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THE EUROPEAN UNION has established itself as the world's leader on environmental issues. Thus it is fitting that all eyes will turn toward Europe in late 2009 to see if the much-heralded Copenhagen summit can forge a new global environmental agreement to replace the Kyoto Protocol. At this point, what will happen is anyone's guess. A newly positive American position boosts the chances of a deal, but the global economic crisis will sap at all governments' resolve and ability to deliver new commitments on cutting greenhouse-gas emissions. In any case, with such mixed conditions in the background, it seems likely that EU leadership will matter a great deal for the outcome.

This issue's forum dissects the EU's leadership in global environmental issues from several different angles. Chad Damro provides an overview of the challenges to a strong EU role in Copenhagen, both from internal opponents and obstacles and from external bargaining partners. Andrea Lenschow offers an account of how the EU reached its ambitious initial negotiating position—the so-called "20-20-20" call for 20% reductions to greenhouse-gas emissions and energy consumption and 20% reliance on renewable energy by 2020—that stresses how the European Commission used the EU's emerging image as international environmental leader to force a deal past internal obstacles. In her view, the Commission successfully cajoled European skeptics to live up to the EU's green reputation. Miranda Schreurs complements Lenschow's top-down story with a look at more grassroots-level, bottom-up environmental leadership, surveying the many ways in which Europe's cities and other subnational governments have outpaced national- or EU-level environmental policies. Mitchell Smith, finally, takes a more explanatory cut into the subject, asking comparatively why the EU has recently adopted more stringent regulation in environmental and health policies than the United States. He discounts many of the usual suspects—broad cultural attitudes about market intervention, for example, or the power of industrial lobbyists in the US—and argues that stronger EU regulations have been driven by two things: broad pressures from the European integration project, and the specific roles of courts, which have effectively encouraged federal regulation in Europe while impeding it in the US.

On a personal note, I'm delighted to have such a rich, comprehensive forum to mark my last issue as Editor of the Review. Readers are sure to enjoy similarly excellent forums under the guidance of the new Editor, Amie Kreppel.

Craig Parsons, *EUSA Review* Editor

EU Leadership and Copenhagen: Internal and External Challenges
Chad Damro

NEGOTIATORS WILL FACE a significant challenge at the United Nations Climate Change Conference in Copenhagen in December 2009. At a previous conference in Bali, Indonesia (2007), the participants agreed to negotiate a number of concrete measures to address global climate change beyond the Kyoto Protocol's expiration in 2012. Although the related processes for achieving these concrete measures are complicated and in flux, what does seem certain is that the EU will have to perform a leading role if progress is to be made at Copenhagen. Indeed, many observers already consider the EU a leader in this policy area due to its vigorous and innovative internal climate change policies and its ongoing efforts to shape multilateral climate change negotiations (Christiansen and Wettestad 2003; Hovi et al. 2003; Oberthür and Roche Kelly 2008; Schreurs and Tiberghien 2007; Vogler and Stephan 2007; Zito 2005). But if the EU is to remain an international leader at and beyond Copenhagen, it will have to manage a number of internal and external challenges to its climate change ambitions.

Internal Challenges

The most important domestic policy development helping to reinforce the EU's leading role is its domestic Emissions Trading Scheme (ETS), the world's largest and most advanced carbon market. Despite the EU's firm commitment to emissions trading (Cass 2005), disagreements among its member states—over such thorny matters as national allocations of permits—reveal potential implementation problems that will have to be overcome to ensure the EU's internal objectives and international credibility.

As the EU pushes internationally for emission reduction targets, it must also remain conscious of the need to meet its own internal targets. The EU member states have agreed to cut their emissions by 20 percent from 1990 levels by 2020, rising to 30 percent if the rest of the developed world agrees to the same reductions. Meeting these ambitious targets will require political commitment and improved performance from all EU member states.

In order to meet its emissions targets, the EU may have to broaden further the scope of its climate policies, in particular to encompass transport and non-carbon gases. While the decision to include aviation in the third phase of the ETS represents an important step in this direction, coverage of other transportation sectors will remain a contentious political objective. The Commission's proposal to extend the ETS to all greenhouse gases should further enhance the scheme but will also add new requirements to the monitoring and enforcement of EU climate policy. Such measures will certainly

encounter varying levels of opposition from different member states and stakeholder groups. The Commission will have to build coalitions of support among diverse political and economic actors, taking care to identify the common public- and private-sector interests served by incorporating other sectors and gases into the ETS. Given this precarious landscape, the EU must develop strategies supported by financial service providers and other sectors that stand to benefit from emissions trading (Damro and MacKenzie 2008: 80-81).

External Challenges

In addition to challenges found in the domestic EU context, international factors are likely to complicate the EU's role in Copenhagen. While a multitude of potential obstacles and veto points emerge in international climate change politics, two challenges are particularly noteworthy: the current global financial crisis and the opposing positions of non-EU states.

Because the full extent and duration of the global financial crisis is unclear, discussion of its impact on the Copenhagen negotiations can only be speculative at best. That said, it does appear that the current economic downturn will complicate efforts to reduce emissions in the EU and elsewhere. Emission reductions will require significant public and private investment at a time of weak economic performance. Given these conditions, it will be politically difficult for countries to commit to binding emission reductions, which are often seen as depressing carbon-based economic activity and leading to job losses. Concerns are also increasing about the ability of the EU and other developed countries to meet funding commitments to help developing countries produce clean energy and adapt to climate change. Without brighter economic growth prospects, such commitments are unlikely to materialize by the time of the Copenhagen negotiations.

At the same time, the EU must carefully consider the positions and interests of other participants in the climate change negotiations. Seven of these important negotiators have already established the Asia-Pacific Partnership on Clean Development and Climate (APP) as an alternative to the binding reductions promoted by the EU. The creation of the APP reflects the emergence of a dense pattern of global climate governance that may weaken the prospects for collective action and limit the ability of the EU to shape and negotiate the post-Kyoto agenda (Paterson 2009). Though not a cohesive negotiating bloc, the APP's members emphasize technology-based solutions and share a determination that states should be allowed to set voluntarily their own goals for reducing emissions. While the EU accepts technological solutions as additional measures to combat climate change, its insistence on binding enforcement mechanisms suggests that compromise with the APP states will be difficult.

US Challenge to EU Leadership

Given the importance of the APP's members as pivotal negotiators and significant emitters of greenhouse gases, an adjustment in their position on binding commitments will be a crucial test for the EU's leadership. According to President Barack Obama, the United States is ready to assume international leadership in tackling climate change. Obama followed up his election victory with a New Energy for America plan that promises to make the US an international leader on climate change and calls for a national cap-and-trade program to reduce greenhouse gas emissions eighty percent by 2050. In addition, Obama launched the Major Economies Forum on Energy and Climate in April 2009. According to the White House, this forum is intended "to facilitate a candid dialogue among major developed and developing economies, help generate the political leadership necessary to achieve a successful outcome… in Copenhagen, and advance the exploration of concrete initiatives and joint ventures that increase the supply of clean energy while cutting greenhouse gas emissions."

While the US is an important member of the APP, a shift in its position alone will likely not be enough to pull along the other APP members. Although such a shift by the US would signal a major development in transatlantic climate change politics, it would only be a half-measure in the more important game of multilateral climate change politics. The developing economies of the APP—in particular, China, as the world's largest producer of carbon dioxide—must be actively engaged in the run-up to the Copenhagen conference. Here, the EU's sustained leadership will be imperative. The EU may be able to engage China, India and other developing countries in efforts to extend and link its ETS with other emissions trading schemes. Likewise, cooperation between the EU and these countries would help to reduce the costs of technological development and transfer. Such cooperation would require the EU to demonstrate leadership by delivering on its financial commitments to support developing countries' climate change mitigation and adaptation strategies.

Conclusion

Despite these numerous internal and external challenges to EU leadership, the energy and resources the Union has already invested in the ongoing negotiations and its own climate change policies suggest that it remains serious about shaping the post-Kyoto agenda. Likewise, the EU is clearly committed to emissions trading and looks ready to continue its international advocacy of binding emission reduction targets as the best approach to addressing climate change.

While much has been made of the EU's leadership in climate change, the years following Copenhagen will be an important test of this proposition.

How effective will the EU be at promoting its climate proposals both internally and externally? What does US re-engagement mean for the future of EU leadership in this policy area? How will other important negotiators respond to the EU's ongoing efforts?

Even if the prospects for progress at Copenhagen seem dim, the outcome of the negotiations will likely provide useful evidence for further scholarly investigations into claims about EU leadership in the fight against climate change. In addition, the subsequent negotiations to replace the Kyoto Protocol will provide rich and exciting research prospects for new and established scholars exploring EU politics, environmental politics and international relations more generally.

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References

Cass, Loren. 2005. "Norm Entrapment and Preference Change: The Evolution of the European Union Position on International Emissions Trading," *Global Environmental Politics* 5(2): 38-60.

Christiansen, Atle C. and J. Wettestad. 2003. "The EU as a Frontrunner on Greenhouse Gas Emissions Trading: How Did it Happen and Will the EU Succeed?" *Climate Policy* 3(1): 3-18.

Damro, Chad and D. MacKenzie. 2008. "The European Union and the Politics of Multi-Level Climate Governance." In H. Compston and I. Bailey, *Turning Down the Heat: Climate Policy in Affluent Democracies*. Houndmills, Basingstoke: Palgrave.

Hovi, Jon, T. Skodvin and S. Andresen. 2003. "The Persistence of the Kyoto Protocol: Why Other Annex I Countries Move on Without the United States," *Global Environmental Politics* 3(4): 1-23.

Oberthür, Sebastian and C. Roche Kelly. 2008. "EU Leadership in International Climate Policy: Achievements and Challenges," *The International Spectator* 43(3): 35-50.

Paterson, Matthew. 2009. "Post-Hegemonic Climate Politics?" *British Journal of Politics and International Relations* 11(1): 140-158.

Schreurs, Miranda A. and Y. Tiberghien. 2007. "Multi-Level Reinforcement: Explaining European Union Leadership in Climate Change Mitigation," *Global Environmental Politics* 7(4): 19-46.

Vogler, John and H. R. Stephan. 2007. "The European Union in Global Environmental Governance: Leadership in the Making?" *International Environmental Agreements* 7(4): 389-413.

Zito, Anthony. 2005. "The European Union as an Environmental Leader in a Global Environment," *Globalizations* 2(3): 363-375.

The Internalization of External Pressure: EU Climate Change Policy
Andrea Lenschow

ENVIRONMENTAL POLICY—and recently climate policy in particular—is a policy field where the EU claims an international leadership role (Sbragia and Damro 1999: 53, Gupta and Grubb 2000). In the Kyoto Protocol from 1997 the EU committed itself to the highest (collective) target of an 8 percent reduction in emissions, while the US agreed to only a reduction of 7 percent and Japan 6 percent. EU member states were also comparatively quick in ratifying, whereas the US has failed to ratify the Protocol to this day. Arguably it was due to EU leadership—and the commitment of several EU presidencies—that other large powers eventually ratified the Treaty so that the Protocol eventually could come into force on 16 February 2005. Now, with the Kyoto targets expiring in 2012, international negotiations are taking place under the United Nations Framework Convention on Climate Change (UNFCCC) with the goal of reaching an agreement that will govern action beyond that date. With its "independent commitment" of March 2007 to reduce by 2020 the greenhouse gas (GHG) emissions of the EU by 20 percent from the 1990 baseline and a promise of a 30 percent cut if other countries join in, the European Council became "a major driving force behind the launch of negotiations on a global post-2012 climate agreement that was agreed by the parties to the UNFCCC in Bali in December 2007" (Oberthür and Roche Kelly 2008: 2).

International leadership of the European Union builds on at least three capacities: First, the EU member states had to reach a coherent *collective position* with regard to a progressive reduction target and other elements of the negotiations placing it in the leading position. In this context it is notable that, in order to commit to the 8 percent reduction target, the EU devised an internal burden-sharing agreement with some member-states agreeing to higher reductions in order to allow other member states to even increase the emissions of GHGs. Such uneven distribution of costs among its members suggests either a high degree of solidarity or a remarkable capacity to reach internal bargains and balance interests. In this context,

Oberthür and Roche Kelly pointed to the sophisticated system of internal coordination based on a Council working group, several expert groups, designated lead negotiators as well as issue leaders that helped to develop and manage a coherent and robust negotiation position (Oberthür and Roche Kelly 2008: 4-5).

Second, the EU requires skills in *negotiation management* in order to (a) gain acceptance for the EU collective solution and (b) to ensure the ratification of its international partners. In fact, while the EU had not yet been a driving force in establishing the architecture of the Kyoto agreement—it was the US that had played a more central role in this phase—the EU has contributed a great deal to the saving of the Protocol after the Bush administration effectively withdrew in early 2001. Not least due to its lead in making substantive commitments (leadership by example), the EU proved increasingly capable in leading the process of the negotiations on the basis of "soft" governance mechanisms (e.g. Damro 2006).

Yet, third, the EU needs to prove that it is a credible example and show its capacity to meet its Kyoto *commitments*. On this dimension the EU performance has been discontinuous and has recently reached a critical juncture. After a slow beginning the EU policy machinery started to run in the 2000s: In 2000 the EU Commission adopted a European Climate Change Programme; in subsequent years several directives on renewable energy sources, on energy efficiency and energy saving were adopted and the innovative emission trading scheme (ETS) was passed. However, with the GHG emission reductions stagnating and the implementation of crucial policies, including the ETS, the renewable energy directive and a voluntary agreement with the automobile industry, showing serious problems, doubts had been getting louder about whether the EU could keep its own commitment and remain a credible leader in the post-Kyoto climate negotiations, and specifically in the decisive meeting in Copenhagen schedules for December 2009. Hence, for the Copenhagen meeting the EU needed to present concrete proposals of how to achieve the ambitious targets of reducing greenhouse gas emissions and boosting renewable energy production by 20 percent by 2020.

The following pages are devoted to illustrating how the prospect of losing credibility among the international partners spurred the internal policy developments related to climate change facilitating a deal among the member-states and the endorsement of Parliament at the end of the French Presidency in December 2008.

Closing the credibility gap

Implementing its international commitments has long been the Achilles' heel in EU global environmental leadership (Gupta and Grubb 2000). With regard to climate change it has been argued that the Council's "independent commitment" from March 2007 and the climate and energy package proposed by the European Commission in early 2008 have a significant potential to close the suspected implementation—and hence credibility—gap (e.g. Oberthür and Roche Kelly 2008). The European Council had announced a reduction of GHG emissions of the EU by 20 percent from the 1990 level by 2020 (and 30 percent if other industrialized countries made comparable commitments), to increase the share of renewable energy sources to 20 percent until 2020, and to reduce projected energy consumption by 20 percent by 2020 (European Council 2007)—the so-called 20-20-20 commitment. The Commission's climate change package including four proposals on climate and energy constituted a significant step in operationalizing this commitment by introducing:

• a revised ETS covering more emissions and allowing firms in one EU country to buy allowances in any other country;
• emission reduction targets and burden-sharing arrangements for industries not covered by the ETS (e.g. buildings, transport, waste);
• legally enforceable targets for increasing the share of renewables in the energy mix amounting to an overall increase of 20 percent;
• new rules on carbon capture and storage (CCS) and on environmental subsidies.

Decisive for maintaining the credibility of EU leadership, however, was the step from declaratory to a legally binding commitment, hence the actual adoption of the climate package by the Council and Parliament in time for the next big international round of negotiations, namely prior to the Copenhagen meeting in December 2009. Under enormous time pressure this step was taken despite the diverse institutional and procedural obstacles to such a complex policy package, despite the increasingly difficult economic context linked to the material as well as discursive constraints imposed by the financial crisis, and despite growing political concerns especially in the new member-states of the EU and among industrial interests. In other words, the commitment was kept despite mounting institutional, ideational and interest-based obstacles inside the EU decision making apparatus. How was that done?

I argue that the widely shared objective of the European Union to play a credible and progressive *global leadership role served as a complementary policy frame* in support of the otherwise vulnerable environmental policy frame during the internal discussions. The enormous publicity of the climate change issue and the absence of any credible international leader in this field provided the opportunity for EU policy entrepreneurs like Commission President J.M. Barroso or EP President H.G. Pöttering to marry notions of the EU being

an environmental frontrunner as well as a "normative power" (Manners 2002), thereby lifting the image of the EU both internally and externally. Quotes like the following nicely illustrate the linking of the two frames:

> We can help to create a more just globalization if we spread *our norms and rules* to regulate global interactions. *Europe is already one of the leading international norm-setters… in environmental protection*, and in many other areas. It is not difficult to understand why European Union is the best prepared to promote a multilateral way of international and transnational governance. (Barroso 2008; emphasis added)

> In half a century of European integration, we have managed to create lasting *peace between our countries*. Now, the European Union has to tackle the huge task of creating *peace with the planet* we live on… Ultimately, fighting climate change is not only a political challenge, it is a *moral imperative* (Pöttering 2008; emphasis in original)

> Turning from the discursive to the operational dimension, given the time frame imposed by the forthcoming Copenhagen conference, the double discourse on environment and international leadership was used to put climate change policy making on the fast lane:

> The European Union has *promised to lead* the world towards a global post-Kyoto agreement with binding targets. The eyes of the world will be on us throughout 2008 and 2009 until Copenhagen. *We must fulfil these expectations*!" (Pöttering 2008, emphasis changed).

Time pressure on the internal decision-making process even increased due to the forthcoming Parliamentary elections in June 2009 and therefore the implicit need to reach a decision by the end of 2008, that is, prior to the start of electoral campaigning. Time pressure in this discursively enhanced version now featured as a constant disciplining context throughout the decision making process that followed the Commission proposal.

Negotiations in the *European Parliament* were conducted under formally complex procedural rules. There were two leading EP committees, the environment (ENVI) and the industry, technology and energy (ITRE) committees, which were supposed to cooperate according to the rules of the enhanced Hughes procedure. Apart from sophisticated forms of consultation, this meant that specific responsibilities within the climate change package were divided between the committees—ITRE leading the renewables dossier while ENVI taking primary

responsibility for the revised ETS, the new burden-sharing arrangements and CCS. Although debates within the ITRE committee were initially strongly influenced by general economic growth and competitiveness concerns, on the one hand, and by some members who voiced a general skepticism with regards to the scientific basis of the proposed climate change policy (i.e. the actual need for GHG emission reduction), on the other hand, these substantive issues were moderated by the perceived need (on the part of the majority of the committee) to reach a compromise if at all possible during the first reading stage. Inter-committee negotiations were largely concentrated in the committee secretariats and around the rapporteurs plus shadow rapporteurs, all aiming towards a common ground. This time constraint tamed the free exchange of views and restrained open conflict both within the committees and between them as it would be otherwise typical for this stage—especially in complex policy matters like the climate change package (interviews EP, May 2008).

Taming effects also resulted from inter-institutional negotiations—the so-called trialogue meeting—which took place more or less in parallel with the inter-committee consultations. An agreement was reached internally that the European Parliament shall speak with one voice during the trialogue meetings following the respective lead committee. Consequently, inter-committee consultations took place "in the shadow" of the trialogue more immediately than in the shadow of the Plenary vote. Especially for ITRE this created some pressure to submit to the international agenda of the Council and to limit fundamental opposition to the package. Any suggestion that the negotiations should go into second reading was considered inappropriate (interviews EP, May 2008).

Similar time pressure was felt at *Council* level. In October 2008, in midst of the financial crisis, the European Council declared its commitment to stick to the ambitious climate and energy targets agreed in 2007 and 2008 (Council 2008). The financial crisis opened a window of opportunity for critics of the package. The ETS dossier in particular was heavily attacked by East European countries with other countries adding their demands for special treatment. Also, energy-intensive industry fought for leniency during economically tough times and argued, for instance, against the auctioning system that was planned to distribute the emission permits. Yet, in very intensive negotiations the French Presidency led the Council towards a compromise which was agreed at the final summit meeting in December 2008, i.e. on schedule for the Copenhagen agenda and less than a year after the introduction of the Commission's negotiation package. While this compromise did indeed considerably water down the initial Commission proposal, the 20-20-20 target was maintained—and hence, the core of the EU's international commitment.

On 17 December 2008 the package was endorsed in the EP and by April 2009 all related EU legislation was formally adopted in the Council of Ministers. Hence, despite softening the environmental measures—leading to heavy criticisms among the environmental NGO community—the EU will be able to appear at the international scene as a leader sticking to its commitments even at tough economic times. From the perspective in this essay it is more remarkable, however, that entrepreneurial policy-makers were able to generate such enormous dynamism from the international context and the EU's aspirations at this level to overcome both procedural complexities and substantial opposition in the internal decision-making processes.

**External credibility and democratic
internal procedures**

Finally, we may ask whether international leadership and policy output has been secured at the expense of internal democratic and legitimate procedures. This is a difficult question that would require a careful specification of the concepts used and the standards applied—requirements that cannot be met here. Hence, I will offer some brief observations inviting further discussion and elaborations elsewhere:

From an institutional perspective, the climate change package suggests that complex decision making procedures in the EU—the co-decision procedure between EP and Council, the Hughes procedures inside the EP—do not necessarily prolong decision-making processes. This has been noted elsewhere in the literature and nevertheless, the concentrated and speedy adoption of such complex package is astonishing.

Arguably, this policy success has been achieved due to a specific negotiation style. What we have witnessed inside the EP and in the context of the trialogue meeting was the *art of politics*—possibly at the expense of the art of deliberation. The art of politics, in turn, was not limited to a skilled balancing of costs and benefits among the negotiation partners on the way towards a final compromise—though features of that were clearly visible in the final Council agreement; it also consisted in the capacity to link a policy discourse to an "existential discourse," namely the quest of playing a distinct and significant role in international politics. Building on a widely accepted myth of a "green Europe" (Lenschow and Sprungk, forthcoming) EU policy entrepreneurs are trying to provide substance to the aspiration of being an international "normative power," thereby creating policy salience internally. Such internally constructed salience may make efforts to prolong the negotiation and continue deliberation look hostile to the European project. While such rhetorical stigmatization may not conform to standards of "good democratic practice," it is an indication of a potentially highly politicized process of an internationalization of EU policy making in the name of European normative leadership, which followed formal democratic procedures as we know it in "high politics."

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References

Barroso, José Manuel Durão. 2008. "European Union and global order," Speech delivered at EPC annual conference. Speech/08/272. Brussels: 26 May.

Council of the European Union. 2008. Presidency Conclusions of the Brussels European Council, 14368/08. Brussels: 15 and 16 October.

Damro, Chad. 2006. "EU-UN Environmental Relations: Shared Competence and Effective Multilateralism." In KV Laatikainen and KE Smith, *The European Union at the United Nations: Intersecting Multilateralisms*. Basingstoke: Palgrave Macmillan.

European Commission. 2008. "20 20 by 2020: Europe's Climate Change Opportunity." COM (2008) 30 final. Brussels: 23 January.

Gupta, Joyeeta and M. Grubb. 2000. *Climate Change and European Leadership*. Dordrecht: Kluwer Academic Publishers.

Lenschow, Andrea and C. Sprungk (forthcoming). "The Myth of a Green Europe," *Journal of Common Market Studies*. Special Issue on "The Political Mythology of the European Union." Guest editor: Vincent Della Sala.

Manners, Ian. 2002. "Normative Powers Europe. A Contradiction in Terms?" *Journal of Common Market Studies* 40(2): 235-58.

Oberthür, Sebastian and C. Roche Kelly. 2008. "EU Leadership in International Climate Policy: Achievements and Challenges," *The International Spectator*. 43(3): 1–16.

Hans-Gert Pöttering (2008). "Rising to the challenge - A European strategy for addressing climate change at a global level." Lecture at the University of Copenhagen. 1 April.

Sbragia, Alberta and C. Damro. 1999. "The Changing Role of the European Union in International Environmental Politics: Institution Building and the Politics of Climate Change," *Environment and Planning C: Government and Policy* 17(1): 53-58.

Local Climate Action in the European Union
Miranda A. Schreurs

THE EUROPEAN UNION (EU) has received much attention in recent years for the leadership role it has played in the international climate negotiations. Attention has focused on the EU's ratification of the Kyoto Protocol, its initiation of a carbon emissions trading system, and its establishment of a relatively far reaching emission reduction goal for the post-Kyoto period (20 percent below 1990 levels by 2020). There has been less attention focused on the many exciting climate initiatives occurring at the local level. This is quite surprising given the strong interest that has been focused on local and state levels initiatives in the United States where until the beginning of the Obama administration, federal action was limited (Rabe 2004; 2008; Pew Center on Global Change 2004; Schreurs 2004 and 2008; Schreurs, Selin, and VanDeveer 2009). In contrast, climate policy making in the EU has been seen as largely top-down. In reality, there has been considerable grassroots activity for climate change across the European Union.

Many local communities in the European Union are pioneering climate action. It is at the local and regional levels in Europe that some of the greatest strides are being made in energy efficiency improvements, the introduction of green technologies and processes, the implementation of innovative housing solutions, and creative climate-friendly community projects. The ability of the European Union to meet its greenhouse gas emission reduction goals will certainly be tied to no small extent to local and regional action.

There are numerous examples of local climate leaders in Europe. A growing number of small towns and districts within cities have managed to go 100 percent renewable, including Dardesheim, Germany; Varese Ligure, Italy; the western harbour district of Mälmo, Sweden; and, Samsø Island, Denmark.

The city of Freiburg, Germany is often held up as a model of sustainability. In 1996, the city introduced its Climate Protection Concept. In 2007, it established a goal to achieve a 40 percent reduction in its greenhouse gas emissions by 2030 relative to 1992 levels. The city has pushed the use of combined heat and power, renewable energy, and public transportation. It is one of many local communities with a strong green tilt.

Copenhagen, Denmark is another green leader. With a substantial share of its electricity produced from wind power, and a bicycle-loving culture, per capita CO_2 emissions in Copenhagen are about one-third below the national average. As host to the 2009 Conference of the Parties to the Framework Convention on Climate Change (COP 15) as well as to the 2009 World Climate Summit for Mayors, Copenhagen has developed an ambitious plan to become the world's first CO_2 neutral capital by 2025. Its greenhouse gas mitigation plans call for an expansion of the city's rail lines, further development of the city bicycling program, a congestion charging system, and energy efficiency improvements in existing buildings.

In an effort to bring greater visibility to these kinds of urban environmental initiatives, the European Community launched a competition for designation as the "European Green Capital." The cities of Stockholm, Sweden and Hamburg, Germany were the first award recipients, respectively for 2009 and 2010. Stockholm's per capita carbon dioxide emissions are half the national average. Stockholm plans to be fossil-fuel free by 2050. Per capita emissions in the city have been cut by 25 percent since 1995. Hamburg has introduced ambitious CO_2 reduction goals of 40% by 2020 and by 80% by 2050 compared to 1990 levels. After a peak in the mid-1990s, CO_2 emissions per person have been reduced by about 15% compared to 1990. Hamburg's Climate Action Policy is comprised of over 275 projects and measures concentrating on sharp improvements in energy efficiency and a structural transformation towards an environmentally-friendly energy system.

Various transnational municipal climate networks have been established within Europe, including Climate Alliance (Klima Bündnis), Cities for Climate Protection, and Energie-Cités, which were set up after the 1992 United Nations Conference on Environment and Development in 1992. These networks have promoted voluntary measures for climate change and energy efficiency across Europe (Kern and Bulkeley 2009). Climate Alliance, for example, has over 1400 members that have agreed to work to reduce their greenhouse gas emissions. It issues an annual Climate Star award for local climate action initiatives.

Somewhat similar in idea to the US Mayors' Climate Protection Agreement launched in 2005, in February 2009, 400 European cities agreed to a Covenant of Mayors' Initiative on climate change. The mayors have pledged to go beyond the EU's 20 percent greenhouse gas reduction goal by 2020 relative to 1990 levels through the implementation of a Sustainable Energy Action Plan (http://ec.europa.eu/energy/sustainable/doc/covenant_en.pdf). Although the Covenant of Mayors' Initiative does not establish any specific emission targets, it does spell out steps that will be taken for the development of an Action Plan, including the establishment of a baseline emission inventory and agreement to submit implementation reports and share experience. The covenant spells out the role of local governments in implementation of energy efficiency measures, renewable energy projects, and other energy-related activities.

The European Commission is funding various initiatives to promote local and regional climate action. With Commission backing, the European Secretariat of ICLEI—Local Governments for Sustainability has launched a Local Government Project Action website to promote the sharing of information on initiatives for

climate and energy within the European Union (http://www.lg-action.eu/index.php?id=7251). Commission funding also supports EUCO2 80/50, an initiative to aid metropolitan regions in developing action plans and systems for measuring progress on reducing greenhouse gas emissions. This project links 21 European metropolitan regions led by the Metropolitan Region of Hamburg and with the backing of MATREX and the European Commission. The regions make use of the Greenhouse gas Regional Inventory Project (GRIP) computer simulation, to develop comparable Europe-wide energy scenarios and measures metropolitan regions can take to meet international targets for greenhouse gas emission reductions. The participating metropolitan regions have as their target an 80 percent reduction in CO2 emissions by 2050 (http://www.eurometrex.org/Docs/EUCO2/EUCO2_80_50_Brochure.pdf).

These examples represent a few of the many exciting local climate initiatives that are emerging across Europe. This does not mean, however, that all local communities have been equally enthusiastic about introducing climate plans. Nor does it mean that all communities have been successful at implementing their greenhouse gas emission reduction goals. Given that greenhouse gas emissions are tied to a wide array of policy areas and functions found at the local and regional levels, ranging from urban and transportation planning, to building requirements, energy structures and systems, nature conservation, and water use, the role of local communities and regions will be critical in meeting the European Union's greenhouse gas emission targets. Greater attention to both vertical and horizontal governance mechanisms and funding streams for local initiatives will be necessary to spread widely the kinds of initiatives found among Europe's local climate pioneers.

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References

Kern, Kristine and Harriet Bulkeley. 2009. "Cities, Europeanization, and Multi-Level Governance: Governing Climate Change through Transnational Municipal Networks," *Journal of Common Market Studies* 47(2): 309-332.

Rabe, Barry. 2004. *Statehouse and Greenhouse: The Emerging Politics of American Climate Change Policy*. Washington, D.C.: Brookings Institution Press.

Rabe, Barry (forthcoming). "Governing the Climate from Sacramento." In Stephen Goldsmith and Donald Kettl, (eds.), *Unlocking the Power of Networks.* Washington, D.C.: Brookings Institution Press.

Pew Center on Global Climate Change (2004) "Learning from State Action on Climate Change."

Schreurs, Miranda A. 2004. "The Climate Change Divide: The European Union, the United States, and the Future of the Kyoto Protocol." In Norman J. Vig and Michaele Faure, (eds.), *Green Giants? Environmental Policy of the United States and the European Union.* Cambridge, MA: MIT Press.

Schreurs, Miranda A. 2008. "From the Bottom Up: Local and Subnational Climate Change Politics," *Journal of Environment and Development* 17(4): 343-55.

Schreurs, Miranda, A., Stacy D. VanDeveer and Henrik Selin, (eds.). 2009a. *TransAtlantic Energy and Environmental Politics: Comparative and International Perspectives*. Surrey, UK: Ashgate Publishing.

Schreurs, Miranda, A., Stacy D. VanDeveer and Henrik Selin. 2009b."Conflict and Cooperation in Transatlantic Climate Politics: Different Stories at Different Levels." In Miranda Schreurs, Stacy D. VanDeveer and Henrik Selin, *Transatlantic Environment and Energy Politics.* Surrey, UK: Ashgate Publishing.

Explaining Divergent Health and Environmental Regulation in the United States and the European Union
Mitchell P. Smith

DURING THE FIRST DECADE of the 21st century, the United States has adopted an increasingly relaxed regulatory posture in the face of critical challenges to public health and the environment. This is true of regulation of recycling of end-of-life products including autos and electronic components, of health claims on food labels, and of potentially hazardous chemicals. Coincidentally, the European Union has gravitated toward more restrictive regulation in these very same areas, establishing more stringent controls on the recycling of autos at the end of their useful lives (2000); health claims on food labels (2005); and a more rigorous regime for regulation of chemicals (2006). How might we explain these diverging regulatory trajectories of the world's two largest market economies in an era of rising public awareness of dangers to the public and planet?

Observers offer several explanations. The most prominent of these refers to systematic differences in societal willingness to tolerate risk, or in cultural perceptions of types of risk considered tolerable. Such arguments range from those emphasizing European responses to past food scares, including the instance of BSE in beef and dioxin in carbonated beverages, poul-

try and eggs in 1999, to those suggesting Europeans are accepting of traditional foods but more suspicious of new technologies than American consumers -- exhibited, for example, in differences in American and European attitudes toward genetically modified foods (Echols, 1998; Dunlop, 2000; Rosendal, 2005; Kurzer, 2005). However, cultural explanations resting on attitudinal differences across populations fail to account for the low level of risk tolerance and high level of precaution exhibited by past regulatory policy in the U.S.—including, for example, a virtual ban on health claims on food labels for most of the twentieth century (Pappas, 2002)—as well as more recent policy in a variety of areas, including tobacco consumption (Kurzer, 2005) and regulation of nitrogen oxides from diesel vehicles (Oye, 2005: 62).

An emphasis on the balance between state and market is an alternative to the cultural explanation. This approach underscores the distinction between business-centered, liberal US capitalism and state-centered European dirigisme involving a significantly greater willingness to constrain market exchange in order to generate public goods (Krämer, 2004: 68). However, this explanation of diverging regulatory trajectories confronts the fact that policy debates within EU institutions reflect a deep and widely shared concern with the cost burden of regulation on industry. Indeed, industrial impact assessment has come to play an increasingly prominent role in the drafting of EU regulation (Cecot et al, 2008). In this regard, EU regulatory discourse and policy debate in fact closely resembles that in the United States.

Advocates of the state-market balance explanation also refer to the role of courts in bolstering market competition in the U.S. setting. Court decisions that have fleshed out the practical meaning of regulations have in fact tended to impose extremely high evidentiary standards on regulators like the Food and Drug Administration (FDA) to justify their rulings, and to demand that authorities restrain regulatory solutions to those proportional to the health or environmental objectives they seek to attain. This has made outright bans by the FDA on dangerous substances (asbestos, e.g.) or on claims (as on food labels) difficult to sustain. The striking point, though, is that decisions of the European Court of Justice follow this pattern remarkably closely. Proportionality and free commercial speech doctrine—justified by the EU's essential principle of free movement of goods—have become important constraints on national regulation in EU member states. In other words, preliminary rulings by the ECJ frequently have rejected interpretations of national regulations that restrict the free movement of goods and services across borders. Ultimately, contrasting regulatory trends between the U.S. and EU can not be ascribed to an institutional proclivity in Europe to constrain market exchange in favor of the public welfare.

Finally, scholars have emphasized the role of the industry lobby in the U.S. -- both its organizational resources and its access to regulatory policy making (Tanguay et al, 2004). In contrast, some scholars studying the dynamics of policy making and representation in the EU have emphasized the significant access of organized environmental interests to policy making, whether through the European Parliament's Committee on the Environment, the Environment DG of the European Commission, or environment ministries in high-standard EU member state governments. However, two crucial realities confront this explanation for contrasting trajectories. First, whatever the impact of industry lobbying on regulatory policy making in the U.S., court decisions have been decisive in determining the consequences of regulatory design in the areas of chemicals and nutrition labeling regulation. And second, access to the policy making process of industry interests organized at the European level has expanded substantially as the powers of the European Parliament (EP) have grown (Eising, 2007: 350, 352; Bouwen, 2004). As the EP has moved toward full powers of codecision, industry associations have invested more substantial organizational resources in and have identified productive access points within the Parliament (Coen, 2007; Smith, 2008). For example, close examination of the process that generated the EU's recent comprehensive regulatory framework for the chemicals sector reveals a shift over time from the ability of environmental interests to set the agenda to augmented industry influence over EP positions.

Ultimately, two factors explain the contrasting regulatory trajectories of the U.S. and the EU. First, all capitalist democracies confront a perceived tradeoff between regulatory objectives and costs to industry. Particularly in traded sectors, such as chemicals, policy makers face a "regulator's dilemma" emerging from the tension between regulatory objectives and international competitiveness (Kapstein, 1989). However, in the case of the EU, the tradeoff between regulatory objectives and costs is a regulatory trilemma. The standard tradeoff is compounded for the EU since regulation also serves a goal beyond immediate regulatory objectives such as protection of environment, health or consumers—the goal of advancing European integration.

The implications of court decisions represent a second explanatory factor for diverging U.S. and EU regulatory trajectories. Courts have sharply constrained federal regulatory ambitions in the U.S. Rulings issued by the ECJ, while coinciding with those in the U.S. in terms of their tendency to protect open markets and free commercial speech, have had a very different function. Rulings undermining national regulatory rigor in the name of the free flow of goods have served as catalysts for EU institutions to seek to expand the EU's regulatory ambit by sharply delineating areas where single market regulation remains incomplete.

The EU's Regulatory Trilemma

The figure below depicts the EU's regulatory trilemma, in which the European integration objective compounds the classic tradeoff between regulatory goals and costs to industry:

EU regulation induces interest articulation at the European level, harmonizes standards, and intensifies exchange across borders of EU member states. Debates over regulatory outcomes at the EU level themselves serve the objective of integration. Interest aggregation and articulation and policy debate at the European level constitute what we might term the "process" benefits of EU regulatory policy making.

The EU's regulatory trilemma produces characteristics of regulatory behavior that differ in critical respects from regulation at the national level in economic competitors of the EU, especially the U.S. For example, the U.S. regulatory structure may accommodate industry resistance to command and control regulation through arrangements for voluntary regulation, including programs that rely on the impact of information and moral suasion, such as the toxic release inventory, or TRI. This also may be accomplished through regulatory preemption by industry, typically consisting of cross-industry consortiums of firms cooperating with government agencies to encourage improved environmental stewardship and intensified research and development focused on cost-effective forms of environmental remediation. However, voluntary agreements typically are not a productive means of advancing European integration. Consequently, EU institutions are more inclined than U.S. regulators toward compulsory regulation.

Courts in the US and EU

The history of regulation of health claims on food labels in the United States illuminates the central role of the precautionary principle, and also demonstrates that courts rather than industry lobbying account for the recent decline in regulatory rigor in the U.S. Many legal scholars portray the FDA as adhering rigidly for nearly a century—stretching from the Federal Food and Drugs Act of 1906 through the less restrictive 1993 Nutrition Labeling and Education Act (NLEA) and the seemingly permissive Food and Drug Administration Modernization Act of 1997—to an untenably restrictive regulatory approach (Blim, 1994); one that is excessively paternalistic (Fealk-Stickler, 2005: 96), betrays the intentions of Congress, denies valuable information to consumers, and, ultimately, violates the First Amendment protection of free speech. The FDA's behavior is not at all consistent with the notion of a cultural proclivity to tolerate risk. In the end, court decisions rather than acts of Congress have eroded restraints on nutrition labeling by finding that the FDA could achieve its objective of consumer protection by ordering the use of disclaimers rather than the outright suppression of health claims (Pappas, 2002: 30).[1]

In the case of the EU, courts reached similar decisions to those in the U.S. on issues of proportionality of regulatory remedies and free commercial speech. However, crucial for the EU was that different standards across member-states raised concerns in the courts about interference with the free flow of goods across borders (European Commission, 2001). In instances where governments enacted restrictive regulations governing health claims, they risked incompatibility with Community law by interfering with the free movement of goods. A series of ECJ preliminary rulings in the early 2000s established that national rules providing for outright restrictions of health claims failed the test of proportionality. In Commission v Austria (Case C-221/00), the Court ruled that the total prohibition on health claims on food labels established by

THE EUROPEAN UNION'S REGULATORY TRILEMMA
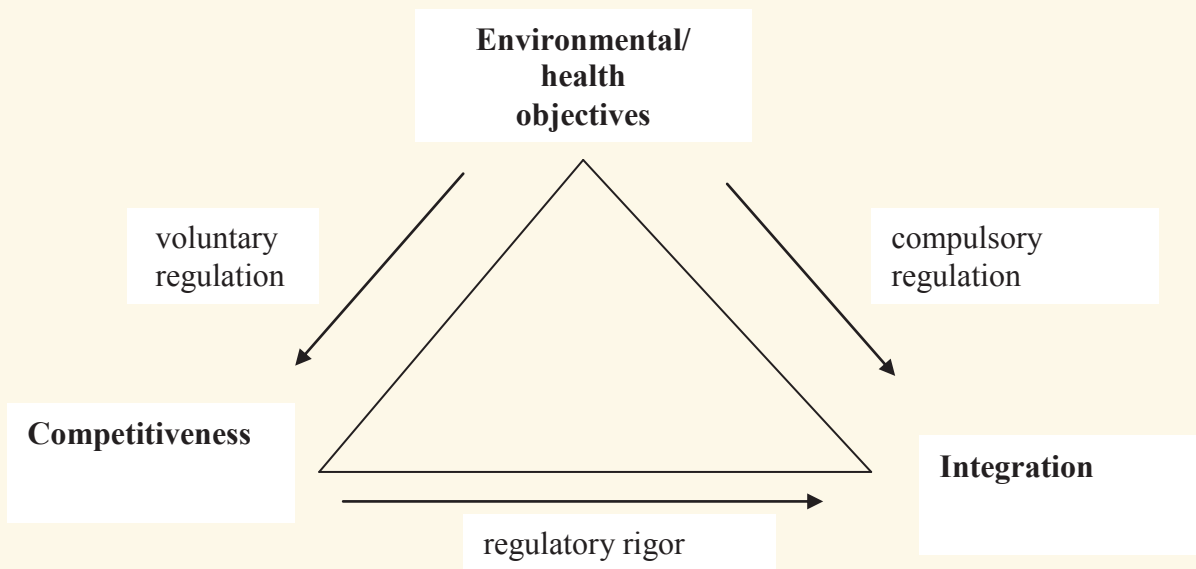
Austria's 1975 Federal law on trade in foodstuffs violated the principle of proportionality with the objectives sought. In its Douwe Egberts ruling (Case C-239/02), the Court found that a 1980 Belgian law which had the effect of banning the weight control claim of a coffee product infringed EU law. As an alternative to outright prohibition of the claim, regulatory authorities had the option of employing the less restrictive approach of obligating the producer to supply evidence supporting the claim. The regulatory remedy was accordingly disproportionate to the objective of protecting human health.

While the immediate effect of these cases was to constrain highly restrictive national regulations in order to protect open markets, the enduring impact was to stimulate support for EU-level regulation. In its 2001 "Discussion Paper on Nutrition and Functional Claims," the Commission's Health and Consumer Protection DG wrote that regulatory differences across member-states "could act as barriers to guaranteeing a high level of consumer and public health protection, and could constitute obstacles to the free movement of foodstuffs and the proper functioning of the internal market" (European Commission, 2001: paragraph 4, page 3). Council members, meanwhile, sought to reestablish the regulatory controls eroded by preliminary rulings of the ECJ. In response to these preferences of national health ministers, the Commission in 2003 proposed a regulation that would restrict the use of health claims on food packaging.

Demonstrating the rising influence of organized industry interests in the Parliament, the EP stripped the Commission regulatory proposal of its most controversial element--a provision for nutrition profiles that would preclude health claims in cases of foods with high levels of fat, sugar, or salt. However, illustrating the power of ECJ rulings to mobilize national actors at the European level, the Council of Health Ministers succeeded in reintroducing nutrition profiles into the final regulation of December 2006.

Fundamental elements of the EU and U.S. regulatory contexts coincide. Industrial competitiveness is a central concern in both cases, and policy making draws heavily on regulatory impact assessment. Courts uphold strict proportionality in the application of regulatory remedies and give extensive protection to free commercial speech in both venues. Ultimately, it is the third leg of the EU's regulatory tradeoff—the objective and process of European integration—that illuminates the divergence of EU and U.S. regulation in the realms of environment and health.

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Notes

1The pathbreaking case was United States Court of Appeals for the District of Columbia Circuit, No. 98-5043, Durk Pearson and Sandy Shaw, American Preventive Medical Association and Citizens for Health, Appellants v. Donna E. Shalala, Secretary, United States Department of Health and Human Services, et al., Appellees. See the Bureau of National Affairs website at: http://lw.bna.com/lw/19990202/985043.htm

Sources

Blim. John M. 1994. "Free Speech and Health Claims Under the Nutrition Labeling and Education Act of 1990: Applying a Rehabilitated Central Hudson Test for Commercial Speech," *Northwestern University Law Review*, 88(2): 733-768.

Bouwen, Pieter. 2004. "The Logic of Access to the European Parliament: Business Lobbying in the Committee on Economic and Monetary Affairs," *Journal of Common Market Studies* 42(3): 473-495.

Cecot, Caroline, Robert Hahn, Andrea Redna and Lorna Schrefler. 2008. "An evaluation of the equality of impact assessment in the European Union with lessons for the US and the EU," *Regulation & Governance* 2: 405-424.

Coen, David. 2007. "Empirical and Theoretical Studies in EU lobbying," *Journal of European Public Policy* 14(3): 333-345.

Council of the European Union. 2005. Common Position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on nutrition and health claims made on foods, 9858/05. Brussels: 15 November.

Dunlop, Claire. 2000. "GMOs and Regulatory Styles," *Environmental Politics* 9(2): 149-155.

Echols, Marsha A. 1998. "Food Safety Regulation in the European Union and the United States: Different Cultures, Different Laws," *Columbia Journal of European Law* 4: 525-543.

Eising, Rainer. 2007. "Institutional Context, Organizational Resources and Strategic Choices: Explaining Interest Group Access in the European Union," *European Union Politics* 8(3): 329-362.

European Commission. 2001. Discussion Paper on Nutrition and Functional Claims. Directorate General

Health and Consumer Protection; SANCO/1341/2001. http://europa.eu.int/comm/dgs/health_consumer/index_en.htm.

Fealk-Stickler, Lisa M. 2005-6. "Regulating the Regulators: The Impact of FDA Regulation on Corporations' First Amendment Rights," *John Marshall Law Review* 39: 95-114.

Kapstein, Ethan. 1989. "Resolving the Regulator's Dilemma: International Coordination of Banking Regulations," *International Organization* 43(2): 323-47.

Krämer, Ludwig. 2004. "The Roots of Divergence: A European Perspective." In Norman J. Vig and Michael G. Faure, (eds.), *Green Giants? Environmental Policies of the United States and the European Union* Cambridge: MIT Press.

Kurzer, Paulette. 2005. "Transatlantic Risk Perceptions, Public Health, and Environmental Concerns: Coming Together or Drifting Apart?" In Nicolas Jabko and Craig Parsons, (eds.), *The State of the European Union, Volume 7: With US or Against US? European Trends in American Perspective*. Oxford: Oxford University Press.

Oye, K. A. 2005. "The Precautionary Principle and International Conflict over Domestic Regulation: Mitigating Uncertainty and Improving Adaptive Capacity," *Water Science and Technology* 52(6): 59-64.

Pappas, Clement Dimitri. 2002. "Maintaining a Level Playing Field: The Need for a Uniform Standard to Evaluate Health Claims for Foods and Dietary Supplements," *Food and Drug Law Journal* 57: 25-41.

Rosendal, G. Kristin, "Governing GMOs in the EU: A Deviant Case of Environmental Policy-Making?" *Global Environmental Politics* 5,(1): 82-104.

Smith, Mitchell P. 2008. "All Access Points are Not Created Equal: Explaining the Fate of Diffuse Interests in the EU," *British Journal of Politics and International Relations* 10(1): 64-83.

Tanguay, Georges A., Paul Lanoie and Jérôme Moreau. 2004. "Environmental Policy, public interest and political market," *Public Choice* 120: 1-27.

"Your Choice is Peace": Testing the EU Model in the New Global Insecurity Environment

Stephanie B. Anderson and *Thomas R. Seitz*[1]

THE NATURE OF the new global insecurity environment (NGIE) should promote greater cooperation between the US and EU in addressing security threats as they develop. Since the mid-1990s, security challenges have increasingly been of a non-conventional nature. These challenges are well matched to Europe's purported strengths in such areas as development assistance, promotion of good governance and security sector reform. At the same time, the US has been coming around to the key role of development and human security issues in its own security policy having confronted the limits of overly military approaches in Iraq and Afghanistan. In any event, the challenges of the NGIE are too vast for the US to address on its own. Accordingly, Europe should be in a position to play a leading role in meeting the challenges of the NGIE.

The European Union has not been shy in extolling both the virtues and the appeal of its model, especially compared to the US. However, how different is the EU model from the US model? Is the EU model superior and more attractive to target countries? Is the EU model transferable, and, if so, does the EU have the capabilities to do so? What are the bases for these presumptions of superiority? This paper explores the potential of the EU model in the world context.

A New Global Insecurity Environment

In their initial responses to high-profile terror attacks in the US in September 2001 and subsequent attacks in Spain and the UK, security establishments on both sides of the Atlantic essentially 'lapsed into the familiar'. The US responded, seemingly by reflex, with military measures rooted in Cold War security approaches that were, themselves, products of America's experiences in the Second World War. Europeans, for their part, formulated responses shaped by years of experience fighting highly lethal, but largely "home grown" terrorist organizations.

However, while 9/11 could be viewed by some in Europe as America's (admittedly cataclysmic) initiation into the anti-terror fight that Europeans had been waging for a generation or more, the nature of subsequent attacks, especially those in Spain and the UK, led security establishments in Europe to see that the new in-

security environment was just that. The pattern formed by these attacks represented something qualitatively different from the terror threats Europe had been combating for so many years.[2] The US and Europe alike faced an insecurity environment that was, in many ways, a product and a function of globalization processes.

Studies on globalization, as a phenomenon, often focus on what emanates from the West into the non-Western world, from liberal-capitalist economic practices and norms, to unregulated movements of almost unfathomable amounts of capital, to what are viewed as invariably corrosive features of Western culture. In many ways, the new insecurity environment is all about what globalization brings back to the West. As Giddens, Rosenau, Robertson and others have argued for years, globalization embodies opposing, even dialectical tendencies: It generates local responses; it fragments as it integrates.[3] Policies and practices initiated by the West can generate social and political upheaval, economic dislocation, and even armed conflict abroad. While these crises have often been viewed in the West as simply "out there," their products have been coming "home" to the West, and can no longer be dismissed or ignored. They manifest themselves in forms that include refugee flows, epidemics or potential pandemics of infectious diseases, transnational criminal organizations, as well as attacks by terrorist networks.

These threats have given rise to an increased interest in "upstream" security measures. These are efforts to improve stability, security (broadly defined), governance and overall conditions in target states. In essence, upstream security measures are analogous to fire prevention, designed to arrest deteriorating conditions before they become so severe as to require the "firefighting" represented by traditional crisis responses. The EU has moved in this direction not only through pillar I development aid programs, but also through its pillar II ESDP law and order missions, and pillar III external Justice and Home Affairs (JHA) operations. The Americans, for their part, having confronted the limits of military approaches in the new global insecurity environment, are moving in a similar direction. In calling for a new approach in "what has been dubbed the war on terror," US Defense Secretary Robert Gates declared:

> over the long term, the United States cannot kill or capture its way to victory. Where possible, what the military calls kinetic operations should be subordinated to measures aimed at promoting better governance, economic programs that spur development, and efforts to address the grievances among the discontented, from whom the terrorists recruit.[4]

In short, security planners on both sides of the Atlantic have come to recognize that internal security and stability in target states abroad is a key element of security at home. At the same time, neither the US nor the EU can address these challenges alone; they can be met only through cooperation. The challenges embodied in this new global insecurity environment fit well with EU strengths, drawing upon 'soft power'

"Your choice is peace"

The European Union is working for peace, security and stability
http://ec.europa.eu/v

capabilities the EU has developed while the US has allowed similar capabilities to atrophy in recent years.

The EU Model

In response to the question "Why the European Union?", the europa.eu Website answers that out of the ashes of World War II, the Europeans have learned the secret of peace and prosperity through integration.[5] In 50 short years, war between France and Germany is unthinkable, and, through cooperation, Europe has become one of the most economically prosperous areas of the world. This model, by definition, differs from the US model: Eurobarometer stated categorically EU citizens "feel, more or less spontaneously, that this model, built on the foundations of cultural and humanistic values, is unique. It sets Europe in opposition to the United States…" [emphasis in original].[6] As opposed to the Americans, Europeans prefer to choose peace, as the EU's advertisement[7] for CFSP/ESDP attests:

> As the EU's conscious choice is peace', its model is presumed superior to the US model. According to one EU minister, the European Security Strategy "is Europe's answer to the Americans. … This is about how we combine all our 'soft power' -- the diplomatic, economic, trade and security instruments – and, at the very end, the threat of the use of force."[8]

The EU seeks to spread their model for "EUtopia" to the rest of the world. [9] Peter van Ham of the Netherlands Institute for International Relations wrote, "The EU, by its very existence, opens the possibility of a totally different model that downplays force and realpolitik and upgrades the role of law and trust. The European integration model is proof that the rule of law, institutional arrangements and an elaborate diplomatic circus can tame nationalism and make military might well-nigh irrelevant."[10] As the European Commission explained, the EU has learned many lessons from its integration process, and the Europeans are ready for its *mission civilisatrice*: "Based on the historic reconciliation of the nations and peoples of Europe, European integration has succeeded in consolidating peace and stability in Western Europe. It is now set to export this stability."[11]

Unchallenged and Unproven

Certainly the Europeans go to great lengths to demonstrate that the EU model is vastly different from the American model, but is it? Hubris has hurt the United States in its foreign relations. It, too, believed it had the superior model for development, peace and prosperity with a strong power of attraction; however, the com-

munist model was attractive as well. The European Union need not only contend with the US, but against the power of the Chinese model and Islamic society models as well. Furthermore, from the target country's perspective, the European Union needs to contradict accusations that its actions are ultimately imperial.

Today's responses to threats embodied in the NGIE are in many ways eerie reminders of US policy initiatives of the mid-Cold War era. From the mid-1950s, Washington embarked on programs designed to promote security in the West by promoting security, stability and eventually development in areas of the world perceived to be weak and/or threatened. Now, globalization processes shake the international system; then, it was the decolonization process, with new and often unstable states emerging from former empires.

These programs, while geographically broad in scope, were modest in their objectives -- at least, at first. They began as police reform programs, roughly analogous to security sector reform initiatives currently featured in US as well as EU foreign policies.[12] There was little in the way of resources and almost nothing in the way of theory to advance development efforts in target states. The benefits as well as the attractions of the US market-democracy model were presumed.   The rationale was straightforward: so long as external interference could be kept at bay (in that time, presumed to be communist agents and other "subversives"), development would naturally proceed along Western, particularly American lines. By the 1960s, US policy makers were increasingly informed by modernization theory, which described (among other things) clearly defined stages by which developing states could progress in accordance with the Western, particularly American model.

However, things soon began to go off the rails. Washington discovered that promoting internal security abroad involved much more than police reform.[13] Broader institution building and development initiatives were put into place, but, when push came to shove, efforts were concentrated on security institutions and the security services themselves. Before long, broader law and order objectives, such as the establishment of independent judiciaries intended to control those security forces, were abandoned.

One's obvious response might be to point out that that we have been talking about the EU, not the US, and there is no reason to suggest that EU policies could go the same way. However, the EU's approach and doctrine for Security Sector Reform abroad is almost identical to that currently used by the US.[14] Additionally, Gregory Mounier warns that rule of law and good governance aspects of the missions are, in some cases, being subordinated to efforts to enhance

the efficiency and capabilities of local security forces.[15] In other words, ESDP law and order missions may be in danger of going down the same primrose path as Washington's Cold War police reform missions.

A similar mistake in America's Cold War overseas internal security efforts was underestimating the appeal of competing models. Cold War presidents, Eisenhower in particular, could never fathom the appeal of communist development models. Washington viewed these as dead-ends, if not highly iniquitous, based on oppression and even slave labor. However, to leaders of many developing countries, the rapid industrialization of the Soviet Union and progress made by the People's Republic of China offered attractive examples of how far an economy could advance in a short time.[16]

Today, China once again offers an attractive alternative to Western models. The tremendous economic progress China has made in the last thirty years is an inspiring example to many leaders and populations in developing areas of the world. Additionally, China has increasingly made overtures to such leaders, especially in Africa, extolling the virtues of a model that has delivered impressive economic growth without decentralization of authority or economic liberalization. The PRC may also have more appeal because of the association of the EU with former colonial powers. Even in Bosnia, opinion has turned against the EU as their presence is increasingly seen as "quasi-colonial."[17] David Chandler has gone so far as to call the EU (and the US) an "empire in denial."[18]

Conclusion: High Stakes

Much is at stake with the success of the EU model abroad: The EU risks its reputation at home, abroad, and people's lives.

The European elites have placed great faith in the CFSP/ESDP as a tool to legitimize the European model at home where fewer and fewer citizens are participating in European elections and the appeal of extreme right is rising.[19] Benita Ferrero-Waldner, European Commissioner for External Relations, said that the EU had taken advantage of the pause after the constitutional failure:

> to reconnect with our citizens' most important concerns -- security, stability, prosperity and a stronger EU in the world. We recognize that what our citizens want is results. So we are concentrating on concrete achievements to show that the EU is part of the solution and not part of the problem. And to show that rather than an "old continent," unable to respond today's challenges we've become a relevant dynamic power.[20]

Presumably, EU High Representative for the Common Foreign and Security Policy Javier Solana understood the concept when he called for "legitimacy through action" and a "result oriented" pragmatism to gain the citizens' confidence.[21] Chris Patten, former Commissioner for External Relations concurred: "the EU's credibility will be greatly enhanced if it can demonstrate its contribution to the safety and security of its citizens."[22] He continued, "I am confident this debate will be one of the most appealing to European citizens, one which will make them feel more and more 'euro-activists'."[23]

Abroad, the stakes are high as well. The United Nations has not been shy to call on the European Union to help stabilize crises throughout the world. The EU has assisted the UN in their missions throughout the countries of former Yugoslavia and in Africa. On the ground, European soldiers must uphold EU values wherever they are deployed. As Luc Frieden, Luxembourg minister and President-in-office of the Council explained, "European soldiers in the world are like our visiting card."[24] Therefore, the Council adopted standards of behavior to be applied to all categories of personnel involved in ESDP operations. Any violation of human rights is to be reported, and all are to respect the ethnic, religious and cultural diversity of the local population. Drug use and sexual exploitation are forbidden: "It is a code of conduct so that EU soldiers are worthy representatives of the EU in difficult missions throughout the world."[25]

However, even an EU soldier properly behaving under the rules of engagement (ROE) could compromise the EU model and the image of the Europe as a peace power. A major issue for the European Union is force protection; politicians want as few casualties as possible. Therefore, the military tries to devise strong enough rules of engagement so that troops can protect themselves if the need arises. The EU force working in the Congo had robust rules of engagement allowing "members of the force to defend themselves, even against drunk and drugged children soldiers."[26] However, the image of EU peacekeepers firing on children could damage the EU's reputation forever.

Finally, people may die. The EU missions to date have generally been successful; however, it is only a matter of time until one fails. Considering the lack of resources, that the EU may be pressed to take on missions that do not fit its instruments, that they are already overstretched, and that these troops will probably have to answer to national, European, and international (i.e., organizations such as the UN) command structures, the EU could become involved in another Srebrenica. At Srebrenica, pressured to enter the fray, Dutch peacekeepers were unable to protect the civilians in the safe zone. Some academics and military analysts blamed the lack of troops, the poorly con-

structed military objectives, and the poor command structure. Solana explained that the absence of a strong and unified European Union was partly to blame. He said, "The memories of that monstrous crime still haunt us all …The victims had put their trust in international protection. But we, the international community, let them down. This was a colossal, collective and shameful failure."[27]   This disaster happened in 1995 before the Internet was ubiquitous in European households. Even so, this catastrophe was such an embarrassment that ten years later, after a report came out, the government of the Netherlands resigned.[28] Such a turn of events could taint the EU model forever.

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Notes

1 In August 2009, in association with EUSA's EU as a Global Actor interest section, the University of Colorado – Boulder's European Union Center of Excellence, and St Andrews University (Scotland), the University of Wyoming is hosting a conference on Transatlantic Strategies for Cooperation in the New Global Insecurity Environment.

2 Wilkinson, Paul. 2006. *Terrorism Versus Democracy: The Liberal State Response*, second edition. Oxford: Routledge.

3 Giddens, Anthony. 1990. *The Consequences of Modernity*. Cambridge: Polity Press, chapter two; James N. Rosenau. 2007. *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World*. Cambridge: Cambridge University Press, chapter six; Roland Robertson. 1995. "Glocalization: Time-Space and Homogeneity-Heterogeneity." In M. Featherstone, S. Lash and R. Robertson, (eds.), *Global Modernities*. Thousand Oaks, CA: Sage.

4 Gates, Robert M. 2009. "A Balanced Strategy: Reprogramming the Pentagon for a New Age," *Foreign Affairs* 88(1): 28-40.

5 http://europa.eu/abc/12lessons/lesson_1/index_en.htm.

6 Perceptions of the European Union: A Qualitative Study of the Public's Attitudes to and Expectations of the European Union in the 15 Member States and in 9 Candidate Countries Summary of Results,

June 2001, 5, http://ec.europa.eu/public_opinion/quali/ql_perceptions_summary_en.pdf.

7 See the European Service Network, 28 November 2006, http://www.esn.be/index_en.cfm?page=tools%7Cnews. The poster version was on display at the EU's information office on Rond-Point Schuman in Brussels, Belgium on 8 November 2005. Two years later, on 30 April 2007, it was still on display. Moreover, on Europe Day, 5 May 2007, an open day for the public, this billboard was the centerpiece of an enormous display advertising the ESDP. This photo is taken of that display.

8 Dempsey, Judy. 2003. "Words of War." *Financial Times,* 5 December: 17.

9 Nicolaidis, Kalypso and Robert Howse. 2002. "'This is my EUtopia …': Narrative as Power," *Journal of Common Market Studies* 40(4): 767.

10 van Ham, Peter. 2006. "Opinion: How a relationship goes sour; Trans-Atlantic tensions." *International Herald Tribune,* 7 February: 7.

11 European Commission. 2002. "Commission Communication on the Institutional Architecture, 1.3.3. Common Foreign and Security Policy: "Defining the common objectives and coherence of outside action," Brussels: 4 December.

12 Report of the NSC 1290-d Working Group, 16 February 1955, 1. White House Office, OCB Central File, box 16, OCB 014.12 (1) (2). Dwight D. Eisenhower Presidential Library, Abilene, KS.

13 Operations Coordinating Board, "Report to the National Security Council Pursuant to NSC Action 1290-d," 23 November 1955, p. 3. White House Office, Staff Papers, 1948-61. OCB Central File, Box 17, OCB 014.12, file no. 2 (5). Dwight D. Eisenhower Presidential Library, Abilene, KS.

14 See the EU Concept for ESDP support to Security Sector Reform (SSR), from the Council of the European Union Secretariat to the Political and Security Committee, Brussels, 13 October 2005, 12566/4/05, REV 4, http://www.eplo.org/documents/SSR_ESDP.pdf and the publication by the US Agency for International Development, US Department of Defense, and US Department of State, "Security Sector Reform" http://www.ssrnetwork.net/uploaded_files/4532.pdf.

15 Mounier, Gregory. 2009. "Civilian Crisis Management and the External Dimension of JHA: Inceptive, Functional and Institutional Similarities," *European Integration 31(1): 54.*

16 "The Nature and Problems of Soviet Economic Penetration in Underdeveloped Areas", 29 February 1956, 3. Whitman File, Dulles-Herter series, box 6. DDE Library. Also, Economic Intelligence Committee, "Sino-Soviet Bloc Economic Activities in Underdeveloped Areas 1 January - 30 June 1959, 28 August 1959. White House Office File, OSANSA, NSC Series, Briefing Notes Sub-series, box 5, 3. See also, "Economic Growth of the Free World", p.3. Draper File, box 9, folder XXVIII. Dwight D. Eisenhower Presidential Library, Abilene, KS.

17 Krastev, Ivan and Mark Leonard. 2007. "New World Order: The Balance of Soft Power and the Rise of Herbivorous Powers," *European Council on Foreign Relations* 24: 3.

18 Chandler, David C. 2006. *Empire in denial: the politics of state-building*. London: Pluto.

19 "Voters steer Europe to the right" BBC News, 8 June 2009, http://news.bbc.co.uk/2/hi/europe/8088309.stm. For a more in-depth investigation of the CFSP/ESDP as an integration tool, see Stephanie Anderson, Crafting EU Security Policy: In Pursuit of European Identity (Boulder, CO: Lynne Rienner Publishers, 2008).

20 Ferrero-Waldner, Benita. 2006. European Commissioner for External Relations, "The European Union: a global power?" George Bush presidential library foundation and Texas A&M University EU Center of Excellence, College Station, Texas, 25 September.

21 Delegation of the European Commission to Bulgaria. 2006. News, "EU leaders seek legitimacy through action at 'elitist' event" 30 January, http://www.evropa.bg/en/del/info-pad/news.html?newsid=1761.

22 Patten, Chris. 2004. "A Security Strategy for Europe," *Oxford Journal of Good Governance* 1: 15.

23 Ibid., 16.

24 "UE/Defence: Progress expected in military capabilities field," Europe, 24 May 2005, 4.

25 Ibid..

26 Fiorenza, Nicholas. 2003. "EU Force seeks new mission after Congo." *Defense News*, 8 September: 42.

27 Vucheva, Elitsa. 2005. "International community failed in Srebrenica, Solana says." *EU Observer.com*, 11 July.

28 BBC News, "Dutch court hears Srebrenica case", 12 May 2005.

The European Parliament Elections of 2009: A First Assessment

Maurits van der Veen

THE JUNE 2009 European Parliament (EP) elections produced a victory for the center-right, a striking defeat for the center-left, an unexpectedly strong showing for Greens as well as right-wing Eurosceptics, and a record abstention rate. Much of the media coverage of the elections has highlighted the 'second order' nature of European elections. Second-order elections have less at stake than first-order national elections, because they neither decide directly who is in power, nor do they determine what policies are pursued in the policy areas the public finds most important. Accordingly, such elections can be expected to feature lower turnout levels, protest voting which will hurt government parties (especially at the middle of the electoral cycle), and more votes for smaller parties (Reif & Schmitt, 1980).

Since Reif and Schmitt introduced the notion of second order elections in 1980, their model has been further elaborated and tested in both the popular media and the academic literature (e.g. Marsh, 2005; Reif, 1997; Schmitt, 2005). Though the supportive evidence is strong, the model has some important weaknesses. First, if the importance of elections is a key factor in driving turnout, then the rising power of both the EU and the EP ought to have been accompanied by higher turnout. However, turnout has been fairly stable within individual countries, especially if one controls for the timing of electoral cycles (van der Eijk & Schmitt, 2007). Second, major government parties do not appear to perform systematically worse than do the main opposition parties (Oppenhuis, van der Eijk, & Franklin, 1996). Third, smaller parties do appear to do better especially when they adopt extreme positions on EU issues (Reif, 1997).

In fact, a growing number of articles suggests that EP elections are not simply second-order elections: the European context matters too. Hix and Marsh found that anti-EU parties perform better in EP elections than in national elections, as do green parties which emphasize the transnational nature of environmental issues. Socialist parties, on the other hand, perform relatively poorly (2007). Along similar lines, Ferrara and Weishaupt suggest that parties that fail to "get their act together" on European issues systematically perform worse in EP elections (2004). Still, Hix and Marsh conclude that the sec-

ond order effects dominate, while "Europe matters" effects are minor at best (2007, pp. 506-507).

This contribution offers a first assessment of the 2009 EP elections. The results continue to support the second order model more strongly than the Europe matters model. However, this outcome is driven in part by choices made by national parties, rather than by voters. Many national parties treat European elections as second order elections, leaving voters little choice but to behave accordingly. Evidence suggests that when parties approach the EP elections as first order elections for the European level of governance, voters will respond. I consider in turn three features of the recent elections: turnout, the performance of the main government and opposition parties, and the performance of smaller parties. In each section, I briefly present some overall patterns and look more closely at the experience of a single country where the results were of particular interest.

Turnout

Turnout for the 2009 EP elections was the lowest ever, at 43.08%, compared to 45.47% in 2004, and 61.99% at the first EP elections in 1979.[1] However, turnout has actually risen in some countries. In Denmark it reached a record high of 59.54%, compared to a previous high of 52.92% in 1994. Sweden, too, saw a record turnout, at 45.53%. Both the Netherlands and the UK saw a decline from 2004, but recorded higher levels of participation than in 1999. While average turnout was lower in Eastern Europe, the picture there was mixed too. For example, Estonia and Latvia saw large increases compared to 2004, but in Lithuania turnout fell by more than half.[2]

Commentators frequently suggest that abstention is strategic: people believe that any vote indirectly conveys approval for the EU as a project (e.g. Chavannes, 2009). However, more systematic research shows that disapproval of the EU is at best a marginal contributor to non-voting (van der Eijk & Schmitt, 2007). Still, once one controls for country-specific incidental determinants of turnout (such as simultaneous local elections) and average support for European integration (cf. Mattila, 2003), striking cross-national differences in turnout remain.

For example, turnout in the Netherlands was much lower than one might expect given public interest in European integration issues. Dutch public awareness of European Union politics was boosted by the referendum on the European Constitution in 2005, which drew 63.3% of registered voters. In early 2009, Eurobarometer (EB) 71 found that 58% of Dutch respondents expressed an interest in the upcoming European Parliament elections, compared to an EU

average of just 44%. Moreover, in the fall of 2008 (EB 70), 59% indicated that they would probably vote in the elections (9 or 10 on a scale of 1-10), again well above the EU average (34%). However, by early 2009 this figure had fallen to 47%, and the final turnout was just 36.75%, well below the EU average of 43.08%.

If the low turnout in the Netherlands was not a result of a lack of interest, neither was it driven by a perception that the European Parliament does not matter. In fact, 64% of Dutch survey respondents in EB 71 believed that the role of the EP has been strengthened in the last 10 years — more than in any other EU member state. Nor can dissatisfaction with Prime Minister Balkenende's government explain the high abstention rate: turnout was not affected in several other member states where the government was at least as unpopular, such as in Ireland.

Two factors appear to explain Dutch non-voting. First, the largest parties struggled with the best way to convey their message on Europe to the public. Mindful of the failed referendum of 2005, they did not want to appear naively pro-EU. Hoping to offer a nuanced approach, they mostly failed to offer a clear vision for the EU (Broer & Derkzen, 2009). Second, the name recognition of most candidates for MEP was rather low. In fact, the Labour Party (PvdA) was turned down by five different prominent party members who were asked to lead the campaign, and had to settle in the end for Thijs Berman, previously known to just 3% of Dutch voters (Doorduyn & Sommer, 2009). Geert Wilders' far-right Freedom Party (PVV) resolved the problem best by simply putting Wilders on its campaign posters next to unknown campaign leader Barry Madlener. As Simon Hix recently noted, connections between citizens and their MEPs are much stronger in Ireland, Sweden, Finland, and Denmark. Not coincidentally, turnout figures were well above average in each of these states (Banner & Zandt, 2009).

Major political parties and the European Parliament

Across the European Union, Socialists and Social Democrats performed much worse than expected, while centre-right parties performed better. While the second order model predicts that the main government parties will be punished most in such elections, that pattern did not hold for the centre-right parties in such major member states as France, Germany, Italy, or Poland, nor in smaller states such as the Netherlands or Austria. Ruling socialists were punished, however, in the United Kingdom, Spain, Portugal, and the Netherlands. In the United Kingdom and the Netherlands, social democrats even fell to third place behind the main centre right party and upstart right-

wing Eurosceptic parties. In France, the opposition Socialist Party only narrowly escaped a similar fate, finishing a distant second behind the ruling UMP, and only barely ahead of the Greens (Europe-Ecologie), with 16.48% of votes cast compared to 16.28%.

How did centre-right government parties avoid punishment, while centre-left opposition parties failed to do so? The Economist suggests that centre-right parties have managed to steal some of the left's rhetoric, in particular in France ("The European Elections: Swing Low, Swing Right," 2009). However, campaign choices related to the parties' vision for European integration appear to have played an equally significant role. Socialists were not helped by their European party group, the Party of European Socialists (PES). Leading up to the election, the PES had been unable to agree on a candidate for Commission President, preventing them from making this an electoral issue. Moreover, the PES election manifesto was short on tangible policy proposals.

Many Labour and Socialist Parties were further hurt by internal divisions. The Dutch Labour Party profiled itself as ambivalently pro-EU, and its leader admitted to voting for a Eurosceptic candidate on its lists (Doorduyn & Sommer, 2009). A similar lack of clarity bedeviled the French Socialists. Indeed, its leader admitted that her party had failed to make itself credible ("The European Elections: Swing Low, Swing Right," 2009). In contrast, the ruling centre-right party, the UMP boasted a much clearer European image, thanks in part to President Sarkozy's activities during France's EU presidency in the second half of 2008. Moreover, Sarkozy restated his vision for Europe in opening the UMP's election campaign on May 5th. The Socialists responded to Sarkozy's speech in two ways. First, they published a 32-page report titled "L'échec" (the failure), attacking Sarkozy's performance as president, but focusing almost entirely on domestic politics; less than a page and a half were dedicated to the EU (2009). Second, rather than engage Sarkozy's speech directly and outline their own vision for Europe, opposition politicians criticized the president for getting involved in the campaign as a head of state (Leijendekker, 2009). Unsurprisingly, neither of these undertakings did much to help their electoral fortunes.

The performance of small parties

Unlike the Socialist Party, the French Greens (Europe-Écologie) formulated a vision for the European Union that was both coherent and substantively different from that of the UMP. In addition, their campaign was led by the very well-known Daniel Cohn-Bendit, along with local leaders in the different electoral districts who were carefully selected for their commit-

ment to European and environmental issues. Voters rewarded them accordingly, making them the largest Green party in the EP. Green parties were also quite successful in Germany, Belgium, the Netherlands, and the Nordic countries. Even the UK Greens managed to obtain 8.4% of the vote, up from 6.2% five years earlier. On the other hand, Greens in Ireland did poorly, apparently being punished for cooperating with the unpopular Fianna Fáil government. Greens also did less well in Southern and Eastern member states.

Right-wing Eurosceptic parties were the other big winners, with particularly strong results in the United Kingdom for both the UK Independence Party (UKIP) and the British National Party (BNP). Other countries in which right-wing, anti-EU and anti-immigrant parties did well include the Netherlands, Belgium, Denmark, Austria, Italy, Hungary, Bulgaria, Romania, and Slovakia. On the other hand, France's National Front continued a long-term decline and did rather poorly, as did the trans-European Libertas party. Bankrolled by Ireland's Declan Ganley, who had predicted that his party would win at least 15 seats across Europe (McGee, 2009), the party picked up just a single MEP: France's Philippe de Villiers, a Eurosceptic who had performed better in the past running at the head of his own party.

Once again, differences in performance can be traced at least in part to whether parties offered a clear vision for Europe and put forward well-known and experienced candidates. This held true not just for parties at the ends of the political spectrum, but for centrist parties as well. In France, François Bayrou's centrists received just 8.4 percent of the vote, far less than in the 2007 presidential elections. Bayrou's choice to profile himself as the anti-Sarkozy backfired as voters concluded that he had little to say about Europe. In contrast, the Dutch centre-left party D66, whose campaign poster unambiguously read "Europe / Yes / D66" did unexpectedly well.

Of particular interest are the results in the United Kingdom, where both the Greens and the right-wing Eurosceptics did very well. The Greens increased their share of the vote to 8.4%, finishing fifth overall. The anti-EU UK Independence Party outpolled Labour, receiving 16.09% of the total vote, while the even more nationalist British National Party received 6.04%, earning it its first two MEPs ever.

The success of the three smaller parties was due in part to public anger at the MP expenses scandal, which primarily affected the three major parties (Labour, the Conservatives, and the Liberal Democrats). Perhaps the key reason for the improved performance of the smaller parties, however, is that support for Labour collapsed, for the reasons predicted by the second order model. In fact, the UKIP actually received fewer votes than in 2004: their vote share rose only because so many voters deserted Labour. The BNP did attract more votes overall, but actually lost votes in the two districts where it won an MEP. The Greens performed best in this respect, attracting 27% more votes, no doubt thanks in part to their clear and positive take on European integration. The added votes did not translate into additional seats, however, although they were just 5000 votes away from denying the BNP's leader victory in the North-West electoral district (Dunt, 2009).

Conclusion

Much of what we know about European Parliament elections is due to the work of scholars collaborating in the European Election Studies project (www.ees-homepage.net and www.piredeu.eu). Over the next few years, data on the 2009 elections will be thoroughly analyzed by these and other scholars, adding to our knowledge. A more systematic analysis will also permit us to improve our understanding of EP elections in the newer member states, whose party systems are much younger and who have less experience with voting in the EU context. It appears likely that the resulting findings will support both the second order and the "Europe matters" models. In fact, as I have tried to suggest in the impressionistic analysis here, it may be fruitful to develop a new approach combining the two models: second order effects dominate when parties—and party systems — make it difficult for voters to treat the election as a first order election. Parties with a clear European vision and with politicians dedicated to making that vision a reality—even if that vision is to dismantle the EU—are likely to well. Parties that are ambivalent about the EU or that themselves treat the election as secondary force voters to do likewise.

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Notes

1 Unless otherwise noted, all data on turnout and election results are drawn from the European Union's valuable election results website: www.elections2009-results.eu. Data was provisional as of 18 June 2009.

2 Turnout is inevitably affected by factors that fit neither the second order model nor the Europe matters model. Voting is mandatory in Belgium, Luxembourg, and Malta. In Italy, provincial and communal elections were held at the same time, boosting votes. In Lithuania, election fatigue following a presidential election just 3 weeks earlier caused turnout to plum-

met. In neighbouring Latvia, the election for mayor of Riga coincided with the EP election, causing a large jump in turnout. Finally, Estonia boosted participation by becoming the first EU member state to allow online voting.

References

Banner, H., & Zandt, M. 2009. "How the Turnout at European Elections Could Be Much Higher... in 2014." *The Euros*, 20 May.

Broer, T., & Derkzen, S. 2009. "Campagne voor de Europese verkiezingen: Nederland vs. de rest." *Vrij Nederland*, 16 May: 10-12.

Chavannes, M. 2009. "Vooral PvdA is knock-out na deze Geert-verkiezingen." *NRC Handelsblad*, 6-7 June: 7.

Doorduyn, Y., & Sommer, M. 2009. Interview Wouter Bos: "Ik heb geen behoefte aan natrappen." *Volkskrant*, 12 June.

Dunt, I. 2009. "European Election Analysis: Party by Party." politics.co.uk, 8 June.

Ferrara, F., & Weishaupt, J. T. 2004. "Get Your Act Together: Party Performance in European Parliament Elections," *European Union Politics* 5(3): 283-306.

Hix, S., & Marsh, M. 2007. "Punishment or Protest? Understanding European Parliament Elections," *Journal of Politics* 69(2): 495-510.

Leijendekker, M. 2009. Interview Christophe Barbier: "The Feeling is that Europe Has Saved France from Crisis." *NRC Handelsblad*, 25 May.

Marsh, M. 2005. "The Results of the 2004 European Parliament Elections and the Second-Order Model." In O. Niedermayer & H. Schmitt (eds.), *Die Europawahl* 2004. Wiesbaden, Germany: VS-Verlag.

Mattila, M. 2003. "Why Bother? Determinants of Turnout in European Elections," *Electoral Studies*, 22(3): 449-468.

McGee, H. 2009. "Ganley 'Puppet of US Military' — MEP." *Irish Times*, 23 March.

Oppenhuis, E., van der Eijk, C., & Franklin, M. 1996. "The Party Context: Outcomes." In C. van der Eijk & M. N. Franklin (eds.), *Choosing Europe? The European Electorate and National Politics in the Face of the Union*. Ann Arbor, MI: The University of Michigan Press.

Parti Socialiste. 2009. Deux Ans de Nicolas Sarkozy: L'échec. Paris: Parti Socialiste.

Reif, K. 1997. "European Elections as Member State Second-Order Elections Revisited," *European Journal of Political Research* 31(1): 115-124.

Reif, K., & Schmitt, H. 1980. "Nine Second-Order National Elections: A Conceptual Framework for the Analysis of European Election Results," *European Journal of Political Research* 8(1): 3-44.

Schmitt, H. 2005. "The European Parliament Elections of June 2004: Still Second-Order?" *West European Politics* 28(3): 650-679.

"The European Elections: Swing Low, Swing Right," *Economist* 13 June, 2009: 53-57.

van der Eijk, C., & Schmitt, H. 2007. "Non-Voting in European Parliament Elections and Support for European Integration." In W. van der Brug & C. van der Eijk (eds.), *European Elections & Domestic Politics: Lessons from the Past and Scenarios for the Future*. Notre Dame, IN: University of Notre Dame Press.

Book Reviews

Ruud J.A. Muffels (ed.). *Flexibility and employment security in Europe. Labour markets in transition*. Cheltenham: Edward Elgar Publishing Inc., 2008.

THIS EDITED BOOK STUDIES the development of flexicurity practices in Europe. Compared to the expanding literature on this question, this book introduces a series of theoretical, empirical and political innovations. In terms of theoretical debate, it discusses the accuracy of the flexicurity concept compared to the transitional labour market thesis. From an empirical point of view, it contains several comparative case studies based on the analysis of some European longitudinal statistical data (in particular, the European Community Household Panel). Finally, the authors question some best practices aimed at implementing flexicurity in national employment public policies.

Compared to Gunther Schmid's transitional labor market (TLM) theory, the flexicurity concept proposes a broader and more integrated approach. While, the TLM theory focuses on the need for a better collective regulation of the labor market including better equipment for workers in terms of training and wage security, the flexicurity approach insists on the need to go beyond the resort to labor market regulation (external flexibility) by taking into account the strategies of internal flexibility (working time flexibility, multi-skilling, job rotation, freelance, temporary work, etc.) available to firms seeking greater flexibility. The flexicurity approach also seems more integrated because it asserts as essential the need to counterbalance flexibility and security at the same time in a win-win game for employees and employers where active labor market policies play an incentive role. Unfortunately, this book does not provide a theoretical discussion of flexicurity as a concept. For instance it could have been analyzed as a rather dull notion stemming from Danish and Dutch employment and social policies during the 1990s that were raised to the rank of a prescriptive goal by the European Commission. Moreover, flexicurity could have been unpacked as an unstable theoretical notion which binds together under an umbrella term some different and potentially contradictory policy objectives, instruments and institutions.

Grounded on an important series of empirical data, this book nevertheless provides an interesting discussion of the so-called "scarring effect thesis." This debate relates to the question of the long term consequences of increasing professional instability. The issue is as follows: does the balance between a simultaneous development of flexibility and security lead to a "zero sum" effect or produce inactivity traps where, in the long term, low skilled and socially disadvantaged workers remain captured in weakened positions? The tenets of the flexicurity thesis affirm that atypical forms of employment, temporary jobs and all other kinds of flexible work can be used as by individuals as stepping stones to build a professional career in adequacy with today's economic constraints. The data provided by this book offers some empirically grounded answers to this set of questions stemming from a large range of individual situations such as: temporary jobs (A. Debels), long term unemployment effects (M. Gangl), self employment (N. Meager, 2008), part time jobs and the consequences of childcare breaks (D. Fouarge and R.Muffels). The main findings of this comparative study reveal some tangible negative effects of work instability and underline the strong role played by national institutional patterns (labour market regulations, social protection systems) in lowering or increasing these effects.

Indeed, more generally the comparative perspective of this book, strongly linked here to varieties of capitalism or social state models, unveils evidence of the institutional variable among different regimes (liberal and market coordinated economies in particular) as a means of explaining differing labor market performances. The main conclusion here is that unregulated labor markets perform better than regulated ones in finding permanent jobs for flexible workers. From there it is then argued that workers be made more flexible while the state should ensure better safety nets and fair income security! Unsurprisingly the book then concludes on the appropriateness of the EU's promotion of flexicurity based on the enforcement of common principles that are respectful of both national policies and social partnership design. However, a gap in the book concerns discussion on the relationship between public policy issues (dealt with mainly in the third and

final section of the book dedicated to best practices in Australia, Canada and Denmark), and the role of cultural and social norms (for example concerning women's life/work balance during childcare). In practice, this link often proves vital in achieving the institutional trade-offs necessary to develop positive flexicurity policies. This criticism in turn leads to a final one concerning another omission in this very interesting book: the perspective of the firm and the role of social partnership in negotiating the compromises necessary to set a fair balance between flexibility and security. Although the authors acknowledge this lacunae (and attribute it partially to a lack of comparative longitudinal data), more pointers for future research in this area would have been highly welcome.

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Catherine Barnard and **Okeoghene Odudu** (eds.). *The Outer Limits of European Union Law.* Oxford, UK: Hart Publishing, 2009.

A COMPREHENSIVE DETERMINATION of precisely where the outer limits of EU law lie is neither sought nor achieved by this edited collection. Rather, it seeks to (and does) offer a range of insights into the wider debate around outer limits, which the editors, Catherine Barnard and Okeoghene Odudu describe as "often ill-informed." To that end, they have presented a collection of work that captures mostly (but not exclusively) legal perspectives on the question of outer limits and which covers a range of different and key policy fields (four freedoms, EU citizenship, competition law, defence industries and European police cooperation) as well as what we might call some key "power-related" issues (legal bases, legitimacy and how powers are conceptualised and delimited in a multi-level and highly integrated legal system). The final three chapters of the book focus specifically upon the topic of remedies. Taken as a whole, this collection informs the reader of the complexities, nuances and fluidity at play in any analysis of the EU's outer limits. To that end, its readership deserves to be wide and multi-disciplinary.

The editors' introductory chapter clearly explains the context and parameters of the outer limits project explored in the book and skilfully weaves each of the contributions into a lively and informative piece of academic analysis on the limits of EU law in its own right. Space precludes me from discussing each of the contributions and so I merely mention some of them on the basis that they illustrate well what I think are some of the key points of interest to emerge from the book.

First, the shifting contours of power between Member States and the EU in a variety of different fields are demonstrated quite vividly by the book (see particularly the chapters by Koutrakos, Dougan, Nic Shuibne, Barnard and Ward.) Interestingly, while the impetus, quality, institutional vehicles and consequences of such shifts clearly vary depending upon the topic under review, the traffic is all going in the same direction: power is essentially moving away from the national state and towards the EU.

Second, traditional conceptions of power (in essence, the inner and outer limits of EU legal competence and the division of sites between the EU level and the nation state) and associated debates (such as accountability and legitimacy) remain important and contentious as the chapters by Weatherill and Dashwood demonstrate. However, it is equally clear that the realities of the multi-level and network governance environment of the EU today demand a fresh look at power dynamics and how power should and could be limited. The chapters by Hofmann and (to some extent) Shaw reveal some of the different challenges and possibilities at play here. Undoubtedly, this will be a growth area of research in coming years.

Third and finally, a particularly striking feature to emerge from this collection, but perhaps not that surprising for those with some background in European integration, is the prominence of the European Court of Justice (ECJ) in defining and refining the outer limits of the European Union. Of course, as the book reveals, there are fields and realms over which the ECJ's involvement is limited, (see Lachmeyer on policing and Hofmann on "new governance") but through the adoption of various interpretative techniques and the dynamic use of the general principles of Community law (such as effectiveness and proportionality) the ECJ has in many areas pushed the boundaries of EU law. Whether it has gone too far and the extent to which clear boundaries are achieved is often debatable, but always fascinating (see for instance the chapters by Spaventa and Nazzini in the realm of post –"Keck" free movement of goods and competition law remedies respectively.)

As with all edited collections based upon conference proceedings - in this case a seminar hosted by the Centre for European Legal Studies in Cambridge in September 2007 - there is some variation in style and quality across the contributions. Ultimately however, this does not detract from the final product, which is an interesting and diverse collection around a worthy and stimulating topic. Nice book sleeve too!

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Tömmel, Ingeborg and **Amy Verdun**. *Innovative Governance in the European Union. The Politics of Multilevel Policymaking*. Boulder, Co and London: Lynne Rienner, 2009.

FOR MORE THAN A DECADE NOW European studies has experienced an intense flourishing of academic and expert publications on the development of what is usually labelled "the new modes of European governance." Some authors have referred to a "governance turn," and one can even consider that the analysis of the nature, the meaning and the potential impact of this "new" governance has given birth to a scientific industry – with its "stars," its language, its reviews and its research programmes. These publications have even been categorised according to their point of view on the phenomenon of "new modes of governance," ie. whether they adopt a theoretical, a normative, an empirical or a critical approach to this subject .

The good news regarding this book edited by Ingeborg Tömmel and Amy Verdun is that it is not just another collection of case studies on the emergence and development of forms of governance in the EU which depart from the "traditional" Community method. Instead, *Innovative Governance in the European Union. The Politics of Multilevel Policymaking* asks "what the specific characteristics of European modes of governance across policy areas are and how EU governance and policymaking differ from those at the national level" (p. vii). Indeed, it provides here some extremely precious clarification. This coherent volume – including its three precise and sharp introductory and concluding chapters, but also a very rich collection of high-quality sector chapters -which each meet the challenge of tracing the evolution of the modes of governance without forgetting substance – is both dense and analytical enough to help students as well as specialists find their way into a complex area of publications and, in so doing, prevent them from being drowned by multiple and contradictory categories and binary oppositions (such as constraint vs voluntarism, top-down vs bottom-up, uniformity vs diversity, rigidity vs flexibility, closed processes vs opeeness, hierarchy vs transversality, majoritarian ruling vs deliberation etc.).

The editors first provide a useful recapitulative typology of the modes of governance in the EU through which they distinguish the process dimension of governance and policymaking, from the structural dimension of governance, i.e. "the institutions and actors involved in the process that form its basic constituents" (p. 13). According to this analysis, the basic modes of governance exercised in the EU are: hierarchy (implementation of legislation); negotiation (linked to consensus-building); competition (linked to pressure) and cooperation (linked to coordination and voluntarism). In essence, the au-

thors claim, these modes of governance do not significantly differ from those practised at the national level. However, they do still differ, first, in their impact, since the multilevel system of the EU offers more resources and opportunities to the actors (including an exit option), and second, in their relation to the institutional structure of the system since the nature of the EU implies "on the one hand, a comparatively higher demand for negotiation, cooperation, and competition and, on the other, a higher degree of constraints for taking recourse to hierarchy as a mode of governance" (p. 22-23).

The analysis made on the basis of this approach shows that, contrary to what is commonly agreed, the EU is not only driving towards ever softer modes of governance (such as in environment policy), but that some case studies (eg. monetary policy) provide examples of movement in the opposite direction, ie with hierarchy acting as a catalyst for the emergence of other modes of governance (such as sport policy or competition policy); with voluntary cooperation used to reinforce the impact of hierarchy and the transposition of legislation (such as social policy). The main change is thus to be found in convergence around hybrid forms of governance (harder and softer, traditional and more recent) and an increasing variety of stakeholders. However, according to this book the innovative character of EU governance –seen as the combination of complementary modes of governance – is not to be mistaken with temporal "newness". Indeed, the thesis of innovation is not necessarily supported by a historical perspective in many policy areas.

If one was to regret something concerning this book, it would be that when dealing with "the politics of multilevel policymaking" it remains focused on the policymaking and institutional dimensions of EU governance. The question of the reasons for the recourse to innovative and combined modes of governance is not fully addressed. In particular, the EU's dual legitimacy crisis -distrust from European citizens; and the unwillingness of the Member States to delegate power– and their feedback effects on the equilibriums of the EU political system remains outside the "picture" examined in this publication. However, the exploration it presents of the relationships between change in the steering modes of EU public action and broader shifts in the political system of the EU do begin to shed light upon a two-sided mode of transformation: incremental change in process governance but also transformative change when it comes to "the state of the Union" – especially the weakening of supranational against intergovernmental modes of integration.

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