

More commitment, wider recognition Pathways to a more just EU climate strategy



Thomas Diez

Professor
University of Tübingen



Franz von Lucke

Researcher
University of Tübingen

Summary

The EU has altered its negotiation strategy in the global climate regime after the failure of the 2009 Copenhagen COP-15. It moved from an emphasis on ‘leadership by example’ and the insistence on top-down, binding targets (‘impartiality’) towards a strategy of shared leadership, increased dialogue and acceptance of more voluntary instruments (‘mutual recognition’ combined with ‘non-dominance’). While this shift has been vital to maintain the EU’s status as a relevant actor and secure the Paris Agreement, it may prevent effective global solutions to climate change. It is therefore vital that the EU pushes for rigorous measures of accountability, that member states improve their own emission records, and that vulnerable groups gain better access to the climate negotiations.

From ‘leadership by example’ towards ‘shared leadership’

Questions of justice or equity have always been an important element in the international negotiations on climate change. They have been pushed particularly by countries from the Global South that are more vulnerable to the adverse effects of climate change. Time and again, these countries have pointed to the historic responsibility of industrialised countries to act first.

The EU has a long history of advancing progressive climate policies at home as well as in the international negotiations. This policy brief draws some conclusions from the research conducted within the project Reconsidering European Contributions to Global Justice – GLOBALBUS (2016-2020). The brief explores how the EU’s approach to justice in the international climate regime has changed after the 2009 Copenhagen Summit. It draws on the insights of an extensive discourse analysis and on several interviews with key EU officials and NGO experts.

Until the adoption of the Kyoto Protocol (and still during the negotiations at COP-15 in Copenhagen in 2009), the EU’s main focus was on ambitious, top-down, legally binding emission reduction targets mostly for industrialised states, often described as the ‘targets and timetables’ approach. From a theoretical perspective, this has implied a conception of global justice as ‘impartiality’, and thus a focus on universal principles and supranational institutions. This has changed considerably after the failed negotiations in Copenhagen, where the EU was effectively side-lined by the US and the BASIC group of countries.

In the years preceding COP-21 in Paris in 2015, the EU changed its negotiation strategy towards a more bottom-up approach that takes seriously the concerns and different perspectives of other actors. From our perspective of global justice, this change constitutes a move towards both ‘mutual recognition’ and ‘non-domination’. While the former emphasises the importance of fair and transparent procedures and the due hearing of all relevant actors, the latter stresses the key role of sovereign states and strives to overcome power imbalances in the international system. Key reasons for this transformation of the EU’s strategy were changed external circumstances, growing inner-EU resistance against too ambitious and binding measures, the further development of its own diplomatic and foreign policy capabilities and a learning process.¹ The EU realised that it had to adjust its former strategy to cope with a changing world, in which emerging economies such as China, India and Brazil not only had become major contributors to global emissions but also would not accept the binding instruments of the past.

The climate strategy thus has aligned with the general emphasis on ‘principled pragmatism’ in the EU’s global strategy.² To eventually secure the Paris Agreement in 2015, the EU intensified its diplomatic outreach activities by strengthening its Green Diplomacy Network and the relevance of the European External Action Service, but also by better listening to the concerns and ideas of other key actors, particularly from the Global South. It has increasingly broadened climate change from an environmental and energy issue towards a strategic foreign policy objective. This change in

¹Torney, D. and Cross, M.K.D. (2018) ‘Environmental and Climate Diplomacy: Building Coalitions Through Persuasion’, in *European Union External Environmental Policy: Rules, Regulation and Governance Beyond Borders*, Adelle, C., Biedenkopf, K. and Torney, D. (Cham: Palgrave Macmillan), 39–58.

²European Union (2016) *EU, Shared Vision, Common Action: A Stronger Europe: A Global Strategy for the European Union’s Foreign And Security Policy* (Brussels: EU, 2016).

the EU’s strategy reinvigorated the EU’s role on the international level and was instrumental for reaching the Paris Agreement. However, it also led to a weaker agreement in substance, relying on the participants’ willingness to implement policies to meet an ambitious target as well as on discursive pressure to ratchet up national contributions in a periodic review process.

Going ahead domestically and re-introducing obligations

In order to make the climate regime more comprehensive, and especially to integrate key emerging economies such as China and India, better recognizing different perspectives and moving from a fixed top-down perspective towards a largely voluntary bottom-up system (NDCs) was necessary. However, relying on broad targets, voluntary NDCs combined with ‘naming and shaming’ by civil society organisations or peer pressure by climate vanguard states will not suffice. Such an approach entails too much formal ‘non-domination’, especially as far as the large emitter states are concerned, and therefore serves to reinforce current structures of domination within the climate regime. Thus, the EU has to find ways to strengthen the binding elements of the Paris Agreement and to ensure continued ambition towards reducing global GHG emissions. This is particularly important in order to prevent the voluntary approach leading to new injustices by allowing large emitters from the Global South such as China, India or Brazil to avoid substantial mitigation targets or introduce loopholes when it comes to measuring emissions or offsetting activities. In general, the new voluntary architecture of the Paris Agreement entails the danger that the regime shifts from the principle of Common but Differentiated Responsibility (CBDR) to a principle of ‘common but shifted responsibility’ that primarily heeds the interest of the (established and emerging) powerful states.³

³Okereke, C and Coventry, P. (2016) ‘Climate Justice and the International Regime: Before, During, and After Paris’, *Wiley Interdisciplinary Reviews: Climate Change*: 1–18.

The past has shown that being a good example is not enough to initiate global change, but it remains important especially in a regime that relies on voluntary commitments, and due to the historic responsibility and the technological and financial capabilities of EU member states. Thus, in order to keep its credibility especially towards the Global South, the EU has to considerably step up its targets and measures: the 2030 goals need to be reconsidered (and the achievement of them secured), the ETS reformed or a (substantial) carbon tax introduced, the agricultural subsidies to be reformed. The announcement of a ‘European Green Deal’ by the von der Leyen Commission in 2019 and the ambition to become climate-neutral by 2050 is certainly a step in the right direction. Yet, it must be followed up by tangible policy decisions that have the potential to actually achieve the aims. The current emission reduction targets of up to 40 per cent in 2030 (agreed) or 50-55 per cent (proposed) are not sufficient. Given the economic framing of the deal as ‘growth strategy’ and opportunity to create jobs, EU leaders have to be careful not to sacrifice ambition and effectiveness for market rationales. Under the impression of the COVID-19 pandemic, the EU should strongly incentivise a green rebuilding of its economies after the crisis has passed and thus invest in future technologies rather than rebuild backward-looking capacities.

While credible and effective climate policies at home are important, they do not automatically translate into more influence internationally. To avoid past mistakes, the EU should refrain from trying to force its own approach onto others and instead use its credibility to listen to others, form alliances and strengthen the general ambition of the regime without necessarily proposing readymade solutions. Pushing for a more stringent implementation of the existing Paris instruments is key in this respect, especially concerning the transparency and accountability of the emission reporting schemes,.

The EU’s role in the adoption of the “rulebook” at the Katowice COP in 2018 was a first step. However, the failure to further strengthen the implementation rules at the COP-25 in Madrid in the following year and the still very high level of global emissions exemplify the continued relevance of this challenge. Having said that, the EU’s decision to continue to insist on strong rules during the Madrid negotiations and to eventually refuse the adoption of a weak deal has strengthened its credibility.

“ Under the impression of the COVID-19 pandemic, the EU should strongly incentivise a green rebuilding of its economies.

In order to reinforce the obligatory character of the regime without falling back to inflexible emission reduction targets that ultimately prove to be worthless, the EU should aim at introducing a focus on the specific capabilities⁴ of individual states to get the best out of each state to achieve the targets of the climate regime. By combining key elements of the CBDR (plus respective capabilities) and the NDCs, it would keep the bottom-up approach but at the same time would enable the EU to credibly push states to contribute more to the abatement of climate change based on what they are capable of and particularly good at. For some, this might be decisive mitigation efforts, yet for others it could also mean support for crucial adaptation measures, providing diplomatic capacities, knowledge and technology transfer, development cooperation measures, the financing of loss and damage, or the willingness to naturalize people fleeing from the already happening effects

⁴Schlosberg, D. (2012) ‘Climate Justice and Capabilities: A Framework for Adaptation Policy’, *Ethics & International Affairs* 26(4): 445–61.

of climate change. We see the already established Climate Equity Reference Project (CERP)⁵ as a potentially central pillar of such efforts, helping to identify how states may make their best contribution to the climate regime.

Foster a broad dialogue

The EU strategy of reaching out diplomatically and fostering a dialogue about different perspectives in the run up to the Paris Agreement was a crucial element in forming alliances and securing the adoption of the agreement. The EU should continue this trajectory when it comes to strengthening the implementation of the Paris Agreement. Particularly, it should support smaller developing countries in building capacities and knowhow for the measurement and reporting of GHGs under the agreement, yet also help them to play a more influential role in upcoming negotiation rounds. This also means accepting that for many developing countries, climate change is not primarily an isolated technical or economic problem. Instead, it is inherently tied to broader questions of global justice including poverty, health, colonial legacies and an unfair economic playing field⁶. Excluding these questions from the negotiations and dialogue processes will induce further resistance and ultimately hinder finding broadly acceptable solutions.

Better listening to the ideas and needs of developing countries is necessary but still does not go far enough in terms of recognising different perspectives, most importantly because it puts too much emphasis on states. In order to truly respect difference and to heed minority positions and the needs of future generations – hence strengthen what we call justice as ‘mutual recognition’ –, the EU should aim at

⁵ <https://climateequityreference.org/>

⁶ Tanner, T. and Allouche, J. (2011) ‘Towards a New Political Economy of Climate Change and Development’, *IDS Bulletin* 42(3): 1–14.

better integrating financially weaker, vulnerable non-state actors with no primarily economic interests in the climate/energy field into the dialogue process. Beyond well-known NGOs, this includes indigenous peoples, social movements, local grassroots organisations and activists especially from the Global South and from those regions particularly vulnerable to climate change. This needs to go beyond mere participation in international climate conferences. It means to show more responsiveness by explicitly engaging with the proposals from non-state actors, including feedback on which recommendations the EU takes up and which ones it does not, and considering ways in which non-state actors may be included as equal partners in a more inclusive climate regime.

“ The EU should aim at better integrating financially weaker, vulnerable non-state actors with no primarily economic interests in the climate/energy field into the dialogue process.

This more inclusive dialogue should not only be an objective when it comes to the international negotiations, but needs to become a more central element of domestic EU climate policy making. Listening to and heeding the suggestions of non-state actors from various EU member states could help to smoothen the just transition of industries and practices that harm the climate and hence to increase local support for climate measures. In this context, the EU should also work towards anchoring the international climate regime to rules that give states incentives to increase transparency and the inclusion of the most vulnerable stakeholders in the

domestic formulation of their NCDs. Moreover, the EU should push for the introduction of best practices not only in substantive policies but also regarding transparency and civil society inclusion in organising and implementing future COPs and other key climate summits.

Empower local actors and strengthen adaptation

Besides its role in the international climate negotiations, the EU has also become one of the key providers of climate-development aid. Besides supporting states in their attempts for sustainable, low-carbon development, this helps to address the increasingly more pressing need for adaptation to the effects of climate change that we have already been witnessing. Providing more support for adaptation has become a central demand of developing countries, particularly of the most vulnerable ones such as the LDCs and AOSIS.

In this field, the EU has begun to respect local context and knowledge and has tried to empower local actors in their fight against climate change. However, given the vast disparities between organisational capabilities and knowledge, this recognition of local needs has not gone far enough. Thus, the EU should begin to truly empower progressive local actors, especially non-state, grassroots and indigenous organisations from those regions that are particularly vulnerable to climate change. They ought to be consulted already in the planning phase of climate-development policies, which would give them more leeway when it comes to novel local approaches. Moreover, funding procedures must be simplified and de-bureaucratized in order to make them more easily accessible, especially for actors other than larger and financially well-situated NGOs. All this could help to develop community-specific adaptation measures that take into consideration the actual problems of locals and thereby increase not only the effectiveness but also the legitimacy of these measures.

To further strengthen local adaptation measures, to alleviate hardships and ensure the human security of the most affected, the EU must also strengthen international finance instruments. Besides making sure that states deliver on their climate finance commitments, especially the annual \$100 Billion pledge starting in 2020 on, the EU should champion the legally binding acceptance by industrialised countries of claims for loss and damage. By moving away from the spirit of aid and compassion and truly accepting the responsibility of Northern countries⁷ – not only arising from past consumption of fossil fuels and still higher per capita emissions, but also due to their current financial and technological abilities – , this would considerably contribute to the EU's credibility in the Global South.

Ultimately, to prevent the continuation of unfair treatment of the populations most affected by climate change, the EU ought to move beyond isolated climate-development aid measures. It must avoid the danger of trying to deflect from the necessary far-reaching economic and societal transformations at home by framing climate change as a problem of the Global South that can be solved by increasing developed aid. Thus, in the medium-term, the EU must abolish indirect forms of domination such as unsustainable subsidies in agriculture, energy and automobiles, and insert green climate provisions systematically into trade agreements. This includes the revision of the proposed trade deal with Brazil in the light of President Bolsonaro's problematic environmental policies and inadequate action to counter bush fires and deforestation. In this context, the EU must also rethink intellectual property regulations that still hinder climate relevant technology transfer to the Global South. Finally, it ought to reconsider its strict immigration policies and create legal pathways to EU citizenship for people fleeing from climate-induced weather extremes, sea level rise and the deterioration of ecosystems.

⁷ *ibid.*

Further reading

- Aamodt, S. and Lerum Boasson, E. (2020) 'From Impartial Solutions to Mutual Recognition: Explaining Why the EU Changed its Procedural Climate Justice Preferences', [GLOBUS Research Paper 3/2020](#).
- Cross, M.'a.K.D. (2018) 'Partners at Paris? Climate Negotiations and Transatlantic Relations', *Journal of European Integration* 40(5): 571–586.
- von Lucke, F. (2019) 'How the EU combines normative and consequentialist motivations in its climate policy', [Global Justice Blog](#), June 2019.
- von Lucke, F., Diez, T., Aamodt, S. and Ahrens, B. (2020, forthcoming). *The EU and Global Climate Justice: Normative Power Caught in Normative Battles*, London: Routledge.
- Zellentin, A. (2018) 'Different Angles on Climate Justice: Insights from Non-Domination and Mutual Recognition', [GLOBUS Research Paper 1/2018](#).

Policy recommendations

1. Make agreements more binding: Continue to push for more stringent rules and implementation of Paris Agreement.
2. Return to leadership by example: Set more appropriate targets, provide stronger incentives and implement the European Green Deal quickly and consistently.
3. Foster a broad dialogue: Further broaden diplomatic activities and seek inclusion of NGOs and indigenous peoples.
4. Empower local actors: Give vulnerable local actors real leverage in the design of European climate and development policies.

Reconsidering European Contributions to Global Justice (GLOBUS) is a research project that critically examines the EU's contribution to global justice.

GLOBUS studies the contents and conduct of the EU's external policies with a focus on climate justice, migration, trade and development, peace and conflict resolution, gender and human rights.

Coordinator: ARENA Centre for European Studies, University of Oslo

Follow GLOBUS



@globus_h2020



@globus.h2020



globus.uio.no/blog

info@globus.uio.no

www.globus.uio.no



Funded by the European Union's Horizon 2020 Research and Innovation programme Grant Agreement no. 693609