EU Global Health Priorities: Climate Change

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5. EU GLOBAL HEALTH PRIORITIES IN-DEPTH

5) Climate change

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Over the last two decades, the European Union (EU) has emerged as a leading actor – or even as the "undisputed leader" (Kelemen 2005: 336) – in regional and international environmental politics (Bretherton and Vogler 2006; Groenleer and van Schaik 2007; Lacasta et al. 2002; Oberthür and Roche Kelly 2008; Vogler 2009; Zito 2005). In this context, 'climate change' has successfully entered the European agenda and has become a "high politics" issue at the international level (Oberthür and Roche Kelly 2008: 35). For example, in the context of the Kyoto Protocol, after the withdrawal of the United States (US) in mid 2001, the EU has successfully supported and promoted its ratification (Lacasta et al. 2002: 352-53; Vogler 2009: 469). The meteorological and also economic impacts of climate change have been widely recognized and explored (McMichael et al. 2006). Although the interaction between climate change and health has been highlighted by health and climate scientists for decades, the health sector is almost not at all represented in UNFCCC negotiations (Wiley 2010).

Climate change, or global warming, poses serious threats to global health, especially affecting the poorest countries that are already suffering worst health and other climate change effects, such as food and water shortages (Louis and Hess 2008: 526-527). Several aspects of global health will be affected by the effects of climate change. First, disease vectors and carriers (mosquitoes, ticks, rodents) will have more fertile conditions and be able to alter geographical ranges which brings them in closer contact with the human population. Second, higher temperatures due to climate change will impact on air quality, in particular in urban environments, which may increase the concentration of allergenic aero pollens and the risks of respiratory and cardiovascular diseases, too. Third, and maybe most importantly, global warming has an effect on the scarcity of clean water. It will get more and more difficult to have access to clean water which will add to diarrheal illnesses. Moreover, the scarcity of clean water and other ecosystem changes may

increase food shortages. Especially poor countries in southern regions will suffer from these effects (Wiley and Gostin 2009).

This chapter will address the following questions: What is the legal basis for EU climate change policy/external climate action? How does the EU address the health effects of climate change? And what is the EU's international role in combating climate change (in regard to health effects)?

The EU (especially in form of the Commission) recognized climate change as a threat to human health in its white papers on the EU Health Strategy 2008-2013 and on climate change (Commission 2009). The EU Health Strategy states that action is needed on "emerging health threats such as those linked to climate change, to address its potential impact on public health and health care systems" (Commission 2007: 8-9). It foresees in particular action on adaptation to climate change. In the white paper on climate change, this aspect is taken up and complemented by surveillance and control measures to be explored by the WHO and EU agencies, such as epidemiological surveillance, the control of communicable diseases and the effects of extreme events (Commission 2009). In 2010, the Commission published a communication on 'The EU Role in Global Health' where it is again highlighted that climate change is a main factor impacting on global health and that the EU would "take global health objectives into account in implementing the collective commitment by developed countries, in December 2009, for new and additional resources at the 15th Conference of Parties" (Commission 2010a). The Commission staff working document accompanying the Communication further states that the EU already plays a leading role in committing to CO2 emissions reduction targets and in the development of renewable energies. This should be complemented by the promotion of new healthier lifestyles to encourage more responsible and sustainable use of natural resources. In terms of global funding mechanisms, climate change conventions are seen as a source that should contribute to mitigation and adaptation measures of health services worldwide (Commission 2010b: 18). In the Council Conclusions following the Communication, climate change is identified as one of five priorities influencing global health. The EU should therefore "include consideration of health issues in the adaptation and mitigation strategies

in developing countries in environmental and climate change policies and actions" (Council 2010a: 4).

In reaction, the EU established several actions and projects to implement in particular the monitoring and control measures that were called for in the EU Health Strategy. They encompass, for instance, EUROHEIS (European Health and Environment Information System for Risk Assessment and Disease Mapping) that improves analysis, reporting and dissemination of environmental health information; EUROSUN to monitor ultraviolet exposure in the EU and its effect on the incidence of skin cancers and cataracts; or HIALINE that looks at the effects of climate change on airborne allergens.[1]

Mitigation and adaptation to climate change are considered two important components in the fight against health effects from climate change. They are central topics in United Nations Framework Convention on Climate Change (UNFCCC) climate change negotiations. Within the context of the UNFCCC, the EU is recognised as a Regional Economic Integration Organisation (REIO) alongside its member states and participates as such at the Conference of the Parties (COP) meetings. The reason for that is that climate change falls within the sphere of shared competence between the EU and the member states (Groenleer and van Schaik 2007: 985; Oberthür and Roche Kelly 2008: 38). All UNFCCC matters as well as the Kyoto Protocol fall under shared competence (Art. 4.2 TFEU). This split of competences leads to so-called mixed agreements where neither the EU nor the Member states have the exclusive power to execute those (Lacasta et al. 2002: 361; Lenschow 2010: 327). They both decide "on their respective responsibilities for the performance of their obligations under the Convention" and do not exercise their rights concurrently (UNFCCC 1992: Art. 22.2). According to Article 18 of the Convention, if an issue falls under exclusive EU competence, the EU has the right to vote with the number votes equal to the number of member states that are Parties to the Convention. If any of the member states exercises its right to vote, then the EU cannot vote and vice versa. Usually, it is the Council Presidency held by an EU Member State and the Commission speaking on behalf of the Union during the COP meetings (Lacasta et al. 2002:

[1] Available at http://ec.europa.eu/clima/sites/change/what_is_eu_doing/health_en.htm, accessed on 02 July 2012.

361). Moreover, in 2010, the Commission created two new Directorates-General, one for Energy and one for Climate Action, in order to develop and implement international and domestic climate action policies and strategies, and to lead international climate negotiations (European Commission 2010c).

In 2004, a system of 'lead negotiators' and 'issue leaders' was introduced to enhance the efficient use of expertise from within the EU and to show greater coherence and continuity during the negotiations. This system entails lead negotiators from various Member States, other than the current Presidency, and from the Commission. They are representing the EU Presidency in international negotiating groups over a longer period of time. In cooperation with the 'issue leaders', the lead negotiators develop the common EU position for the negotiations (Oberthür and Roche Kelly 2008: 38). Recently, since the negotiations on a post-2012 agreement have become much more political, additional issue leaders and lead negotiators have been introduced for the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) and the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA) (interview with Council Secretariat representative, 19 January 2012). At the COP16 meeting in Cancun in 2010, for example, the team of negotiators for the AWG-LCA entailed the UK (lead), Poland, France and Germany (Emerson et al. 2011: 83) The Commission provided the lead negotiator for the AWG-KP (interview with European Commission delegate, 11 May 2012).

Although the EU takes part in the UNFCCC process and recognised the importance of climate change as a threat to global health, the topic is neither explicitly mentioned in the Council conclusions for COP15 (Copenhagen 2009) nor in those for COP16 (Cancun 2010) or COP 17 (Durban 2011). At the Copenhagen summit itself, where a post-Kyoto agreement should have been negotiated, the parties only adopted the so-called Copenhagen Accord that was a general political statement without any binding framework for future climate cooperation (Hunter 2010). The parties only agreed to "take note" of it and decided on the last day to extend the mandates of the AWG-LCA and the AWG-KP which should present their results at the COP16 meeting in Cancun in December 2010

(IISD 2010). The actual outcome of the negotiations was "little more than the lowest common denominator" (Falkner et al. 2010: 253). This was a major setback for the EU as it had had contrary objectives and had been "sidelined" during the final hours of the negotiations (Kilian and Elgström 2010: 267). Its degree of actorness - in terms of its capacity to behave actively and deliberately in relation to other actors - was only moderate (Groen and Niemann 2012). In addition, the Union's effectiveness, in terms of goal-attainment, was low as it could not attain its two main objectives: playing a leadership role at the conference and the establishment of a legally binding agreement (Groen and Niemann 2012). The EU was internally divided on issues as emission reduction targets, climate finance or land use, land use change and forestry (LULUCF) and could not advance a common position here. Moreover, the EU's objectives seem to have been too ambitious in comparison to other major negotiating parties, as the US, China or Brazil. The constellation of these actors was very unsuitable for the EU (ibid.).

The main focus of the COP16 meeting in Cancun was on the two-track negotiating process to enhance long-term cooperation under the Convention and the Protocol. Originally, this should have been already completed at the COP15 meeting in Copenhagen, but as many issues remained unresolved, the mandates of the two working groups had been expanded until Cancun. The expectations for Cancun were rather modest and several issues were identified beforehand where a balanced package of outcomes might be possible. During the two weeks, the parties were negotiating these issues in plenary sessions, contact groups, informal consultations and bilateral meetings. During the second week, the negotiations were taken up at the ministerial level (IISD 2010). The outcome of the COP16 meeting were the Cancun Agreements, one 30-page decision under the Convention and one 2-page decision under the Kyoto Protocol. Together, they are to be seen as a "Copenhagen Accord plus" since they further elaborate and complement the Copenhagen Accord (Oberthür 2011: 6).

The EU's overarching objective for the negotiations in Cancun was to make stepwise progress towards establishing a post-2012 climate change regime building on the Kyoto Protocol and in this context, to integrate the political guidance given in the Copenhagen Accord into a

balanced set of decisions to pave the way for a global and comprehensive legally binding framework in the future. The EU would be willing to consider a second commitment period under the Kyoto Protocol if this was part of a wider outcome including the perspective of a global and comprehensive framework (Council 2010b). A legally binding text was not envisaged as an explicit short-term outcome of Cancun (Hedegaard 2010a). In direct comparison to 2009, the EU attained most of the objectives it was heading for during the negotiations. Most importantly, the negotiations proved that the multilateral climate process was still alive. This EU goal was fully achieved (Hedegaard 2010b; interview with Council Secretariat representative, 19 January 2012; interview with German delegate, 21 February 2012). Also, the trust in the UN negotiating process was restored and Connie Hedegaard was happy that the UN process had been saved (The Guardian, 16 December 2010; Spiegel online, 11 December 2010).

In sum, the conference succeeded in "keeping the UN climate process alive" and "averting serious damage to multilateralism more broadly" (Oberthür 2011: 5). Besides saving the process, the participating parties agreed on the so-called 'Cancun Agreements'. Here, important progress on substance was made in several areas, such as anchoring the mitigation pledges of developing and developed countries in the UN process, or the establishment of a Green Climate Fund, which was also one of the EU's main goals before the negotiations. Yet, it has to be acknowledged that the goals of the EU were less ambitious and much more modest at Cancun than at Copenhagen. At Copenhagen, the Union was striving for the 'big bang', a new international agreement combating climate change, whereas at Cancun, the EU downsized its aims and set more moderate (or more realistic) objectives that were easier to achieve and more reconcilable with those of other major negotiating parties.

The actor constellation and the interplay between other key negotiating parties and the EU seem to have been different. The US and China, the two world's largest emitters, pursued a more constructive approach in public, as far as it concerned the negotiating process, and showed more willingness to find an agreement. Before the start of the negotiations, the US and China approached each other and tried to overcome their differences of opinion. US negotiator Jonathan Pershing

seemed to be optimistic. Still, he did not name any concrete points where the two countries made progress (Spiegel online, 30 November 2010). When it comes to the goals and objectives of the other key negotiating parties, it is to be seen that the EU's main aims of securing the multilateral UN climate negotiating process and the translation of the Copenhagen Accord into a balanced package of decisions were very well compatible with other parties' preferences. The EU pursued rather modest and more realistic objectives that were closer to the positions of the US and the BASIC countries. Almost every participant of the summit shared the wish to secure the UN process after Copenhagen and to avoid another failure to prevent countries from diverging from the UNFCCC process and thus deterring international climate change cooperation. In this sense, Cancun was widely perceived as a "stepping stone" toward a future agreement (IISD 2010: 28). The disaster of Copenhagen played an essential role in the course of the Cancun negotiations. It reconciled the negotiating parties in the wish to avoid another failure and to show that the climate change negotiating process was not dead, but still alive.

Moreover, over the year 2010, the EU shifted its negotiating strategy and its approach towards the international climate change process in reaction to Copenhagen. The EU realized that it was completely unrealistic to achieve a comprehensive and global agreement in one or two years. It then decided to do it 'step by step' what was then called the "stepwise" or the "incremental" approach (interview with Council Secretariat representative, 19 January 2012). The new EU strategy was composed of a shift of focus/attention to build alliances with new partners. Connie Hedegaard shifted the EU focus away from China and the US. She was looking for coalitions with countries willing to move forward. The EU, e.g., actively participated in the Cartagena Dialogue for Progressive Action. It was able to impact on several points of the COP16 agenda together with those progressive countries, such as the acknowledgement that existing pledges needed to be strengthened, a process for clarifying these pledges as well as an ambitious work programme for the future elaboration of frameworks for reporting (Oberthür 2011: 11). In the context of the 'Global Climate Change Alliance', launched by the Commission in 2007 to deepen dialogue and cooperation on climate change between the EU and developing countries, EU representatives met with representatives of Asian developing

countries in May 2010 in Dhaka, Bangladesh, and agreed to work closer together in order to mobilize international support for the fight against climate change. Besides the policy dialogue, the EU provided technical and financial support (European Commission 2010d). Alliance building has in the meantime become significant because it has the capacity to prevent the complete deadlock of the UN climate negotiating process. It can additionally be used as a means of exerting pressure on parties that are not participating in those alliances which might then enhance the chance of a compromise in the framework of formal negotiations (Fischer and Leinen 2010: 6).

The formation of alliances with new partners was accompanied by the abolition of the strategy to 'lead by example' and to show good will in order to encourage others to move forward, too. Before the COP16 conference, Commissioner Hedegaard announced that the Union would not lead the way unconditionally anymore; instead, it would only enter into a commitment if others did so, too. Hence, the EU would not automatically sign a new international agreement, and especially the US would have to commit to binding greenhouse gas emissions reduction targets (Spiegel online, 14 September 2010). At the same time, the EU was willing to consider a potential second commitment period under the Kyoto protocol only under certain conditions: as part of a wider outcome and including the perspective of the global and comprehensive framework in which all major economies are engaged and committed to binding reduction targets (Council 2010b).

At the COP17 meeting in Durban in December 2011, the parties to the Convention reached a compromise "to launch a process to develop a protocol, another legal instrument or a legal outcome under the Convention applicable to all Parties, through a subsidiary body under the Convention hereby established and to be known as the Ad Hoc Working Group on the Durban Platform for Enhanced Action" (UNFCCC 2011). This AWG should develop an agreement until no later than 2015 and the agreement should come into effect and be implemented until 2020. In addition, countries agreed on a second commitment period under the Kyoto Protocol. The second commitment period is to begin on 1 January 2013 and to end either on 31 December 2017 or 31 December 2020 (IISD 2011a: 28).

The EU position for the COP17 summit is outlined in the Council Conclusions. The EU still preferred a "single global and comprehensive legally-binding agreement", but was at the same time open to a second commitment period under the Kyoto Protocol as part of a transition towards a legally-binding framework (Council 2011; European Commission 2011). In contrast to the Cancun climate change conference, the conditions for a further commitment under the Kyoto Protocol were delineated in the Council Conclusions, too: the essential the roadmap and deadline for a comprehensive and legally binding global framework should enter into force until 2020, the essential elements of the Kyoto Protocol should be preserved, its environmental integrity guaranteed and its architecture further enhanced (Council 2011; European Commission 2011). So, at the core of the Durban negotiating agenda was to operationalize the Cancun agreements, to achieve a balanced package that would extend the Kyoto Protocol and to pave the way for the process to find a follow-up agreement (IISD 2011a).

At the Durban conference, health was - for the first time since 1992 - taken note of within the UNFCCC framework as a key goal of climate policies and as a priority in climate mitigation and adaptation actions (WHO 2011). The UK-based Climate & Health Council, the NGO Health Care Without Harm and the Nelson R. Mandela School of Medicine at the University of KwaZulu Natal, in partnership with the World Health Organization, the World Medical Association and the International Council of Nurses organized on December 4, 2011 the first "Climate and Health Summit" as a side event parallel to the COP17 summit. The event hosted over 200 participants from more than 30 countries who adopted a "Durban Declaration"[2] and the "Health Sector Call to Action"[3] (IISD 2011b). The signers of the Durban Declaration call on the COP17 negotiators to recognize the health benefits of climate mitigation and to take "bold and substantive action" to reduce global greenhouse gas emissions, to ensure greater health sector representation

[2] Available at http://www.climateandhealthcare.org/wp-content/uploads/2011/12/Durban-Declaration-on-Climate-and-Health-Final.pdf, accessed on 12 Febuary 2013.

[3] Available at http://www.climateandhealthcare.org/wp-content/uploads/2011/12/Durban-Global-Climate-and-Health-Call-to-Action-Final.pdf, accessed on 12 February 2013.

on national delegations and within the bodies of the UNFCCC, to adopt a strong second commitment period of the Kyoto Protocol and to negotiate a "fair, ambitious and binding agreement" consistent with the Prescription for a Healthy Planet, endorsed by more than 130 health organizations in Copenhagen in 2009, by 2015 (Durban Declaration on Climate and Health). The signers comprise mainly NGOs, neither states nor the EU.

The EU continued its negotiating strategy that it had developed for the COP16 summit. First, the Union stayed with its stepwise approach instead of aiming at the adoption of a new legally bindings agreement (Council 2011). Second, it kept on building alliances with African and smaller states. The Alliance of Small Island States (AOSIS) decided to form an alliance with the EU as well as with the least developed countries (LDCs) as they feared that there would be no second commitment period under the Kyoto Protocol (Banerjee 2012: 1780). They altogether tried to push for an ambitious outcome and they were in this context ready to take up concrete obligations (South African Government News Agency, 9 December 2011). Hence, for the first time, the states of the Cartagena Dialogue and other LDCs openly supported the EU position and joined its demand for a new climate agreement (Dröge 2012: 3; The Guardian, 8 December 2011). At the same time, the group G77 did not act homogenously in public anymore. Many developing countries were no longer willing to tolerate China's and India's refusals to undertake climate action and to release them from their responsibility. They were concerned that both countries did not advocate the developing countries' interests (Banerjee 2012: 1179-1180; Dröge 2012: 3). The alliance between the EU, the AOSIS and the LDCs brought "a sense of direction and pace into the negotiations as the countdown to the end of the Conference began" (IISD 2011a: 30). Third, the EU took a "hardline stance" and, again, would not lead by example anymore (as already at the COP16 conference) (The Guardian, 30 November 2011). Overall the EU was able to give an impetus to the negotiations and the text which was finally followed most of the EU roadmap: "the EU drafted the script for the central plot in Durban by setting out their stall early in the process and offering to do the heavy lifting to save the Kyoto Protocol within the context of a roadmap that put up a challenge to other parties – developing and developed" (IISD

2011a: 29). It also seems that Connie Hedegaard had quite much influence on the negotiating process as she drafted the EU strategy to build alliances with developed and developing countries and forced China to acknowledge to take on commitments, too. In turn, she offered the extension of the Kyoto Protocol and thus, she managed to take the US in, too (The Guardian, 11 December 2011). Generally speaking, the EU took up a leadership role again at the Durban conference and was quite successful in achieving its own goals as well as an outcome with substance.

The United Nations Conference on Development, Rio+20, on 20-22 June 2012, was dominated by the concept of green economy which was also advanced by the EU as a means to achieve sustainable development globally (Council 2012: 3). Green economy is in the Union's view essential to promote "human health and well being and hence eradicate poverty" (ibid.). It aimed at the adoption of a green economy roadmap with timetables for specific goals, objectives and actions. Furthermore, the EU saw the work on sustainable development goals (SDGs) as an important element of progress, also with regard to the review process of the Millennium Development Goals (MDGs). The outcome of the Rio+20 conference was the resolution "The Future We Want" (United Nations 2012).

The EU – and in particular the European Commission – recognized the importance of the relationship between climate change and global health in its white papers on the EU Health Strategy 2008-2013 and on climate change (Commission 2009). Yet, it did not focus on this issue in the actual climate change negotiations process nor does it seem that the EU pulled its weight to put health on the negotiating agenda. Other controversial topics were in the foreground, such as the second commitment period under the Kyoto Protocol, the process to find a successor agreement or climate finance. The EU's role in climate change negotiations changed over the past years from a leader during the last two decades to a sidelined or marginalized actor at Copenhagen. Copenhagen constitutes a break in the history of climate change. Afterwards, the EU 'learned from its mistakes' and adopted a new negotiating strategy that encompassed, inter alia, a 'stepwise approach' towards adopting new climate legislation, the building of alliances with

AOSIS and LDCs who are willing to move forward, too, and the end of the so-called ‘leading by example’. The EU, for example, imposed conditions for the continuation of the Kyoto Protocol which it did not do before Copenhagen. As a result, the EU apparently regained some of its leadership it had lost at the Copenhagen conference. However, at the most recent summit in Doha in 2012, EU internal conflicts over reduction targets came up again and weakened the EU’s negotiating position. It became clear that the EU would reach the 20% reduction target earlier already by 2015 and other states pressurized the EU to adopt a more ambitious target which was openly blocked by Poland during the final plenary session (The Guardian, 23 November 2012; Spiegel online, 8 December 2012).

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