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Publisher Routledge

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Survival

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title~content=t713659919>

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Online publication date: 08 August 2008

To cite this Article Schmidt, John R.(2008) 'Why Europe Leads on Climate Change', Survival, 50: 4, 83 — 96

To link to this Article: DOI: 10.1080/00396330802328990

URL: <http://dx.doi.org/10.1080/00396330802328990>

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Why Europe Leads on Climate Change

John R. Schmidt

In July 1997, five months prior to the Kyoto meeting of the UN Framework Convention on Climate Change (UNFCCC), the US Senate passed a resolution that opposed signing any agreement at Kyoto that did not include commitments from developing nations 'to limit or reduce greenhouse gas emissions'.¹ What made the resolution particularly striking was the fact that the vote was 95 to 0, a degree of Senatorial consensus rarely seen on a substantive issue. The question was not simply one of equity; the Senate feared that forcing US industries to meet Kyoto reduction targets while exempting developing nations would further weaken US competitiveness and hasten the flight of jobs and industry overseas. There were also doubts in some quarters, particularly on the political right, about the reliability of scientific claims regarding climate change.

At the same time, however, on the other side of the Atlantic, the member states of the European Union (EU) were just as unanimous in their approach to Kyoto, but in precisely the opposite direction. Not only were they prepared to exempt developing nations from the Kyoto regime, they were willing to accept reductions in their own emissions even after it became clear that the United States, at the time the world's largest emitter of greenhouse gasses, was unprepared to follow suit. Due largely to European support, the protocol which finally emerged from Kyoto did exempt developing nations.²

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It was approved by the EU as a bloc, and although eventually signed, was never ratified by the United States.

Although the Kyoto Protocol required the EU to reduce its carbon emissions by 8% over 1990 levels by 2012,³ the EU was not prepared to leave it at that. In the decade since, it has self-consciously styled itself as the world leader in confronting the dangers of climate change, even to the point of adopting a unilateral successor regime that goes beyond its Kyoto commitments. In March 2007, EU heads of government agreed to reduce emissions by 20% (12 percentage points beyond the targets set for the EU at Kyoto) by 2020, while expressing a willingness to commit to 30% reductions if a multilateral successor regime to Kyoto can be negotiated. The EU also agreed to raise the share of renewable energy in its overall energy consumption from the current 8.5% to 20% and to raise the percentage of its automotive fuel use comprised of biofuels to 10%.⁴ On 23 January 2008, the EU Commission released a detailed plan on how to meet these targets, combining member-state reductions tied to per capita GNP with EU-wide reductions in energy allocations to specific industries under the EU Emissions Trading Directive (ETD).⁵ Although the plan has already sparked controversy among member states unhappy with their allotted shares, the Commission hopes the plan will be approved by the EU Council and European Parliament no later than the end of the latter's current term in summer 2009.

Most remarkably, perhaps, is that the EU has taken this action unilaterally. Although the United States agreed at the Bali UNFCCC conference last December to participate in negotiating a possible follow-on to Kyoto by 2009, this is far from a guarantee of success.⁶ Washington and Brussels continue to disagree on how much should be demanded of developing countries, and the two largest, China and India, continue to resist any limitations on their carbon emissions, despite belief in some quarters that Chinese greenhouse-gas emissions may have already reached US levels.⁷ The EU estimates that implementation of its unilateral regime will cost it €60 billion a year through 2020, which it estimates would work out to a reduction of 0.5% in annual European GDP or a tax of €3 per week per person throughout the EU.⁸ This unilateral commitment comes in the context of the EU's overall climate-change goal: to avert a global temperature rise of more than 2°C

above pre-industrial levels, the point beyond which it believes, on the basis of the assessment reports of the UN Intergovernmental Panel on Climate Change,⁹ the 'dangerous anthropogenic interference with the climate system' targeted by Article 2 of the UNFCCC will occur. The EU accepts the UN analysis that this could require an overall reduction of somewhere between 15% and 50% in global emissions by 2050.¹⁰ Since EU emissions currently account for only 14% of the global total (compared to 25% for the United States), the EU's unilateral regime, even if successfully implemented, would only make a very modest contribution toward this goal.

Risky or cautious?

This raises the question of why the EU is prepared to embark on such a costly programme, the ultimate effectiveness of which in combating global warming depends heavily on the active collaboration of others, in the absence of any firm assurance that such collaboration will occur. Although this might appear a risky strategy, with much ventured for potentially little gain, European policy on climate change is in fact grounded on the precautionary principle, whose overarching purpose is the avoidance of risk. Applied to the environment, the precautionary principle holds that when preliminary but not conclusive scientific evidence indicates that human activities might be causing serious harm, society should take appropriate steps to prevent that harm from occurring.¹¹ This was certainly the situation regarding scientific evidence on climate change during the Kyoto era, and is still largely the case today. Although climatic modelling has substantially improved over the past decade and the evidence for global warming is now largely uncontested, different models continue to predict substantially different degrees of warming and varying (but significant) degrees of harm for a given level of emissions. Nonetheless, Western Europeans were sufficiently concerned about global warming and other environmental problems a quarter-century ago that they inserted the precautionary principle into the founding treaty of the European Union agreed at Maastricht in 1992.¹² While European willingness to go it alone on climate change may suggest a paradox in European thinking, taking a risk to avoid a risk, it also reveals a good deal about contemporary European political culture, the emergence

of the EU as a major player on the world stage, and the development of an increasingly distinctive EU approach to global issues based on the institutionalisation of risk.

Activist concern about the environment has never been an exclusively European preoccupation. It developed on both sides of the Atlantic in the 1970s in response to the oil shocks of 1973 and 1979 and the emergence of environmental issues such as acid rain, nuclear power-plant safety and chlorofluorocarbon-catalysed depletion of the ozone layer. Although environmentalism became a significant force for change in both the United States and Europe, in the latter it has come to take on an increasingly institutionalised character. The first use of the precautionary principle in Europe can be found in the 1968 Emission Control Act in West Germany.¹³ But it developed into a mainstream political phenomenon only during the early 1980s when West Germany embraced the precautionary principle (*Vorsorgeprinzip*) in response to the perceived threat to German forests from acid rain.¹⁴ Although the harm to forests was palpable, the connection to industrial pollution was suspected but not proven. The founding of the German Green Party in 1980 was both a symptom of, and a spur to, German activism on this and other environmental issues. Germany played a key role in negotiating the 1982

UN World Charter for Nature and in organising the 1992 Rio conference that established the UNFCCC. The UNFCCC Secretariat is itself permanently based in Bonn.

West Germany took the lead

Not surprisingly, West Germany took the lead within Europe in championing the use of the precautionary principle in environmental policy. This was not simply supererogatory behaviour aimed at preserving the larger European environment. Bonn did not want to see its industries suffer competitively within Europe due to higher costs caused by its own implementation of national emission controls to reduce acid rain. This gave it added motivation to convert its European Economic Community (EEC) partners to the cause. The Germans were far from isolated, however. German lobbying coincided with, and was aided by, the rise of Green parties throughout Western Europe. Although Green parties never managed to supplant the largest mainstream political parties, and achieved coalition-partner status

in Germany only in 1998, they were disproportionately represented in the European Parliament and exercised an influence on European environmental policy well beyond their numbers. Both European political elites and the general public largely accepted the environmentalist warning that the globe was under threat. By the time Maastricht was being negotiated there was no serious resistance to enshrining the precautionary principle on environmental matters into the founding EU treaty or to subsequently pursuing an activist agenda during the years leading up to Kyoto.

The argument made by supporters of the precautionary principle was that it would be too risky to wait for conclusive scientific proof on global warming before taking action against it. This was the motivation behind European support for Kyoto and for the unilateral successor regime announced by the European Commission on 23 January. This would seem to suggest that Europe is more risk averse on environmental matters than the United States, where there has been much less unanimity regarding the evidence for global warming and the utility of taking precautionary measures against it, particularly if developing nations are exempted or otherwise refuse to participate. But a number of experts on US and European regulatory systems have cautioned against drawing such a conclusion. Jonathan Wiener of Duke University Law School argues that the United States has shown greater precaution than Europe on a host of environmental and public-safety issues.¹⁵ He notes that the United States was far ahead of Europe in taking measures to protect the ozone layer, including banning fluorocarbon aerosols and deciding not to fund a supersonic transport aircraft. The United States also banned lead in gasoline almost a decade before Europe followed suit. The United States has also adopted tougher standards for the approval of prescription drugs and established lower highway speed limits. Wiener contends that these and other examples demonstrate that Europe is no more risk averse than the United States.

It is important to note, however, that a number of the most significant precautionary US regulatory steps, to ban aerosols and lead in gasoline and to lower speed limits, took place during the energy crisis of the 1970s, which was a time of exceptional environmental activism in the United States. Other precautionary measures cited by Wiener, such as tougher US

restrictions on teenage drinking and smoking, may reflect more abstemious cultural instincts of the kind that gave rise to Prohibition or, as in the case of more rigorous drug certification, a stronger US reaction to a specific event, in this case the thalidomide birth-defect scandal of the late 1950s which led to significant tightening of the 1938 Food, Drug and Cosmetics Act.¹⁶ The general point is that in the United States regulatory policy on environmental and public-health issues remains subject to the marketplace of political ideas in a way that in Europe it increasingly is not. It is a matter of historical record that some US administrations and congresses are more active on environmental issues than others. This not only affects prospects for adopting additional precautionary legislation but determines how stringently existing regulatory bodies choose to exercise their legislative mandates. In Europe, however, this has become a settled issue. Not only has the precautionary principle been written into the founding treaty of the European Union, in 2000 the European Commission issued a communication that extended its purview beyond environmental issues to all matters of public health.¹⁷ No one then or since has dissented from it. A 2007 Eurobarometer poll showed that 89% of Europeans support the EU taking 'urgent action' to reduce carbon emissions by 20% by 2020 as called for in its proposed unilateral Kyoto successor regime.¹⁸

The interesting question is why this has become a settled issue in Europe but not in the United States. A large part of the reason lies in the differing political cultures and historical experiences on opposite sides of the Atlantic. While American democracy remains heavily influenced by classical liberalism and its espousal of *laissez-faire* capitalism, in the years following the Second World War virtually all of Western Europe embraced social democracy and the social welfare state, assuming much greater responsibility for guaranteeing the welfare of its citizens. Between 1950 and 1973 government spending as a percentage of GDP increased from 27.6 to 38.8% in France, from 30.4 to 42% in West Germany and from 34.2 to 41.5% in Britain. The added expenditures, financed by taxes that were both steeply higher and considerably more progressive than in the United States, provided a host of 'cradle to grave' benefits such as nationalised health care, enhanced job security, guaranteed social security and pensions, and subsidised housing.¹⁹

Such policies prevailed not simply because social democratic parties came to power and implemented them, but because more conservative parties, even when they came to power, did not roll them back. Although the desire to reduce income inequality and improve the fortunes of the least-advantaged members of society was also an essential goal of social democracy, it is hard not to see in social-democratic policies an overarching concern for the avoidance of risk. Nor is it difficult to find the cause. Although social democracy had its roots in Europe well before the Second World War, the unprecedented human suffering brought about by the second catastrophic war in a generation, coming as it did on the heels of the Great Depression, engendered in its survivors a deeply felt need for security, a desire to avoid or minimise risk. Such desires were not simply the province of the left, but spanned the mainstream political spectrum. It is hardly surprising that societies so oriented would want to exercise precaution in protecting themselves against the depredations of global warming once the magnitude of that threat began to fully emerge. The rise of the Greens can be seen in this light, since they were, in essence, persons of social-democratic sensibilities drawn into politics by their overweening concern for the environment.

This post-war pursuit of security did not just manifest itself domestically in the construction of the social welfare state, but in foreign policy as well. Western Europe sought US protection from the Soviet threat through the construction of the NATO Alliance, while at the same time urging caution and restraint on Washington in dealing with the Soviet Union, as in the debate in the early 1980s over stationing intermediate-range ballistic missiles. This desire to avoid confrontation also helps explain the European penchant, noted by Robert Kagan and others, for settling disputes through patient negotiation rather than violence or the threat of violence. It was also a primary motivation, possibly the primary motivation, behind the greatest of all post-war European enterprises, the creation of the European Union, a development which served both foreign and domestic policy interests. On the level of European politics, it aimed to eliminate forever the possibility that the nations of Western European would ever again make war on one another. This would be accomplished by establishing a confederal entity whose members would give up selected aspects of their sovereignty by agree-

ing to common regulatory mechanisms enforced from a common centre. It is not hard to see in this an effort to institutionalise risk avoidance by building regulatory predictability into the fabric of European governance.

Viewed in this light, it is hardly surprising that once global warming began to loom as a potentially serious threat, Europeans would seek to minimise the risk by incorporating precautionary measures into EU regulatory mechanisms. The European desire to minimise risk through construction of the social welfare state provided the motive, while the creation of the European Union provided the means. Indeed, it can be argued that Europe lagged behind the United States in environmental activism during the 1970s precisely because a mechanism for effectively regulating the environment on a European-wide basis did not yet exist. Agitation, led primarily by Germany and the Greens, during the early 1980s finally culminated in

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the insertion of Article 25 into the Single European Act of 1986, giving the EEC legislative authority for the first time to establish a European-wide policy on the environment.²⁰ This was followed by the 1993 entry into force of the Maastricht Treaty, which grounded EU environmental policy on the precautionary principle and gave the EU a mandate to pursue measures at the international level to deal with regional or global

environmental problems.²¹ Once this 'ever closer Union' became an accomplished fact, the EU was able to move quickly, not only to catch up to the United States, but to build precautionary environmental protectionism into the core of its domestic and foreign policy. Since the late 1980s, the EU has 'erected the most comprehensive and strict body of environmental legislation of any jurisdiction in the world'²² and been 'a key supporter, if not the chief demandeur, of every major international environmental treaty'.²³

The European commitment to the social welfare state also helps explain why Europeans have seemed more prepared to absorb the costs of reducing greenhouse-gas emissions than their US counterparts, even in circumstances where their efforts may prove quixotic. The answer, quite simply, is that Europeans are more used to paying taxes and incurring costs as the price for the security afforded them by the social welfare state. It is no accident

that European Commission President José Manuel Durao Barroso, in rolling out the unilateral Commission plan for reducing carbon emissions, broke the costs down into how much each citizen of the EU would have to pay. That cost, €3 per person per week, could then be assimilated conceptually by European publics as just another tax.

What this does not completely explain, however, is why the EU would be prepared to inflict such costs on its citizens with no firm guarantee that others will follow suit. This is a question that the EU has managed to pose for itself:

The EU cannot decide for the rest of the world. But we are facing a global threat, and the best we can do is to show global leadership by example, and demonstrate that the economy and the community can prosper while fighting to limit climate change.²⁴

There is no doubt that the EU believes that the threat from global warming is serious and that someone has to take the lead. But it is also true that ever since the EU was founded, the desire to demonstrate global leadership and, in so doing, enhance EU prestige has been an important driver of EU foreign policy. The ink on Maastricht was barely dry when the EU attempted to take on a leadership role in dealing with the crisis in Bosnia, which at the time was dissolving into civil war. The EU has continued to increase its diplomatic profile, not only in the Balkans but on Iran and other international issues, such as abolition of the death penalty. It has also striven to develop a military defence capability of its own under the European Security and Defence Policy (ESDP) rather than rely exclusively on NATO, and it has used the policy as a vehicle for undertaking peacekeeping missions in the Balkans and Africa. Assuming global leadership on climate change is clearly regarded by European political elites as a prominent feather in the EU's cap.

Given the position Washington has taken on Kyoto, it is hardly surprising that EU efforts to assume a global leadership role on climate change have brought it into conflict with the United States. EU spokesmen and European leaders have frequently criticised the United States for failing

to ratify the Kyoto protocol and have been particularly critical of the Bush administration for not taking global warming seriously enough. This contrasts markedly with their much more forgiving attitude toward developing nations that have also refused to participate in the Kyoto regime. As the European Commission put it in yet another communication on climate change:

The EU has acted on the principle that industrialized nations should take the lead in combating climate change, since those same countries are responsible for the great majority of post-Industrial Revolution emissions, which are at the heart of the global warming problem.²⁵

Its position here bears a striking similarity to its stance on the death penalty, the other highly visible issue on which the EU has assumed a global leadership role. Although many developing nations continue to practice capital punishment, the United States has been singled out for special criticism, presumably because the EU believes the United States should know better.²⁶ This suggests a moralising attitude in EU foreign policy that is also present in its attitude toward combating climate change. This willingness to intrude morality into foreign policy is a relatively new phenomenon for Europeans historically wedded to balance-of-power politics and may reflect an assimilation of America's own moralising proclivities frequently on display during the Cold War, although wedded to a significantly different muse.²⁷

The EU believes that the United States, as the richest nation on Earth and historically the largest greenhouse-gas emitter, has a special responsibility to adopt a leadership position on the issue. Developing nations, by contrast, are poor and have the right, endorsed by the EU in numerous policy statements and in documents such as the International Covenant on Economic, Social and Cultural Rights, to develop their economies up to Western standards. Since the cost of reducing emissions could jeopardise or undermine their prospects, the EU believes they should not be asked to do so. Instead, the industrialised nations of the West, the EU and United States pre-eminent among them, have an obligation, presumably a moral one, to shoulder this burden by cutting their own emissions even more than they would other-

wise have to. The EU takes the position that in order to achieve the 50% global reduction that may be required to avoid irreversible damage to the global environment, industrialised nations should be prepared to cut their own emissions by 60–80%, making a tough task even tougher.²⁸ This *noblesse oblige* attitude toward the developing world may also explain why European sympathies on international issues so often rest with the economically disadvantaged party, as in the European tendency to support the aspirations of the Palestinian Arabs over Israel.

While the United States has been inclined to see both unfairness and futility in combating global warming without the participation of developing nations, the EU has persuaded itself that Western efforts to reduce emissions will result in more affordable technologies that can be passed on to developing nations, enabling them to successfully reduce their own emissions without sacrificing growth. This tendency to see potential technological benefits in reducing emissions reflects a strain of thinking in the EU that goes back at least to the development of the *Vorsorgeprinzip* in Germany in the early 1980s.²⁹ Since the EU is particularly dependent on foreign suppliers of fossil fuels, it also sees positive advantage in maximising the percentage of renewable energy it consumes. EU willingness to act unilaterally does have its limits, however. Mindful of the potential competitive disadvantage that European industries could face by unilaterally cutting emissions, the European Commission has proposed levying a carbon tax on those advanced industrial nations who have declined to participate in Kyoto, including pre-eminently, and now that Australia has ratified Kyoto, almost exclusively, the United States.³⁰ Not surprisingly, Washington has reacted negatively to the threat, charging that the EU is using climate change as a pretext for protectionism.³¹

EU willingness to exempt developing nations from emission-reduction targets can be traced back to the same social-democratic instincts that seek to minimise risk. European support for the right to development is, in essence, a social-levelling policy pitched onto the global stage. This is why the EU is prepared to make larger cutbacks in emissions to compensate for the exemp-

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tion. The United States, however, qualifies for no such free pass. While the EU hopes that its unilateral effort will demonstrate to Washington that reductions can be accomplished without causing major economic damage, it believes that no such demonstration should be necessary. It is therefore not simply an exercise in prudence but a highly moralistic effort that reflects a willingness to sacrifice while criticising those unprepared to do the same.

Beyond its moral intent, the EU approach to global warming demonstrates the same predilection for enhancing regulatory predictability and avoiding risk that lay behind the creation of the EU itself, although pitched into a global arena. Here the UNFCCC serves as the supranational institutional mechanism for regulating global carbon emissions and, in so doing, reducing the risk of global warming. This is one example of what Robert Kagan has described as the European predilection for establishing a Kantian world order, in which contentious issues are addressed, and potential conflicts resolved, through the establishment of suitably empowered global structures of governance.³² Kagan construes the establishment of the EU itself as an expression of this tendency. Although Kagan sees in this distinctively European fondness for supranational order a utopian desire for world peace, it is probably more modestly conceived as an effort to manage global risk by recreating the advantages of the social welfare state on a world stage.

Of course, most European nations still behave internationally much of the time as individual nations with individual interests. The widely divergent European responses to the war in Iraq are a prime example of this. Most European foreign policy is still made in national capitals, not in Brussels. Although the same social-democratic proclivities that animate EU regulatory policies are shared by most of its members even when acting as individual nation states, there is no rush to give up national seats at NATO or the OSCE or in the UN. What is true is that on issues like global warming, where the risks involved invite precaution and uniquely or readily lend themselves to institutional regulatory solutions, Europeans are more likely to act in an EU context, pursue global remedies, and in so doing, give expression to their social-democratic roots. As in the EU campaign against the death penalty, the EU approach to global warming says a great deal about how Europeans see the world and what they would like to see done with it.

Notes

- 1 Byrd–Hagel Resolution, 105th Congress, 1st Session, S. Res. 98.
- 2 Kyoto Protocol to the United Nations Framework Convention on Climate Change, <http://unfccc.int/resource/docs/convkp/kpeng.html>.
- 3 *Ibid.*, p. 20.
- 4 European Commission, 'Questions and Answers on the European Commission's Proposal for Effort Sharing', http://www.europa-eu-un.org/articles/en/article_7675_en.htm, p. 1.
- 5 European Commission, 'Boosting Growth and Jobs by Meeting our Climate Change Commitments', <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/80&format=HTML&aged=0&language=EN&guiLanguage=en>.
- 6 'U.S. Strategy Succeeds in Bali', *Washington Post*, 13 December 2007, p. A24.
- 7 'A Warming World: China about to Pass U.S. as World's Top Generator of Greenhouse Gases', *San Francisco Chronicle*, 5 March 2007, p. A1.
- 8 José Manuel Durao Barroso, 'Europe's Climate Change Opportunity', <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/08/34&format=html>.
- 9 See, for example, Intergovernmental Panel on Climate Change, *Fourth Assessment Report, Climate Change 2007: Synthesis Report, Summary for Policymakers*, http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr_spm.pdf.
- 10 European Commission, 'Impact Assessment to Limiting Global Climate Change to 2 degrees Celsius: the way ahead for 2020 and beyond', ec.europa.eu/environment/climat/pdf/ia_sec_8.pdf, p. 4. See also parent document at eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0002:EN:NOT.
- 11 European Commission, 'Communication from the Commission on the Precautionary Principle', 2 February 2000, http://ec.europa.eu/dgs/health_consumer/library/pub/pub07_en.pdf, p. 3.
- 12 'Community policy on the environment ... shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay', Treaty on European Union, Article 130r(2), <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>.
- 13 Konrad von Moltke, 'The Precautionary Principle in Environmental Policy', *The Environment Canada Policy Research Seminar Series*, 10 March 2000, p. 1, http://www.ec.gc.ca/seminar/VM_e.html.
- 14 Andrew Jordan and Timothy O'Riordan, 'The Precautionary Principle in Contemporary Environmental Policy and Politics', prepared for the Wingspread Conference on 'Implementing the Precautionary Principle', 23–25 January 1998, <http://www.johnsonfdn.org/conferences/precautionary/jord.html>.

- 15 Jonathan B. Wiener, 'Whose Precaution After All? A Comment on the Comparison and Evolution of Risk Regulatory Systems', *Duke Journal of Comparative and International Law*, vol. 13, no. 207, 2003, pp. 207–62, <http://www.law.duke.edu/shell/cite.pl?13+Duke+J.+Comp.+&+Int'l+L.+0207>. See also Jonathan B. Wiener and Michael D. Rogers, 'Comparing Precaution in the United States and Europe', *Journal of Risk Research*, vol. 5, no. 4, 2002, pp. 317–49, <http://eprints.law.duke.edu/1191/>.
- 16 David Vogel, 'The Politics of Risk Regulation in Europe and the United States', *The Yearbook of European Environmental Law*, vol. 3, 2003, p. 11.
- 17 European Commission, 'Communication on the Precautionary Principle'.
- 18 European Commission, *Eurobarometer 67, Public Opinion in the European Union*, http://ec.europa.eu/public_opinion/archives/eb/eb67/eb67_en.pdf, pp. 161–4.
- 19 Tony Judt, *Postwar* (New York: The Penguin Press, 2005), p. 361. For another discussion along similar lines see James J. Sheehan, *Where Have All the Soldiers Gone* (New York: Houghton Mifflin Company, 2008), pp. 174–7.
- 20 David Wilkinson, *Greening the Treaty: Strengthening Environmental Policy in the Treaty of Rome* (London: Institute for European Environmental Policy, 1990), p. 2 (reprinted at <http://www.ciesin.org/docs/008-591/008-591.html>).
- 21 David Wilkinson, *Environment and Law* (London: Routledge, 2002), p. 54.
- 22 R. Daniel Kelemen, 'Globalizing EU Environmental Regulation', paper prepared for conference on Europe and the Management of Globalization, 23 February 2007, Princeton University, p. 2, reprinted at <http://www.princeton.edu/~smeunier/Kelemen.doc>.
- 23 *Ibid.*, p. 5.
- 24 European Commission, 'Questions and Answers'.
- 25 European Union, Delegation of the European Union to the USA, 'EuFocus, The EU and the Environment', p. 4, http://www.eurunion.org/eu/index.php?option=com_content&task=view&id=55&Itemid=43.
- 26 John R. Schmidt, 'The EU Campaign Against the Death Penalty', *Survival*, vol. 49, no. 4, Winter 2007–08, pp. 123–34.
- 27 *Ibid.*, p. 130.
- 28 European Commission, 'Limiting Global Climate Change', p. 4.
- 29 Jordan and O'Riordan, 'The Precautionary Principle', p. 2.
- 30 Barroso, 'Europe's Climate'.
- 31 'Carbon Revenues Can Aid Climate Fight – Barroso', Reuters, 21 January 2008, <http://www.reuters.com/article/environmentNews/idUSL2160095120080122?pageNumber=3&virtualBrandChannel=0>.
- 32 See section on the origins of modern European foreign policy in Robert Kagan, 'Power and Weakness', *Policy Review*, no. 113, June–July 2002, <http://www.hoover.org/publications/policyreview/3460246.html>.