness
- The 2012 Rio Conference on Sustainable Development

The analysis shows that the influence of the EU is significantly reduced when individual Member States distance themselves from previously agreed joint EU positions. This is not to say that the EU can push things on its own, but rather that unity in the EU's positions and negotiation strategies – i.e. 27 states, each with their own wide-ranging views and interests – is key to convincing others that it would be worthwhile for them to align themselves with the EU's views and ideas.

Five lessons are identified that could inform the EU's preparation and negotiation actions:

- 1) **Prepare well and complete on time:** the approach to preparing EU positions has become heavier and more time-consuming, increasing the risk that a joint position could be adopted at a time when the draft outcome document is already at an advanced stage.
- 2) **Keep things flexible:** a too detailed position can hamper the EU's flexibility (or reduce the usefulness of the position) in the case of unforeseen circumstances or strong shifts in the negotiation positions of other countries. The need for coordination between negotiations on the post-2015 development agenda and the Sustainable Development Goals (SDGs) – and their full integration, as desired by the EU – definitely calls for such flexibility.
- 3) **Seek broad-based alliances:** the EU needs to strongly invest in seeking support from other United Nations (UN) members around key elements of its joint position if it is to negotiate successfully during the coming months.
- 4) **Promote a broad agenda:** compared to environmental policy negotiations, development cooperation negotiations show stronger tendencies of EU Member States operating on their own or in like-minded coalitions. The potential inclusion of Sustainable Development Goals into the post-2015 framework may reduce that risk. EU coordination during Rio+20 presented some ideas on how the EU could organise itself.
- 5) **Convince with action, not with words:** in negotiations the EU has developed a reputation of "do what I say and not what I do". Given the possible greater focus of a post-2015 development agenda on areas and actions beyond development assistance, the importance of results in making policy areas such as trade and environment more development-friendly only increases.

Negotiating as a European Union

The world community is preparing for negotiating a post-2015 framework on global development that might refresh, revise or replace the Millennium Development Goals (MDGs). Negotiations will take place in a context that observers consider much less favourable compared to when the MDGs were negotiated.

There is a shared conviction among the Member States of the EU that when they operate as a “bloc” in international negotiations, they can exceed the sum of their individual nation-state parts. However, that conviction is not always easily adhered to in practice in the presence of strong national interests, including the need felt by EU Member States to be visible and achieve influence on their own.

Effective European action in international negotiations that cover more than one policy area is challenged by a high degree of “sectoralisation” in EU policy-making as well as by differing degrees of Europeanisation in the policy areas concerned. Preparing for international negotiations therefore presents coordination challenges involving multiple Directorates-General, Council configurations and Standing Committees of the European Parliament.

The two main policy areas in the post-2015 discussions – development and environment – have two things in common: both are self-standing policy areas with shared competences between the EU and its Member States, and both seek to make other policies more “coherent” towards their overall objectives, as stated in EU treaties. Moreover, negotiations in both areas are sensitive, as they include both the actions of EU governments and citizens “at home” as being part of the EU’s external support to third countries.

The European Commission recognises the challenge posed by the upcoming negotiations, but has committed itself in its 2013 Legislative Work Programme to “put forward coherent EU positions bringing together the Millennium Development Goals, the post-2015 development agenda and Rio+20.” The priority given indicates that the process is considered an important test case for EU joint action, which, as Table 1 shows, is much more “exposed” when compared to the past – both by new technologies and more inclusive meetings.

Event	Paris 2005	Accra 2008	Busan 2011	Rio 2012
People	150	1,500	3,000	45,381
Source: authors’ own compilation				

The following sections analyse the EU’s engagement in three selected negotiation processes:

- The 2008 Accra High Level Forum on Aid Effectiveness
- The 2011 Busan High Level Forum on Aid Effectiveness
- The 2012 Rio Conference on Sustainable Development

The first two meetings allowed for learning from situations in which the EU had a relatively strong influence as the leading provider of official development assistance, whereas Rio+20 represents a United Nations negotiation process in which the EU’s success depended much more on its ability to form broad-based alliances. Positive (+) or negative (-) findings are highlighted at the end of each description as the basis for the five lessons identified in the summary.

Aid effectiveness, Accra 2008

On 26 and 27 May 2008, the General Affairs and External Relations Council (i.e. EU ministers responsible for development cooperation) adopted four key priorities and ten key ingredients for a meeting to discuss progress made in implementing the 2005 Paris Declaration on Aid Effectiveness. These priorities formed the basis for a 22-page document detailing the EU position that was adopted on 22 July 2008.

The meeting subsequently took place from 2–4 September 2008. EU ministers arriving in Accra the night before the last day of the forum found that negotiations, as led by their technical staff, had reached a deadlock, which was apparent from a text that reflected a lack of ambition. The EU at that time spread the rumour that they would issue a separate statement after the meeting to commit their willingness to go beyond a weak outcome document.

Following EU interventions, it was agreed just before the ministerial dinner that negotiations would be re-opened, with negotiators subsequently staying at the table until 3.00 a.m. and meeting again early in the morning to work on the text. Civil society observers then subsequently heard the European Commissioner for Development, Louis Michel, pronouncing that “*With this Accra Agenda for Action, we have an operational framework that will allow us to turn our promises into concrete actions.*” The resulting final text was widely considered to be more ambitious than earlier drafts.

+ early preparation and adoption of a position; endorsement at high political level; EU ability to adapt negotiation on the spot.

Europe’s strong engagement in Accra was part of a longer process, wherein the EU assertively promoted a high level of ambition in discussions on aid effectiveness and pushed others to do so – thus, to a large extent, it followed a “first mover” approach in the area of aid effectiveness.

The start of the economic and financial crisis later in 2008 gave some observers the impression that the EU had perhaps been too ambitious in its negotiations, as would be shown by its own limited progress in advancing the commitments that had been agreed to.

Aid effectiveness, Busan 2011

Compared to its preparations for Accra, the EU was rather late in 2011 with preparations for the successor forum in Busan, Korea. By summer 2011 no formal discussions had yet taken place in the Council, whereas some Member States had by that time already submitted contributions to the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD) with their own views on the zero draft (including Germany and the Nordic group).

The slow progress in Europe in moving towards a joint position on Busan has been linked to disagreements between Member States on what the focus should have been in Busan. Some were in favour of the Busan forum concentrating on the essence of the Paris Declaration – i.e. the “aid effectiveness agenda” – whereas other Member States wanted to fundamentally “open up” this agenda by bringing in new actors, interests, funding and/or policies.

The Commission published a formal Communication with proposed elements for an EU position – a change from preparations for Accra, where the Council had been more proactive. The 13-page document detailing the position was eventually adopted on 14 November 2011, leaving only two weeks until the start of the Busan forum.

After the opening plenary meeting in Busan, the co-chairs of the forum met with the secretariat and agreed that a Sherpa group would take responsibility for negotiating the final outcome document. Following a first proposal for the OECD to delegate three Sherpas, it was later increased to five (out of eighteen). Three of these five were European members: France, the European Commission as well as the United Kingdom, which was expected to represent the “Nordic+” group and thus also promote the interests of Canada, New Zealand and Australia. EU Member States thus were not convinced of the added value of negotiating as a European Union.

Box 2: Key findings from Busan

- late finalisation of a position; Member States presenting unilateral positions in advance; EU unable to choose one representative to advance EU position during the forum.

During the forum the EU did not aggressively promote its position and especially did not want to be forceful in its negotiations towards the emerging economies; it was definitely much less assertive than during the Accra forum. Following the adoption of the Busan Partnership for Effective Development Cooperation, the main message

that was promoted by EU Member States was that they managed to “enlarge the tent” of development cooperation.

Sustainable Development, Rio 2012

The Rio+20 UN Conference on Sustainable Development was held two decades after the milestone conference that led to the adoption of the Rio Declaration on Environment and Development. In February 2011, the European Commission launched a public consultation to gather inputs for a proposal that was to create a basis for a joint EU position. On 20 June 2011, the European Commission published a Communication meant to prepare the grounds for the EU’s position at the Rio+20 conference.

As the common position was taking shape in the spring of 2012, the Danish EU presidency recognised that ambitions of EU countries were beginning to wane. By May 2, the original 19-page draft of the EU position had grown to just under 200 pages. After the final talks, however, the EU and its Member States submitted a detailed 31-page document to the conference bureau.

A broad view on sustainable development through the concept of a green economy roadmap became the central element of the EU’s position – a roadmap that it sought to promote with specific goals, objectives and actions at the international level. However, the breadth of the sustainable development agenda itself implied a great challenge for the EU in negotiations, as it remained difficult to control and coordinate the interests of Member States.

Negotiations of the outcome document started in New York in the spring of 2012. The increasingly complex negotiations led to the creation of an EU core group consisting of the Commission, the European External Action Service, the EU mission to the UN and representatives from the Danish Presidency. Negotiation responsibilities were split among these four actors.

In practice the lead EU negotiators were supplemented by representatives from all parts of the core group and by Member States during the negotiations; these representatives provided inputs in the form of “diplomatic whispering”.

In the run-up to Rio, the EU adopted a joint political statement with the African, Caribbean and Pacific Group of States to work constructively during Rio to secure an ambitious outcome, but the EU was unable to form broad-based alliances around its position in the same way that had allowed it to be successful one year earlier in Durban in relation to climate change. One reason was a clear gap between the level of ambition of its position and the EU’s own practice and performance in promoting sustainable development.

Following the New York negotiations, the conference in Rio itself did not start until Wednesday, June 19, but the Brazilian hosts had gavelled through an outcome docu-

ment before then. When the preparatory committee's last official meeting had come to an end the week before – with still more than half of the text disputed – no one had expected this pace, as the Brazilian government was asked to lead in the remaining informal pre-negotiations. Eager to secure agreement, Brazil weakened more sensitive parts of the draft outcome document, resulting in a document reflecting only the lowest common denominator.

Box 3: Key findings from Rio

+ strong internal coordination approach; public consultation to seek broad-based support for the position; EU successful in reaching a broad position covering different policy areas.
- low performance in forming coalitions around key aspects of position; dense and detailed position inhibited flexibility and adaptation.

EU visibility at Rio was secured by a high-level delegation comprising the leaders of the EU institutions. The EU also tried to push for negotiations to continue among ministers, with a view to producing a more substantial agreement, but there was insufficient support for this.

The final 53-page document was endorsed by all, pleased no one and was essentially the same as that announced before the ministers had arrived. The initial response was one of disappointment, with Connie Hedegaard, EU Climate Commissioner, tweeting that "Nobody in that room adopting the text was happy. That's how weak it is."

Nonetheless, a significant result of the negotiations for the EU remains the ability of the EU negotiators to have "green economy" recognised as important in the final agreement, though it did not include the more far-reaching ambitions of a detailed roadmap. The commitment to develop and adopt SDGs by 2015 was also considered important.

How could the EU engage pre-2015?

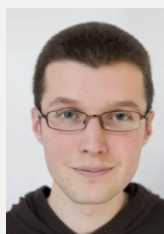
International negotiations have at least as many differences as they have similarities, so the three cases studied here can only modestly inform a broader reflection on what the EU can learn from its past engagement in relation to the upcoming post-2015 negotiations. The analysis presented here confirms that doing so is nonetheless important, and the findings indicate that there is definitely a learning curve ahead for the EU.

DIE's post-2015 briefing paper series has so far covered the following issues:

- Loewe, M. (2012): Post 2015: How to Reconcile the Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs)?, Bonn: DIE (Briefing Paper 18/2012)
- Stepping, K. (2013): Post 2015: What Can Be Learnt from the Impact of Health Performance on Donor Policies for Health Assistance?, Bonn: DIE (Briefing Paper 1/2013)
- Brandi, C / Richerzhagen, C. / Stepping K. (2013): Post 2015: Why is the Water-Energy-Land Nexus Important for the Future Development Agenda?, Bonn: DIE (Briefing Paper 3/2013)
- Boltz, F. et al. (2013): Post 2015: Reconsidering Sustainable Development Goals: Is the Environment Merely a Dimension?, Bonn: DIE (Briefing Paper 4/2013)

Literature

- Fejerskov, A.M. / N. Keijzer (2013): Practice makes perfect?, the European Union's engagement in negotiations on a post-2015 framework on development, Copenhagen: Danish Institute for International Studies (DIIS Research Report 2013: 4)



Niels Keijzer

Department "Bi- and Multilateral Development Policy"
German Development Institute /
Deutsches Institut für Entwicklungspolitik (DIE)



Adam Moe Fejerskov

Danish Institute for International Studies