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Global Environmental Governance: A European Perspective

Markus Wagner Claudia Brinkmann



A Definition of Federalism

Federalism is defined as 'a system of government in which central and regional authorities are linked in an interdependent political relationship, in which powers and functions are distributed to achieve a substantial degree of autonomy and integrity in the regional units. In theory, a federal system seeks to maintain a balance such that neither level of government becomes sufficiently dominant to dictate the decision of the other, unlike in a unitary system, in which the central authorities hold primacy to the extent even of redesigning or abolishing regional and local units of government at will '

(New Fontana Dictionary of Modern Thought)

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Foreword

The Federal Trust would like to thank the Network of European Foundations (NEF), and in particular its Director, Hywel Ceri Jones for its financial support in the preparation of this essay. The essay represents the Trust's preliminary conclusions arising from a study of the European Union's potential contribution to global environmental governance, a study kindly sponsored by NEF.

In the preparation of this study, we were struck by the diversity of views we encountered. Some environmentalist groups believe that the European Union has little to contribute to international environmental governance, either in style or substance. Others, on the other hand, take a more positive view of what the Union has achieved, and believe that its institutional structures can provide useful model for international decision-taking in the environmental field. We definitely lean to the latter view. Even if more could and should have been achieved by the European Union in its environmental policies, the institutional sovereignty-sharing on which the European Union rests has lessons to offer all those seeking for better ways of addressing problems which cannot be solved at a national, or even a continental level.

Opinion polls in the United Kingdom regularly demonstrate substantial majorities, even among the sceptical British, for the proposition that the European Union is better placed to resolve the pressing environmental difficulties which confront us than is the British or any other national government. The conclusions of this essay take this consensus yet one step further. We believe that in the same way the European Union is a more appropriate level of decision-making than is the individual nation, so international institutions are urgently necessary to reach (and refresh) the parts other levels of governance cannot tackle. As ever in these matters, political will and appropriate structures need to go hand in hand. Few organisations in the world have been more successful in evolving structures to foster and sustain political will, once articulated, than has the European Union. As example and advocate of supranational governance, it has few peers.

Brendan Donnelly Director September 2005

Introduction

In preparation for the G8 meeting in Gleneagles in July 2005, the UK had invested much energy into bringing environmental issues to the top of the agenda and into making the climate change challenge a priority for action. In the end, the achievements at the summit were limited and overshadowed by both the efforts to increase aid and development in Africa and the London bombings of July 7. If Gleneagles is to be seen as a benchmark measuring the importance of the environmental challenges, then global environmental problems have yet to reach the top of the world's political agenda.

This is in spite of a clear and pressing need for international action on the environment and especially in combating global warming. In the run-up to the summit in Gleneagles, the national academies of sciences of the G8 countries and of Brazil, China and India issued a joint statement calling for prompt multilateral action on climate change. The European Commission, in its Sixth Environmental Action Plan 'Our Environment, Our Future' 1, presented in 2001, clearly states that global warming is undoubtedly taking place, that it is at least partly man-made and is likely to have serious consequences for the world's climate. The implications of climate change, the Commission asserted, are potentially 'disastrous' and 'devastating'. The action plan also highlights the dangers of pollution from transport, industry and agriculture as well as the consequences of unsustainable land and marine exploitation. Given that coherent global action on the environment is an imperative obligation, it is essential to investigate how Europe can contribute to renewed efforts to reform the way the international community considers environmental issues.

This essay will, after portraying the achievements in environmental governance until now, present the current state of the debate on the governance of global environmental policy and the role Europe has played in promoting action on this agenda. Next, the options currently considered for institutional reform and limiting climate change will be examined and the positions of governments and civil society actors in Europe surveyed. The essay will conclude by assessing the appropriate role for Europe in global environmental governance. Among other conclusions this essay will argue that, in order to help tackle the environmental problems currently facing our planet, Europe first needs to embrace the extensive implementation of environmentally friendly policies. Only then should Europe aim to improve the management of global environmental challenges by setting an example and using its political influence to persuade other countries to follow its lead.

Where are we now?

The story of the establishment of global environmental governance can be told as a story of successive international conferences and their resulting agreements. Environmental issues appeared on the global agenda in 1972, when the United Nations Conference on the Human Environment was held in Stockholm. 114 countries gathered to discuss for the first time problems such as environmental degradation, pollution and resource management. What emerged from this conference was above all the recognition that the 'environment is a major issue which affects the well-being of peoples and economic development throughout the world', and - on a more institutional level the United Nations Environment Programme (UNEP). It was decided that UNEP's function should be to act as 'a catalyst, advocate, educator and facilitator to promote the wise use and sustainable development of the global environment'. To achieve this, UNEP would bring together different groups such as international organisations, national governments, NGOs, representatives from the private sector and civil society groups. Within the institutional structure of UNEP it is the Governing Council that decides on all major issues. This Governing Council is composed of 58 representatives from different countries who are elected by a General Assembly for three years. The same body elects an Executive Director whose secretariat has only limited powers.²

Since its establishment, UNEP has focussed on identifying the main environmental problems facing the planet and putting these on the global agenda. It has also participated in the elaboration of a series of Multilateral Environmental Agreements (MEAs) such as the 1973 Convention on International Trade in Endangered Species and the 1985 Vienna Convention on the depletion of the ozone layer.³ Today, there are approximately 400 such agreements in force. In 1988, together with the World Meteorological Organization (WMO), UNEP set up the Intergovernmental Panel on Climate Change (IPCC), a body which brings together 1000 experts from over 60 countries to assess current knowledge on global warming. It is due to complete its fourth report in 2007. In 1990, the UNDP and UNEP, together with the World Bank, set up the Global Environment Facility (GEF), a programme that finances projects related to the protection of the global environment.

The next major step for global environmental governance was achieved at the 1992 UN Conference on Environment and Development (UNCED) in Rio de Janeiro. At this meeting, representatives from 180 countries agreed on a general plan of action for sustainable development, Agenda 21, as well as conventions on climate change (United Nations Framework Convention on Climate Change, UNFCCC), bio-diversity and desertification. This framework convention, though voluntary, has since been seen by almost all parties as a base upon which other agreements and solutions should build.

In order to complement these declarations, the Commission on Sustainable Development (CSD), made up of representatives of 53 governments, was also set up as a result of the Rio summit with the remit of monitoring the progress of the agenda set at Rio and integrating environmental concerns into UN action.

In 1997, the parties to the UNFCCC signed the Kyoto Protocol to that agreement. It set out the aim that the emission of greenhouse gases was to be reduced by 5.2 per cent by 2012 compared to the levels of 1990, with individual targets set for each of the industrialised countries. After many years of difficult negotiations, the Kyoto Protocol finally entered into force on 16 February 2005, famously without the participation of the United States, China and Australia.

The disagreements over Kyoto have stalled progress on global governance over recent years. Thus, the 2002 World Summit on Sustainable Development, held in Johannesburg 10 years after Rio, ended without significant new advances on the environment agenda. The limited influence of the internally weak CSD became evident at this 2002 Johannesburg summit, where it was given little attention by key international policy-makers. The CSD, which was very much involved in preparing the summit, failed to achieve its aims of setting clear commitments to sustainable development including concrete targets and deadlines.

Until very recently, the differences between the US and the EU on how to tackle global environmental problems have seemed insurmountable. Europe's leaders have long doubted whether the American government genuinely takes environmental problems as seriously as they should. In recent years, the United States has been unwilling to share its sovereignty with international bodies in any policy area, and its current Administration, in keeping with its predecessors has a profound commitment to the protection of America's perceived economic interests. For their part, American representatives have rejected these European suspicions. They argue that improved technology will allow the industrialised and industrialising world to combine robust economic growth with effective action to reduce greenhouse emissions.

The year 2005, however, has seen renewed movement, especially on climate change. The UK, as chair of the G8, has been eager to move global warming up the list of international political priorities. In addition, a new voluntary climate change pact has been agreed this summer between the US and five Asia-Pacific states. Later in the year, the first meeting of the dialogue on climate change will take place, as agreed at the G8 summit in July. Reform of the UN's institutions dealing with the environment will be a topic for discussion at the 2005 World Summit on 14-16 September in New York, while the parties to the UNFCCC will meet in Montreal on 28 November-9 December to discuss how to follow up the Kyoto Protocol from 2012 onwards.

What is the present shape of the institutions of global environmental governance?

The international institutions of global environmental governance currently in place are numerous and fragmented. UNEP is probably the best-known of these institutions and the only one focussing exclusively on environmental issues. Many other UN bodies such as the Food and Agriculture Organization (FAO), the UN Economic, Social and Cultural Organization (UNESCO) and the World Bank also address environmental issues as part of their work and thus contribute to the making and implementation of international environmental policy. The UNFCCC, the UN Convention to Combat Desertification (UNCCD) and the Convention on Biological Diversity (CBD) are examples for more recent, smaller bodies concerned with specific environmental issues, although without any enforcement powers. These various UN bodies are scattered around the world: UNEP, for example, is in Kenya, the UNFCCC secretariat in Germany, the CSD in New York. This physical dispersion of environmental governance is an apt metaphor for the often damaging division of tasks and responsibilities among such a large number of important players.

Apart from such independent and functional organisations, there are also the over 400 Multilateral Environmental Agreements, which set out the aims of global governance on specific environmental problems. These MEAs incorporate either non-legally binding principles or legally binding actions to be taken on specific issues. They can be seen as incentives for the signatories to work on tackling environmental challenges. A noticeable lacuna, however, in this institutional architecture, however, is an overarching organisation co-ordinating and surveying all these agreements.

The absence of a strong central environmental organisation can also be seen in the weak grounding of the current main body, UNEP. Thus, the work of UNEP has been dogged by low status, unclear leadership, insufficient funding and an incoherent structure. Unlike UNESCO, UNICEF or UNDP, UNEP is not a UN specialised agency but a programme within the UN system. This gives it a lower internal status within the UN. The Governing Council of UNEP is the body responsible for promoting the environment agenda externally and setting the work programme and budget internally. It, rather than the Executive Director, has overall policy responsibility. This dual authority has led to a politicisation of the running of UNEP as well as weak leadership in the accelerating debate on environmental issues. While the administrative costs of UNEP are met by the UN's regular budget, the costs of implementation and new environmental initiatives are funded by voluntary

contributions to the UN Environment Fund. The resulting budget of UNEP is very small, at barely over \$ 200 million a year. Finally, the internal structure of UNEP is based on functions - such as policy planning or implementation - rather than issues - such as water or air - creating a series of departments with divided expertise and conflicting responsibilities. UNEP is often perceived, even by those who wish it well, as inefficient and bureaucratic.⁴

What is the prevailing debate?

At the heart of the current discussions is the institutional future of environmental governance. In particular, it is debated what kind of institutional model a future UN Environmental Organisation (UNEO), the updated version of a UNEP, should most usefully follow. The most widely-favoured option currently is that of a UN specialised agency concentrating on tackling environmental issues in a UN framework.

At the 2002 summit in Johannesburg, the French President Chirac was among the first to demand the creation of a UNEO. The French environment minister Lepeltier has called the September 2005 United Nations reform summit in New York a 'historical chance' for the accomplishment of this challenge.⁵ His supporters argue that if the heads of states adopt an the agreement establishing a United Nations Environment Organisation, this will give environmental issues a much greater recognition on the global level. Through this specialised organisation improved coordination would make environmental progress more effective and the conclusion of constructive international agreements would be facilitated.

France's initiative has received broad support. In particular Germany and Spain see the importance of an institution that can underpin a truly global approach to the climate challenge. The environment ministers of France, Germany and Spain have underlined in a joint statement the need for an 'institutional authority'⁶, which is strong enough to place environmental issues at the top of the international agenda. UN secretary general Kofi Annan has also, in the context of his programme of reforming the Unite Nations, shown his support for a UNEO. The principal opponent of this initiative at the time of writing is the United States government, particularly reluctant since the war in Iraq to extend the powers and budget of the United Nations.

Among civil societies, environmental pressure groups are very much in favour of a UNEO, hoping that this kind of organisation would give multilateral environmental agreements (MEAs) a greater significance. Representatives from Greenpeace have urged Kofi Annan to increase the pressure on developed states to demonstrate more than just 'silent support' for a reinforced international environmental organisation,

and to work on persuading developing nations to join their efforts. However, several developing countries have expressed the concern that they could suffer under an UNEO's new enforcement powers. It will be a challenge for the advocates of UNEO to find ways of reinforcing the link between environmental obligations and levels of development, which was established at the 1992 UNFCCC. This link was introduced by Article 3.1 of the UNFCCC, stating that countries should contribute to climate protection 'in accordance with their common but differentiated responsibilities and respective capabilities'.

What future for global environmental governance?

There is a general consensus among nations and civil society groups that climate change is a global problem, which does not respect national boundaries and is in urgent need of an appropriate global response. But what are the options?

The American government are the strongest opponents of the Kyoto Protocol, claiming that a different approach is needed. Its main concerns focus on the strains the Treaty might put onto the US economy. The American government favours concentrating on the development of new technologies, rather than mandatory and absolute caps as a solution.

The European Union played a leading role in writing the Kyoto Protocol and is very keen on staying at the forefront of environmental governance. The UK presidency of the EU has stressed the Union's determination to reinvigorate the international climate change negotiations, with the widest possible participation of all countries. The long term goal of the European Union is to develop a medium and long-term EU strategy to combat climate change and to reach the ultimate objective of keeping global temperature rise below 2 degrees Celsius over pre-industrial levels.⁸ The Union's communication 'Winning the battle against global climate change', highlighted the increased importance of what was called the 'Innovation challenge'. This 'challenge' demands a more sophisticated and thorough analysis than hitherto of the way in which energy is produced and used as a basis for new environmental legislation.

This concept was reaffirmed by the G8 at their summit in Gleneagles. It was agreed at that summit that there is a need to focus on technology development and in addition to work in partnership with the major emerging economies. Not long after the Gleneagles meeting, an important initiative along these lines came to fruition, when the United States signed a co-operation agreement with five Asian-Pacific countries, designed to approach the global warming problem from a more market-

orientated position, based on the development and deployment of new technologies. The pact, unlike the Kyoto Protocol, is non-binding and sets no targets. It rather contributes to tackling the global warming challenge by focussing on the creation of new carbon cutting technologies.

Reactions to this agreement within Europe have been mixed. It will be seen towards the end of this year, at the UNFCCC meeting in Montreal, whether this six-nations pact is perceived by its members as a complement to the Kyoto strategy, which aims at actively reducing emissions, or rather as an attempt to stalling those negotiations, as it is claimed by some environmental groups. It seems also to be feared that this new initiative - if not approached in the right way by all parties - could even turn its members into an opposing bloc to those countries supporting emission reduction targets. Moreover, the initiative has been criticised for focussing too much on developing technologies for the future, while ignoring the already existing urgency for action today.¹⁰

The European Commission welcomed the new pact and declared that it is working on similar bilateral agreements. For example the joint declaration with China on climate change issued in early September 2005, which included an agreement on increased co-operation in the fields of for example the development, deployment and transfer of low carbon technology. However, the European Commission underlined that these agreements have to be part of a more comprehensive programme and, it stressed that voluntary agreements alone will not make a significant impact on the central objective of reducing greenhouse gas emissions.

Options and positions concerning Europe's role

A recent survey conducted by Eurobarometer on the attitudes of citizens towards the environment made clear that Europeans are very concerned about the environment and are expecting the EU to take leadership. This sentiment has been endorsed by a report published by the German government, in which it outlined its suggestions on the European Union's role in a future environmental strategy. It developed three forms of leadership which would be crucial to the EU: directional leadership, which would mainly include domestic actions and setting an example in implementing legislation and meeting the Kyoto targets; structural leadership, which would involve making use of the general and economic weight of the EU; and the also very important instrumental leadership, which can be demonstrated by playing an active role in building coalitions between countries.

Calls for the EU to continue and strengthen its global leadership role in environmental governance have also been expressed by environmental groups together with the European Environmental Bureau (EEB). Trade unions as well seem to be supporting Europe's leadership in this matter, for instance the European Trade Union Confederation (ETUC) has called upon the European Union to take the lead in delivering the principles agreed to in Johannesburg in 2002 and to thus play an active role in determining a post-2012 strategy.

But, as environmental groups pointed out, in order to be in a position to take the lead, the EU needs to prove its determination to tackle the problems on the domestic level. The Union's leadership role should be backed up by exemplary action at home so that its credibility as a leader is retained.

Looking at the Eurobarometer survey again, European public opinion can be expected to support increased domestic efforts, as it found that an overwhelming majority of European citizens agreed that environmental issues should also be playing a role in the decision making processes of not only purely environmental areas, but should also be included in other policy areas. ¹⁴ This willingness to put environmental concerns first has been recognised by the French government, which rightly stressed in a report from March 2004 that 'controlling the greenhouse effect (...) will involve broad progress in society as a whole ¹⁵. The report further accentuated the need to establish a collective will and that investment choices by private and public actors should be made with a clear understanding of the consequences of these choices. This increased domestic action in the EU would be a prove for Europe's credibility and reliability as a global leader and would thus reinforce this position.

Once the EU has thus established itself in the position of a global leader, it is important - as representatives from industries pointed out - to aim at including as many global participants as possible in the EU's initiatives. A solitary approach by the EU, which only has a mere 14% share of global greenhouse gas emissions, would not be justified. It would in fact be counterproductive, with harmful consequences for the European economy driving industries out of Europe, in particular to those countries that have not signed up to any (mandatory) reduction targets. ¹⁶ This is why industrial groups urge for a genuine global approach in which all major emitters are participating.

An essential group of countries that needs to be included in future initiatives is the developing world. The German government has stressed the importance of a dialogue with the developing world, and the need to formulate targets that are acceptable for active developing countries. However, many developing countries are concerned that reducing emissions will harm their economic development. They therefore rely on the UNFCCC principle of contributing to climate protection 'in accordance with their common but differentiated responsibilities and respective

capabilities', and thus refuse to agree to emission reduction targets.

This UNFCCC principle is widely supported by civil society groups and also by the European Union. The Commission, however, has argued that the example of eastern Europe shows that it is possible to pursue both rapid economic growth and rising environmental standards simultaneously.¹⁷

What role should Europe play in global environmental governance?

The challenges to Europe's role in its desired role of global environmental leadership governance are twofold. On the one hand, the European Union must act as a role model, giving the highest priority to adopting and implementing high environmental standards within Europe. On the other hand, the Union should lobby for global support for institutional reform of the UN and the establishment of a strong United Nations Environment Organisation.

On the domestic level, the European Union itself can and should play a crucial role on various levels of environmental governance. Above all, it should constitute a positive example to others. The EU is an example of how sovereignty-sharing can work on a large scale. European environmental policy is known for being very advanced, and the EU's achievements in this area could act as a model for global governance of the environment. Additionally, the EU can act as an example when implementing international agreements - this should be done as quickly and efficiently as possible and use the EU's co-ordinating powers. The European Union countries can set themselves higher standards than other parts of the world. Possibly by linking the Kyoto strategy and the Lisbon agenda, the EU could show how environmental protection and economic growth can go hand in hand. But in order to be in a position to set an example, the EU and its member states must show real dedication towards the implementation of its environmental legislation and demonstrate that alleged environmental costs are not subordinated to economic development initiatives.

A possible example for domestic action could include a reform of Europe's agricultural policy. This could on the one hand, by including the new member states, increase environmental protection throughout Europe. On the other hand as environmental concerns should not be divorced from trade promotion - a reform could be used to facilitate trade for developing nations.

Given the reluctance of developing countries to embrace environmentally friendly

policies, Europeans are well-placed to argue and demonstrate that environmental protection is an opportunity, not a limitation. It opens up new avenues for investment and technological innovation, one example being the EU's success in wind energy. The need to find ways of combining development and environmental protection is evident.

This is why the US efforts to combat climate change through technological innovation and provide more facilities for transatlantic co-operation in this field, should be welcomed. Especially the new US-Asian climate change pact is a welcome step forward inasmuch as it shows that this major issue is not being ignored by other key emitters who have not signed up to the Kyoto protocol. This includes developed countries such as the United States and Australia, but also emerging economies such as China and India which have recognised the need for action on this matter. The EU has stressed in the past the need for environmentally beneficial technology innovation. The Union can now make progress on this agenda, possibly by means of a deal similar to the US-Asia pact, but which is more comprehensive, including technology exchange and also binding emission reductions. This would both increase global commitment to environmental protection, and be beneficial for Europe's exporting technology industries.

Whichever form any future initiatives will take, it is vital for environmental governance to include as many countries as possible. It is therefore necessary to underline that Europe cannot and should not act alone in international environmental governance. Many of the problems faced are truly global and cannot be solved even at a regional level. Europe has a vital contribution to make to the debate on how to manage our planet.

In order to give this debate an appropriate and effective platform, the European Union should endorse the current efforts to establish a global environmental organisation. It has become clear that the institutional structure of global environmental governance is highly unsatisfactory for all parties and is in urgent need of reform. The global community should not and cannot afford to get lost in complicated institutional debates. The case is overwhelming for the establishment of a strong and stable institution putting environmental questions first. The most plausible candidate for this institutional role is a reformed UNEP, with its status raised to that of a UN specialised agency with stabilised funding. The new UNEO should be based on a structure which focuses on issues rather than functions, and it would benefit from a powerful executive director to give it leadership and internal structure. Instead of voluntary contributions its funding should be based on proportional payments from UN member states).

The remit of the new organisation should not be confined to lobbying for the environmental agenda. Its enforcement powers should be strengthened, and it

should work on reaching genuine international binding agreements. These would have much more impact than most of the international agreements achieved so far, based as they are on voluntary contribution and implementation. Perhaps the most important contribution of a powerful UNEO would be to elaborate a comprehensive overview of the international economic system from an environmental perspective. Europe should encourage the UN system to give UNEO the power to set overall environmental policy, in order to overcome existing fragmentation and lack of policy co-ordination. In the battle to protect the planet's environment, the world needs the best possible generals and the best possible General Staff.

Notes

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