

Summary

The European Union's laboratory for sustainable development in the time of globalization and regionalization.

*Global implications and institutional conditions for the circulation of the
European experience.*

The work is intended to ask whether and – if so – how the European Union is able to communicate, to promote or simply showcase its system of environmental governance to the wider outside world.

The core- puzzle questions running through this thesis are the following ones:

- 1) Which have been the key success factors of the EU experience in environmental domestic policy? Are there institutional conditions/obstacles to replicate the European experience in other regional integration areas?
- 2) How does external EU environmental governance, broadly understood as the extension of EU environmental policy to non-EU contexts, take place?
- 3) How do internal factors of EU environmental governance (coherence/expertise) play out in the external dimensions under study?
- 4) Why the EU is currently struggling so hard in order to promote its leadership in climate change negotiations? Which are the political and institutional factors that currently limit the EU influence in leading the process towards a climate change global agreement in 2015? Despite the relatively limitation of its current environmental leadership, how can the EU best have positive influence?

Presumably, such challenge for Europe requires a strong form of political leadership. The latter will be here conceptualized under two distinctive forms: (a) environmental «**leadership by example**» and (b) environmental «**leadership by diplomacy**»¹.

The first one deals with the spontaneous passive influence of the EU environmental policy as public policy within the Union's historical integration. Externally, it has progressively become an important reference point for its near and for its abroad. At the same time, the Union has also started to consider the EU environmental policy as part of foreign policy through the European External Action Service (EEAS). In doing this, the EU has delivered a vast gradation of policy tools such as the environmental conditionality clauses.

The project structure of the work is composed of four parts. The first part of research is intended to offer a theoretical framework related to the idea of international responsibility and political leadership in environmental field. What we consider as a key-point in this large debate is the interpretation and application of the principle of Common but Differentiated Responsibility in climate change field, with particular regard to the way through which the EU has intended to interpret it at global level.

The second part of the work aims to acknowledge the EU experience for sustainable development as the most structurally de-nationalized example of multilevel constitutionalism and critically recognize the latter as the most effective historical laboratory for ensuring sustainable development today. Contemporary political-judicial literature largely confirms that the EU environmental governance, despite some difficulties, has been an «uncontested success story»². Even if it is a work in progress, the Union has created some of the most progressive environmental public policies of any State in the world, although it is not actually a State³.

The third part of the research will investigate whether the EU can be borrowed in other regional integration areas. Here, within the framework of environmental leadership by example, the research will focus on two selected cases-study: the ASEAN

¹ For the original theoretical conceptualization of «leadership by example» and «leadership by diplomacy», see Oberthür S., *The role of the EU in global environmental and climate governance*, in Telo' M., *The European Union and Global Governance*, Ashgate, 2009. See also Oberthür S., *The new climate policy in the European Union: internal legislation and climate diplomacy*, VUB Press, 2009

² See Krämer L., *The EU: a regional model?*, in Winter G., *Multilevel Governance of Global Environmental Change, Perspectives from science, sociology and the law*, Cambridge University Press, 2006

³ Jordan A., *Introduction: European Union Environmental Policy-Actors, Institutions and Policy Processes* in Jordan A., *Environmental Policy in the European Union*, Earthscan Ed., 2005

and the MERCOSUR as emerging areas of regional integration. Such comparative exercise will imply the analysis of the key success factors of the EU and the institutional conditions/obstacles of circulation of it, moving from the European historical lesson, from its «leadership by example» and its capacity-building potentials.

Our survey will show that in the EU laboratory a remarkable set of formal and informal norms and supranational institutions working at regional level and operating under political and democratic accountability have advocated and *europeanized* higher environmental standards, while transnational networks of civil society⁴ have increasingly spread general awareness around the issue of environmental protection among European people. Such complex combination of factors has contributed to make substantive improvement in the field of environmental protection within the Union.

The follow-up in our research has consisted of understanding whether – or not – the above mentioned institutionalist and transnationalist key-success factors of the EU regional environmental governance’s experience (the role of the EU Parliament, EU Commission, EU Court of Justice, EEA, Action Plans, environmental NGOs) are likely to be applied, transferred or more simply communicated in other regional integration’s contexts such as ASEAN and MERCOSUR (see PART III).

On the one hand, the substantial lack of **supranationality** in the structure and functioning of ASEAN and MERCOSUR (see PART III) makes the possibility to “circulate” a European Parliament, a European Commission or a European Court of Justice in these areas of the world particularly difficult and unlikely at the moment. Besides, such approach itself would be ontologically wrong, given the fact that the EU is something more than a typical regional organization. Supranational institutions establish actors and processes that are at least partly independent from Nation-States⁵. This is not yet the case of the ASEAN and MERCOSUR, where a mature exercise of «pooling and sharing» of national sovereignties has not yet taken place.

On the other hand, the other above mentioned key-success factors of the EU regional environmental experience (such as the role of regional Environmental Agency,

⁴ For a comprehensive definition of transnational networks, see Marchetti R., *Civil Society, Global Governance and the Quest for Legitimacy*, in Telo’ M., *Globalization, Multilateralism, Europe. Towards a Better Global Governance*, Ashgate, 2013

⁵ Hochstetler K., *Fading Green? Environmental Politics in the Mercosur Free Trade Agreement*, *Latin American Politics and Society*, 45, 4, 2003

a regional Action Program and regional NGOs characterized by a softer and more creeping approach in dealing with national sovereignty's cession) represent environmental driving forces which appear to be more likely applicable in other regional integration areas of the world.

All in all, the experience of the EU allows us to warmly welcome the emerging process of «regionalization of environmental protection»⁶. As pointed out by Krämer, the supranational level is the one to prefer *by exclusion*: on the one hand, the State level proves to be inadequate and insufficient alone⁷, on the other hand there is the global level, whose effectiveness will mostly depend on the outcome of the Paris Conference in December 2015. More generally, the progressive consolidation of regional territorial units is encouraging the formation of a «*third level of governance*»⁸, between local fragmentation and global level, «between the cosmopolitan rhetoric and power politics»⁹ now applied also to climate change as a full-fledged foreign policy's issue¹⁰.

In this perspective, the proposed conclusion of this part can be best summarized as being “***Regionalists in the short run, Universalists in the long***”. In doing this, regional-scale policy shall be conceived not as an alternative, but as parallel, «cumulative»¹¹, catalytic line alongside to still existing environmental policies undertaken at national and international level. Furthermore, a regional environmental governance would also better meet the specific needs of each region of the world, each one different in economic and socio-cultural structures, more similar internally, but profoundly different from region to region. During our work, the EU (PART I and II) Asean and Mercosur (PART III) have been practical examples of this diversity according to which every regional laboratory tends to follow different paths towards sustainability as a common goal. The proposal to regionalize environmental protection is certainly a *second-best*

⁶ See Berionni Berna E., *Regionalizing environmental protection? Towards a regional governance: the cases of the EU and of the ASEAN*, in Rivista studi sulla sostenibilità, Franco Angeli Ed. 2/2013

⁷ Si veda Krämer L., *The EU: a regional model?*, in Winter G., *Multilevel Governance of Global Environmental Change, Perspectives from science, sociology and the law*, Cambridge University Press, 2006

⁸ Telo' M., *European Union, Regionalism, New Multilateralism: three scenarios*, in European Union and New Regionalism, Ashgate, 2007

⁹ Ibidem

¹⁰ Sicurelli D., *Divisi dall'ambiente, Gli Usa e l'Unione europea nelle politiche del clima e della biodiversità*, Vita e Pensiero, 2007

¹¹ Conca K., *The rise of the region in global environmental politics*, Global Environmental Politics, 12,3, 2012

*approach*¹². However, at the present writing it appears the best solution if the next UNFCCC Climate Conference in Paris will be not able to fulfill its expectations and to overcome the current gridlock at global level due to the divergent positions among the Parties (in particular the EU, the US, China and India) which could make the goal of global UN negotiating process extremely difficult to achieve within the time estimated as useful according to the Fifth IPCC 2013 Report.

The fourth part of the work describes how the EU has struggled to emerge as green leader in International Relations with the ambition to act as global protagonist to govern climate change¹³. In order to avoid a situation in which the EU is a leader without followers, the Union has tuned an array of different tools to take on global climate change leadership. They include the practice and institutionalization of diffuse reciprocity¹⁴, issue-linkages¹⁵, the strengthening of EEAS's diplomatic efforts¹⁶; unilateral policy having extraterritorial effects (such as the introduction of measures that link access to the rich and attractive EU internal market to certain environmental standards). In this sense, the EU does wield a quite remarkable hard power because it encompasses the world's largest internal market¹⁷. All these political-economic approaches are included into the concept of EU «environmental leadership by diplomacy» in multilateral *fora* such as the UNFCCC COPs. But why the EU is currently struggling so hard in order to promote its leadership in climate change negotiations? The work will single out several possible explanatory factors which account for the EU's (under)performance in the course of the last twenty years of climate negotiations. They include: the presence of a credibility-gap; the EU's substantial lack of a “muscle” hard power; the structural complexity for reaching a global agreement; the behavior of the other players; the EU complex institutional architecture; the EU problematic strategic planning; the so-called phenomenon of the “**EU bunker**” mentality; and, last but not least, the persistent difference in interpreting

¹² See Oberthür S., *Global Climate Governance after Cancun: options for EU Leadership*, The International Spectator, 46,1, 2011

¹³ See Giddens A., *The politics of Climate Change*, Politybooks, 2009

¹⁴ See Telo' M., *State, Globalization and Multilateralism*, Springer, 2012

¹⁵ Axelrod R., Keohane R., *Achieving cooperation under anarchy: strategies and institutions*, World Politics, 1985. See also Sebenius J., *Negotiation Arithmetic: adding and subtracting issues and parties*, International Organization, 1983

¹⁶ See http://ec.europa.eu/environment/international_issues/green_diplomacy_en.htm

¹⁷ Connolly J., Wurzel R., *The European Union as a leader in international climate change politics*, Routledge, 2011

the principle of Common but Differentiated Responsibility between Developed Countries and Developing Countries.

Against this complex background, after two-decades of fascinating, if disappointing, exercise of climate diplomacy, why should it be different this time at COP21 in Paris? This time the EU could be able to learn from its previous shortcomings in Copenhagen, to incorporate timely remedial actions and to improve on its shortcomings as a climate negotiator. Indeed, when the world physically and virtually came to Copenhagen in 2009 expecting the achievement of a global agreement to combat climate change, the COP15 provided a sobering demonstration of the European disarray¹⁸. On that occasion, the Union found itself marginalized and too busy into its “EU bunker” (see PART IV), while the US took over the initiative and reportedly struck a deal directly with China, India, Brazil and South Africa and a handful of other major developing countries, without any European leader present¹⁹. The Conference of Copenhagen also showed the cultural limits of a unilateral and Eurocentric understanding of “binding measures” which lack communication with other global players²⁰, while the directly “putting money on the table” in the form of 7.2 billion euro of fast start funding failed its original purpose to induce G77 countries to accept a new climate agreement²¹. One of the fundamental lessons to be drawn from Copenhagen 2009 is that any future climate agreement can no longer be seen as purely EU-styled, but as the outcome of a mutual engagement between Europe and the wider non-European world, based on a mature, reliable, flexible and respectful dialogue with it. There is the possibility of a *third way* between the pure EU-styled and the merely instrumental multilateral cooperation: it deals with a compromise between the EU supranational multilateralism and the other partners’ contingent, *ad hoc*, functional or even short-term types of multilateralism²². Such compromise must be realistically

¹⁸ Hoffmann M., *Climate Governance at the Crossroads. Experimenting with a global response after Kyoto*, Oxford University Press, 2011

¹⁹ Oberthur S., Dupont C., *The Council, the European Council and International Climate Policy: From Symbolic Leadership to Leadership by Example*, in Connelly J., Wurzel R., *The European Union as a Leader in International Climate Change Politics*, Routledge, 2011

²⁰ Telo’ M., *The EU: A Civilian Power’s Diplomatic Action after the Lisbon Treaty. Bridging Internal Complexity and International Convergence*, in Telo’ M., Ponjaert F., *The EU’s Foreign Policy. What Kind of Power and Diplomatic Action?*, The Globalisation, Europe, Multilateralism Series, Ashgate, 2013

²¹ Connelly J., Wurzel R., *The European Union as a leader in international climate change politics*, Routledge, 2011

²² Telo’ M., *The EU: A Civilian Power’s Diplomatic Action after the Lisbon Treaty. Bridging Internal Complexity and International Convergence*, in Telo’ M., Ponjaert F., *The EU’s Foreign Policy. What Kind of Power and Diplomatic Action?*, The Globalisation, Europe, Multilateralism Series, Ashgate, 2013

ambitious. It will require responsibility and pragmatism, based on the realistic awareness that we are more and more surrounded by a changing, a-symmetric, multi-polar, hotter non-European world.