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EU normative power on climate change: a legitimacy building strategy?

Abstract

Ian Manners (2002) described the identity of the EU as an international actor as normative power (NPEU) and triggered a lively debate. Pace (2007) calls for criticism of NPEU and argues that this concept is better seen as a discursive self-construction than an objective analytical concept. While Pace focuses on the construction of NPEU and the self-representation as a force for the good as “Othering”, this paper sheds light on the self-construction of EU normative power and how this construction is used to empower certain agents engaged in the discursive practice. This paper explores the European Commission as an agent, it argues that the discourse on NPEU is used to show its own relevance and is presented as an unifying cause for the integration project. We argue that NPEU is used to fill the community deficit in the European Union and is related to a wider attempt to build European identity. This paper investigates the notion of EU as normative power in the climate change debate as case par excellence.

Introduction

Note to the reader preliminary draft: This paper gives a general outline of the ongoing research project called “Communicating Climate Change in the EU”. Building further on the normative power and identity building literature we set a hypothesis. Then, after presenting the theoretical framework, we give an overview of the possibilities and difficulties to test our hypothesis with empirical data. We are aware that a number of points deserve more development and more empirical research is needed. Nevertheless we hope that you are able to give us some new insights for the forthcoming steps of our research.

“A different kind of power” and “force for the good” are commonly held notions to describe the role of the EU in the world. Ian Manners (2002) suggested that the EU’s identity/role is presented as a normative power EU (NPEU). The concept triggered a lively debate among scholars of EU foreign policy and informed research on the role of the EU in world politics. Traditional conceptualisations of the EU as normative power focus on the means (power through ideas and values rather than use of force) and ends (pursuing ethical interest without material gain) (Orbie 2008). Most often the external policies of the EU are analysed by using the NPEU as an analytical tool to examine and even assess the EU’s international action. There is a wide range of literature on EU’s normative power in global environmental politics (Baker 2006, Harris 2005, Lightfoot and Burchell 2005, Vogler 2005, Zito 2005).

Within recent academic debates the objective and analytical validity of NPEU was questioned and some scholars (Diez and Pace 2007, Diez 2005, Pace 2007,) state that more research is needed to explore the constructed nature of the EU's normative power.

Unlike the analysis of Diez and Pace, who stress the external effects of this discursive construction and whether it enables the EU to play a positive role and if it is shared by relevant others, this article pays attention to the different agents involved in the discursive construction of normative power Europe. Drawing on constructivist approaches this article relates NPEU to the study of identity formation. Identity politics, which can be defined as the "active intervention of political agents with the aim of developing, protecting or strengthening collective identity", plays an important and well-proven role in the process of European integration. (Lerch 2003: 8). Constructivist research on identity formation addresses three main issues. First the nature of the European identity; second the transformative influence of European integration on national identities; and third the cultural diverse or homogenous nature of European identity (Christiansen, T., Jorgensen, K.E. and Wiener, A. 2001).

Constructivist studies that examine the community-building processes in European integration are underdeveloped (Christiansen, T., Jorgensen, K.E. and Wiener, Antje 2001: 14-15).

This paper tries to fill this twin void in the NPEU literature and the community and identity literature by exploring the relation between NPEU as discursive construction and the process of community building. We argue that NPEU is used by certain EU agents to fill the community deficit and is related to a wider attempt to build European identity. A weak normative affective community is considered as the most important reason behind the current crisis in the EU. Etzioni states that "in the EU there is a mismatch between higher levels of integration and expanding scope, lagging behind of political institutions and above all community building. Either the lagging factors will have to catch up or the advanced ones will have to be scaled back" (Etzioni 2007: 27). In fact the EU does not suffer from a democratic deficit but from a community deficit, so normative affective community building is needed prior to more democratisation.

We can detect two dimensions or levels of the European identity discourse. In the international sphere the EU presents itself as a normative power. NPEU differs from other international actors in its ends and means. Norm promotion and universal interests and values lie at the heart of the EU's ethical foreign policy. In addition norms are promoted by way of

attraction and persuasion rather than coercion (Manners 2002). Scholars define this as soft power (Nye 2004). Soft power is related to external legitimacy; other actors will recognize the Union and attribute power to the EU if these policies and actions are considered as appropriate. Often the EU as force for the good is contrasted with the role of the US - as a violator of international norms who uses military force to obtain its goals - this process of “Othering” empowers the Union and disempowers others (Diez 2005). The international identity of the EU is depended on the parallel construction of others and through the discourse on NPEU the EU gains power and legitimacy in the international system. The internal dimension of identity refers to the belonging to a community and the identification of individuals with the EU. “Members of a community share a commitment to a core set of values, whose common good and purpose they find compelling and whose institutions are considered legitimate to the extent that their design are compatible with the shared values” (Etzioni 2007: 34). Our main hypothesis is that NPEU serves as a compelling common good and EU policies and institutions that are compatible with NPEU are considered legitimate. In fact the discourse on NPEU leads to increased internal legitimacy of the EU integration process itself.

The two-dimensional identity serves a two-dimensional legitimacy, external legitimacy of the EU as an international actor and internal legitimacy of the European integration process towards its citizens. Although the NPEU discourse is supported among all EU institutions and is perhaps the only identity on which there is common ground (Diez 2005: 620), the European Commission is most often associated with NPEU (Pace 2007: 1048). By using the discourse definition of Schmidt this paper tries to deconstruct the normative power discourse. Schmidt discerns an ideational dimension and an interactive dimension of discourse; and further subdivides the first of these into ‘cognitive’ and ‘normative’ and the second into ‘coordinative’ and ‘communicative’ elements (Schmidt 2006). Discourse performs a cognitive function by providing convincing arguments for certain policy programmes and effective solutions for current and future problems (Schmidt 2000: 280). The NPEU discourse does not only appeal to “necessity”, it also appeals to the appropriateness and is related to a larger normative debate about the role of the EU in the world. Schmidt stresses the communication of ideas and values, and links this to the institutional structure of the polity (Schmidt 2006).

Schmidt distinguishes two broad categories of institutional settings, uni-actor systems and multi-actor systems. A typical example of an uni-actor system is France; the executive

(president) has large powers, the input of stakeholders is limited and a small group has the power in the decision-making process. Due to the lack of input from civil society, decisions have to be legitimised via a communicative discourse. Thus uni-actor systems are characterised by a thin coordinative discourse and a broad communicative discourse. The European Union, by contrast, is a multi-actor system where no single authority has the power in the decision-making process, power is dispersed and the policy-making process is complex, policy is the result of the input of multiple actors and tiers; sub-national, national, transnational and supranational. Hence the EU as multi-level governance system has a relatively broad coordinative discourse, but a thin communicative discourse. Since the nineties the EU institutions, and especially the European Commission, were criticized for their lack of communicative discourse. To enlarge its own legitimacy the European Commission tried to appeal to national public via EU policies (Schmidt and Radaelli 2005: 15-18). Moreover the EU's normative power rhetoric is most often associated with the soft dimension of external relations with a large regulative authority for the European Commission and with domains within which there is room for increasing competence of the Commission. By referring to the NPEU logic the Commission tries to justify and enlarge its own regulative authority. The European Commission has an institutional and popular legitimacy building interest in promoting the EU as a normative power. Following a rationalist perspective the claim could be made that the normative power rhetoric serves the material interests of the European Commission. But according to constructivist theories discourse and interests of actors are not separable and discourses are shaped by internal processes of communicative action (Rosamond 2001: 160-164). It is not the aim of this paper to make a discourse analysis focusing on language and social constructs, in fact we catalogue ourselves as soft rationalist or thin constructivists. Material interests and objective reality do exist and play an important role but intersubjectivities also matter. Thus discourse is not only a reflection of actor's strategic interests, it can also reframe actor's interests and identities.

The leadership role of the EU on climate change is taken as case par excellence to examine the constructed nature of NPEU discourse and its two-dimensional nature. Environmental governance often requires the acceptance of certain norms and principles, the scientific uncertainty about global warming and the difficult cost-benefit analysis further reinforces the role of norm promotion. It seems that the leadership position of the EU on climate change is guided by the pursuit of universal interests and values. Even without the guaranteed participation of major polluters – such as India, China and the US – the EU committed itself

in March 2007 to an unilateral emission reduction of 20% by 2020. Unilateral action could be considered as an act of ethical foreign policy without material gain. Although this does violence to the truth, scholars claim that ethics get a higher ranking than economic interests in the EU's external environmental relations in contrast with the US (Baker 2006). Moreover EU's stance on climate change is considered as appropriate by other international actors, this confirms the soft power thesis (Scheipers and Sicurelli 2007b) . The EU's leadership discourse on climate change also is a convenient case for internal identity building. A progressive climate change stance is accepted by the general public and gets popular support. Our main hypothesis is that leadership on climate change as a manifestation of NPEU is an important theme in community building efforts of the EU and especially those of the European Commission.

European climate change leadership is an outstanding example of NPEU; this paper addresses the question *why* the EU has taken a leadership role. Defining the NPEU as a discursive construction – and not as a objective reality - in which different agents are involved, provides a partial answer to this why question. The discourse definition of Schmidt is used as analytical framework to deconstruct the normative power and climate change leadership discourse. It proposes that external and internal identity and legitimacy are two sides of the same coin. Few scholars theorize and did empirical research on this topic, the mutual relation between external and internal identity and legitimacy is suggested as an answer to why the EU has developed and sustained leadership on climate change.

The quest for legitimacy

Before 1992 it can be stated that public, internal legitimacy was not a real issue for the EU. The following quote by Pascal Lamy (Chef of Cabinet of Commission President Jacques Delors) says it all:

'the people weren't ready to agree to integration, so you had to get on without telling them too much about what was happening'. (Meyer 1999)

The rejection of the Treaty of Maastricht by the Danes was a wake-up call for the policymakers in Brussels. A lot of authors mark this rejection as the end of the 'permissive consensus' (Follesdal 2004; Liebert 2001). The political elite realised they needed to do more effort to publicly legitimise the EU. Since Eurobarometer results showed that people were (and still are) badly informed about the EU, the EU decided to focus on a better information

and communication policy (Kurpas 2004; Eurobarometer 38; Eurobarometer 68). Over the last 15 years, small steps have been taken with regard to the EU's communication policy with an increase of the communication budget and the appointment of a Commissioner for Communication in 2004 (Margot Wallström) as most obvious efforts. This seems like the right way to go since communication and the emergence of a communicative infrastructure between the EU and its citizens has increasingly become a touchstone for the legitimacy of European governance over the last couple of years (Sifft *et al* 2007). A communicative discourse has come to the forefront focusing on dialogue instead of monologue, promoting debate and stimulating a going local approach (Action Plan, Plan D, White Paper, Communicating in Partnership).

Communication is seen and used by the EU (and more specifically the Commission) as a means to close that information gap, to potentially stimulate European identity building and to hereby publicly legitimise itself¹. In its quest for legitimacy the EU is looking for topics that people can relate to in the hope that this will make people feel connected to the EU. Ever since 2007, the EU uses communication priorities to streamline its communication policy and to make it more efficient (also necessary due to a limited communication budget). These priorities can be found in the Annual Policy Strategy (APS) of the EU and in the Commission's Legislative Work Programme (CLWP). For two years in a row now energy and climate change have been appointed communication priorities of the Commission and will be priorities for 2009 as well (Annual Policy Strategy for 2009). This is of course not coincidental. The EU has been in search of ways to bond with its citizens. Energy and climate change are policy areas whereby Eurobarometer results show that people want the EU to do more and where people see the EU more fit for the job than the national level (Eurobarometer 67). This paper states that the EU uses climate change and the way it communicates on climate change as a way to position itself not only towards the rest of the world but also towards its own citizens in an attempt to stimulate European identity formation. To legitimise a regime such as the EU, identity construction can be a helpful tool. Identity construction is often based on the creation of in- and out-groups (Johnston 1999 ; Mummendey and Waldzus 2004). Foreign policy is then the ultimate policy whereby the difference between the in-group and the out-group is underlined. When state elites perceive that their legitimacy is declining or under challenge, foreign policy is often the key tool to intensify in-group identity (Johnston 1999). The communication on climate change is used by the EU to stimulate this in-group

¹ See EU's communication plans: Action Plan, Plan D, White Paper, Communicating in Partnership.

feeling which is then based on a shared belief in the benefits of a common climate change policy. This might be a successful approach since research shows that values such as peace and prosperity are no longer inspiring for young people (Huyst 2008).

Legitimacy in the NPEU literature

While the link between public legitimacy and foreign policy seems obvious, few scholars in the normative power literature theorise about this relation. Instead external legitimacy is the central theme in the NPEU literature, acting as a normative power provides the EU with a source for external legitimacy. In fact the NPEU discourse on sustainable development is a result of the EU's desire for legitimacy (Lightfoot and Hussey 2006). A new range of research on NPEU focuses on the match between the EU's desire and the result for legitimacy, they look at the perception of others and the credibility of the EU as normative power. Some claim that the NPEU discourse has a negative effect on the EU's credibility and hence its legitimacy (Diez and Pace 2007, Pace 2007). Others claim a positive effect of the NPEU discourse, e.g. Scheipers and Securelli in their research on the stance of the EU in the international climate negotiations, confirm that the Sub-Sahara countries shared the self-representation of the EU and perceived EU policies as more appropriate than US policies (Scheipers and Securelli 2007b: 13). The issue here is not whether the EU's legitimacy is recognised by other actors, but rather that the NPEU discourse is functional for EU's legitimacy and power even though it is rather a discourse of an Eutopia (Nicolaidis and Howse 2002). The perceived leadership role of the EU on climate change increases its external legitimacy not only in the climate change case, but also its broader legitimacy as an international actor and hence its power. Indeed climate policy is used to demonstrate the power of the EU. At the end of the Cold War growing expectations towards Union action and the increased complexity of the international context, created pressure on the EU. Assertive participation in international environmental negotiations – particularly in the climate debate – was an answer to those demands. Step by step the EU realised that its power was being recognised more rapidly thanks to this assertive role (Vanden Brande 2008: 173). As Diez notes power is inherent in the representation of the EU as normative power; NPEU helps to construct EU's own identity and the identity of the "Others". Othering is an activity by which EU officials construct the EU's identity resulting in external legitimacy and power (Diez 2005). The extensive literature on NPEU focuses at the external power/legitimacy effects of NPEU, we try to look at the internal power/legitimacy effects.

Even though explicit references to NPEU as internal legitimacy strategy are rather scarce and vague, some NPEU scholars mention the EU's internal legitimacy problem and possible solutions. Manners refers in his article of 2002 to EU's internal legitimacy crisis. "*In the post-cold world era it is no longer enough for the EU to present itself as 'merely' a form of economic government for the management of global economics, as the increasing resistance by its citizens to economic liberalization suggests. Desire for greater legitimacy through fundamental norms, in the charter of fundamental rights, basic political and social rights become more widely known to the EU citizenship*" (Manners 2002: 244). Manners suggests that the identification of the EU with economic liberalism leads to distrust among the European public, rather than using the NPEU discourse directly as legitimacy strategy he sees the solution in further anchoring certain political and social rights into the EU's normative basis. According to Diez the past as "Other" continues to legitimise the integration project. Diez discerns two identity concepts; the self representation of the EU reflected against the Other as an external actor, such as the US , and the Other as the past, referring to the memory of the war torn European continent. Although these two concepts are linked - EU as peace community is the forerunner of the normative power concept – they are seen as separate. Diez presents the argument that the EU as peace community – referring to the past as Other is still present in "*many Sunday speeches of European integration*" (Diez 2005: 634). Despite the suggestion that the discourse of NPEU contributes to the construction of an European identity and is probably the only form of identity where there is agreement on, Diez only makes reference to the internal legitimising function of the past as "Other".

Scheipers and Securelli also draw attention to the EU's identity building strategy. "*Nation states construct their identity on the basis of shared perceptions of common belonging, EU has to find alternative means to build its identity. Foreign policy provides the EU with a ground to fill this identity-gap*" (Scheipers and Securelli 2007b: 15-16). According to Baker the NPEU discourse serves certain functions in the integration process. Values and principles forge a sense of group identity, distinguish the EU on the international stage and can mobilise support for European integration (Baker 2006: 77-8). Smith but also Gnesotto note that it appears that foreign policy is least affected by the controversy, and external policy could be a possible answer to the EU crisis (Gnesotto 2005, Smith 2006:1). Bickerton suggests that there is a parallelism between the crisis in the "Idea of Europe" and the increasing centrality of foreign policy to European integration since the post-cold war era. This parallelism supposes

that these *“two developments are interconnected: we can point to the expansion of the EU’s international role, and the attempts at identifying its contribution to world affairs, as driven in part by the need to legitimise European integration in the post Cold War period”* (Brickerton: 3). But none of these contributions further theorise or do empirical research to underpin this statement.

In Orbie’s book of 2008 Europe’s global role, several chapters (including my chapter “Green civilian power”), make an explicit link between the EU’s global role and its internal legitimacy problems. Although this contribution also is rather vague and calls for more research, Orbie attempts to explain the NPEU discourse as a strategy to enhance the EU’s internal credibility. *“The current criticism against the European integration project can be ascribed as to the EU’s regulatory state image: its activities are seen as overly technical and too market-oriented. To a large extent, the discussion on the way that normative objectives can be promoted through external relations, boils down to the ideological left-right cleavage. For example...the chapter on environmental activities point to Europe’s market-oriented approach, questioning whether this is sufficient to act as a real normative power”* (Orbie 2008: 29).

A proactive environmental policy might symbolize EU’s resistance against unrestrained globalisation. Environmental politics and especially climate change has a clear visibility. Contrary to financial and trade politics, which is about numbers, environmental politics affects people’s daily lives. Moreover, taking a proactive stance in international environmental regimes is often less costly than playing the role of regulator in economic and financial politics. On financial and investment regulations the EU seems to bandwagon the US, while it attempts to lead the debate on environmental regulations. Oddly some scholars claim that this lack of public confidence and fear for globalisation is related to quasi-environmental issues. Several food safety and public health scandals, such as the BSE crisis and the growing public unease about biotechnological developments, have been perceived as regulatory failure and undermined the credibility of regulatory institutions at the national and EU level. In an attempt to rebuild public confidence, EU policymakers embraced the precautionary principle (Petry, Knowles and Meads 2005, Baker 2006). Regulations based on the precautionary principle may indicate the willingness and the ability of the EU to push for regulations to accompany globalisation, even if the risks have not yet been proven. Hence environmental policy was a convenient way to circumvent a larger political and social

uneasiness. Additionally it covers the competitiveness agenda in other issue areas such as trade, financial and investment regulations. According to Tiberghien and Starrs, who studied the EU position on GMO regulations, acting aggressively on one narrow issue only can address a large diffuse discontent (Tiberghien and Starrs 2004). In the case of GMO regulations a latent public malaise was activated by civil society. Non-governmental organisations framed the GMO debate as a struggle against extreme liberalism; consequently the EU pushed a non-economic agenda to respond to domestic civil society and to reassure the public opinion (Bonny 2003, Bail, Decaestecker and Jørgensen 2002).

The Climate Change leadership discourse, as example par excellence of the NPEU discourse, might symbolize the EU's resistance against hyper-globalism and neoliberal economic policies. During the nineties the increased salience of environmental problems and particularly climate change created a window of opportunity for the EU to reveal itself as a positive force in the climate change fight. Given the US was reluctant to accept binding greenhouse gas reductions and eventually rejected the Kyoto Protocol, EU leaders could easily claim leadership in the global climate debate. Peter Mandelson, the current Trade Commissioner, describes in his pamphlet "The European Union in the Global Age" the EU as the best instrument for managing globalisation and he states that climate change and energy security have to be one of the key purposes of the EU for the 21st century. Climate change and energy security can become "the *raison d'être*" for the EU:

"What coal and steel were to forging the early EU, climate change and energy may be to the EU of the twenty-first century. If the EU did not exist, we would need to invent it to deal with these twin challenges (Mandelson 2007: 19)"

Paradoxes of NPEU discourse as legitimacy building strategy

Normative power Europe as the new *raison d'être* for European integration has become very fashionable in the Eurodiscourse. In fact it is a comforting thought for EU officials that Eurobarometer opinion polls show that Europeans citizens' expectations towards the EU correspond with the normative power identity. But some critical remarks have to be made concerning the NPEU discourse as legitimacy building strategy.

First we have to take into account the recent calls for reflexivity regarding NPEU. Diez claims that EU officials but also scholars should be more critical of the NPEU discourse. EU officials, and even many scholars, engage without thorough consideration of the power inherent in the NPEU discourse. The unquestioned consensual nature of the discursive construction and the projection of the unquestioned self as model for the others in the NPEU discourse needs reflexivity. In his article of 2005 Diez states that this self-reflection is only present in the past as “Other”, because the self of the present is a critical reflection of the other of the past, and this identity-consciousness is no longer present in the normative power concept (Diez 2005: 634). Likewise Pace states that “*EU’s period of reflection may serve as an important period of EU actors to consider some self-criticism of their own claims of normativity especially in the EU’s role*” (Pace 2007: 1060). One element of reflexivity is the consistency between the promotion of norms via external relations and the internal norms.

For example Bellamy and Castiglione (2001) warn that norm promoting on the external level and high levels of support for certain external regime criteria, such as democracy, can lead to internal dissatisfaction with the character of the actual regime. Instead of solving the legitimacy crisis, the NPEU discourse could even enlarge the public consciousness of the EU’s democratic deficit and hence even enlarge the legitimacy crisis. Nonetheless this argument needs nuance for the climate change case. In fact there is a relatively large consistency between the EU’s internal climate change policies and the policy that the EU is promoting externally. Wettestad even argues that the ambition to ‘lead by example’ on the international front accelerated the decision-making process leading to an intra-European climate policy and a European Union Emissions Trading Scheme (Wettestad 2005).

Another related argument is that external relations are even less democratic than internal EU policies. For example the EU’s stance in the international climate negotiations is decided in a technocratic and behind the door, closed, decision-making process. EU officials from the Commission and the Member States negotiate behind closed doors, the European Parliament and NGO’s are not allowed to the coordination meetings. In fact the way the European position is produced suffers from a huge democratic deficit. The European Parliament only has to be consulted during the pre-negotiation stage (in preparation of an international conference) but the point of view can alter during the negotiations. Nevertheless the European Parliament can exert influence by using alternative methods: a resolution of the European Parliament led to the first export control on chemicals, later known as the PIC procedure

which was eventually incorporated in the PIC Treaty of Rotterdam (Pallemarts 1998)². Negotiations during an international conference are mainly conducted by officials and technical experts, public actors have little influence on the actual decision-making, in the sense that international negotiations and intra-EU decision-making lack public participation. In the EU the main decisions are made by the Working parties of the Council, internationally the technical committees and subsidiary agencies prepare and guide the political decisions during the COP's (Conference of the Parties). Environmental affairs often have a multi-dimensional nature, negotiating requires the active and essential role of science (Kailis 2006). Technocratic decision-making is in a way crucial for the governance of environmental problems, in the sense that the dominance of experts can increase the bargaining capacity of the EU. On the other hand experts take control of the negotiations and these epistemic communities, with their consensus-based decision-making, can impose politicians and the public – even unconsciously - certain perceptions on environmental problems³. If the large public becomes more aware of this democratic deficit in external relations, the NPEU discourse could expand the legitimacy problem instead of solving it.

The capability-expectations gap (Hill 1993) is another threat to the legitimising function of NPEU. Earlier we mentioned the argument of Orbie that the public resistance is related to the EU's regulatory state image. Orbie notes that equipment of the EU is one of a regulatory state; *“community competence is greater in the area of regulatory policies, where the costs are borne by which who have to comply with the regulatory policies, than with regard to distributive policies, costs of which are born by the Member states via their obligatory contributions to the budget. Regulatory policies are usually market-enhancing, aiming to correct market failures that accompany market failures”* (Orbie 2008: 29). Thus the EU's capability is that of a regulatory state, the expectations that of a normative power. Orbie questions whether the EU's *“equipment as regulatory state will be sufficient to act as a real normative power on the international scene”* (Orbie 2008: 29). If the capability of the EU is not upgraded, the gap between capability and expectations can eventually become so wide, that the expectations will lose their credibility. Hence this could further discredit the

² PIC refers to the Prior Inform Consent Procedure. The PIC procedure is a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future shipments of certain chemicals, listed in Annex III of the PIC Convention (also known as the Rotterdam Convention 1998), and for ensuring compliance with these decisions by exporting Parties. All Parties are required to take a decision, an import decision, as to whether or not they will allow future import of each of the chemicals in Annex III of the Convention. Import decisions taken by Parties must be trade neutral, that is, if the Party decides not to accept imports of a specific chemical, it must also stop domestic production of the chemical for domestic use and refuse imports from any source, including from non-parties. All exporting Parties are required to ensure that exports of chemicals subject to the PIC procedure do not occur contrary to the decision of each importing Party (www.pic.int).

³ E.G. Scientists who deny the problem of climate change have a large influence on the US position in the international climate negotiations.

legitimising function of the NPEU discourse. However the EU's equipment as regulatory state is well suited for climate change policies; emissions trading, the key policy principle of European and international climate change policies, essentially is a market-enhancing instrument. But the way it is presented in the discourse, as a policy that has internal and external environmental, social and development benefits, gives the EU an image of normative power that uses regulatory policies for the good. Curbing the profit of the polluting industry and divide the loot among the EU citizens, gives the EU and especially the European Commission the image of a Green Robin Hood. Although the new climate change and energy legislative package (presented by the European Commission in January 2008) even strengthens the compliance rules and makes the costs for the industry larger, by replacing the free allocation of emission credits by auctioning, there is a new discourse emerging that European citizens also have to bear the costs of climate change policies. In the European Council Conclusions of March 2008 it is stated that "*addressing energy and climate change is also a matter of shaping values and changing citizens' behaviour*" (European Council Conclusions March 2008). So the European citizens also have to comply with the EU's climate change 'regulatory' policies, but it is communicated as the need for a normative change. Thus the manner in which the message is communicated is very important, if climate change policies merely were presented as regulatory policies increasing the costs of daily life, such as rising food and electricity prices, people could turn against the cause. Therefore we will focus our empirical research on the EU's communication strategy, because an effective communication strategy is crucial to engage people in the climate change leadership (as example par excellence of the NPEU) discourse as legitimising strategy.

The European Commission: principle agent constructing the NPEU discourse

We consider Normative Power Europe not as an objective reality but as a discursive construction in which different agents engage. Although the member states and the European Parliament are important agents, NPEU is usually associated with the European Commission (Pace 2007: 1048). A closer look at European Commission documents and speeches reveal that reference to normative power like characteristics are apparent. Normative power is in the academic literature and the Euro-discourse most often associated with first pillar external relations and not with hard foreign policy. Within communitarian external relations the formal and informal competence of the European Commission is much larger (Orbie 2008: 37-44). We argue that the European Commission engages in the NPEU discourse to show the

relevance of common external relations and hence to justify its own regulative authority in this field. Even though climate change is an area of mixed competence, and not exclusive competence such as trade, the Commission has a powerful role in different stages of the negotiation process. In the pre-negotiation phase (the preparation of the COP/MOP meetings), the Commission has no right of initiative to draft the proposal, which is the task of the Council Presidency, but has a seat at the table and takes part in Council negotiations. At the negotiation stage, representation is shared between the Commission and the Presidency and often the next Presidency also is involved in the troika. Finally the Commission has most competence and power in the post-negotiation phase or the implementation of the international agreement. The implementation of the UNFCCC and the Kyoto Protocol rests on communitarian policies, such as the European Emissions Trading Scheme, with a large regulative authority for the Commission. Knowledge and power in the implementation stage will consequently increase the Commission's role in the drafting of the proposal and the representation at COP/MOP meetings. Furthermore there is no clear view and boundary on what climate change policy entails. The discourse on the ambition to 'lead by example' could trigger common policies in domains, such as taxation, with large member state competence. Eventually the climate change leadership discourse could open the door for ecological taxation and could trigger a broader common tax policy; leading to a spill-over in disputed policy domains. Thus the climate change leadership discourse has a coordinative dimension; its on its way to join forces among the political elite and EU officials, mainly Commission staff, hope that it will be functional to relaunch other failing agenda's such as the Lisbon Strategy. Climate change is an example par excellence of the functionality of the NPEU discourse; there is a relatively large regulative authority for the European Commission, there is room for increasing competence of the Commission and the ambition to fight climate change is nearly consensual among EU officials.

The European Commission not only has an institutional interest but also a popular legitimacy building interest in promoting the EU as normative power. Although all EU institutions have an interest in increasing the public acceptance of the EU, the European Commission is the institution most threatened by the legitimacy crisis. Unlike at the state level, where the state as an institution is not questioned, the EU's lack of legitimacy could cast doubt on the continuation of the European Union as institution, or "*d'être*" of the EU. If the EU would come to an end, the European Commission as well the European Parliament would lose their rationale for existence. To safeguard their own survival they develop their own institution-

specific legitimacy strategies. Pre-eminently qualified to represent the European demos, the European Parliament has a higher public esteem than the Commission. Moreover the European Parliament has the image of voting legislation that regulates globalisation. The Commission, by contrast, is seen as a bureaucratic machine promoting economic liberalism. Thanks to the fraud scandal in the Santer Commission and following public insults among Commissioners, the Commission inherited a bad public reputation from the nineties. Thus the Commission has a greater need to legitimise itself than the European Parliament. Schmidt and Radaelli claim the Commission tries to appeal to national publics via EU policies (Schmidt and Radaelli 2005: 15-18). We argue that the European Commission engages in the NPEU discourse to adopt a personality, a Commission with ambition in normatively charged domains such as development policy, humanitarian aid and climate change. In the case of climate change the Commission can take additional advantage of the public popularity of fighting climate change and the fact that environmental policies are considered as the success story of integration. The NPEU discourse gives the Commission not only a personality towards the European public but also an international personality. Anecdotal evidence of the Environment Commissioner Ripa de Meana who refused to go to the Rio conference in 1992 because of the lack of ambition of the Council for a carbon/energy tax, suggests that climate change leadership was (and is) especially a desire of the European Commission. (Zito 2002: 240-251).

We are aware that the above arguments need more fundamental research. The functionality of the NPEU discourse for the power of the European Commission could be examined by a comparative case-by-case research and/or a temporal research in one case. Quantitative and qualitative analysis of speeches and policy documents could reveal whether there is more reference to normative power arguments in Commission statements than in European Parliament and Council documents. You could look at a kind of gradation of the NPEU discourse and relate it to the competence of the European Commission and the room for increasing regulative authority of the Commission. Additionally you could seek out whether this discourse is consensual or not among the political elite. Finally by an in-depth case analysis you could search for the influence of the NPEU discourse on the decision-making process. Our first step in this research project is to look at the climate change case through time. We try to find out the origins, the consensual nature, the power functionality and the effect of the climate change leadership discourse.

To examine the popular legitimacy building interest of the Commission, you could search for issue linkages in the discourse. In Commission statements climate change leadership is often described as the answer to EU citizens demands.

We can find clear evidence of this issue linkage in the discourse of the current Environment Commissioner Dimas.

“...key to building trust in the EU is to deliver a “Europe of Results” – which means addressing the issues that really matter to European citizens. There can be no issue where results are more urgently needed than in addressing climate change”.

“The environment is also one issue where the EU can best connect with its citizens. As we celebrate the 50th anniversary of the creation of the European Union I am convinced that protecting the environment – and in particular tackling climate change – will be at the very heart of the European project over the next 50 years.”(Dimas 2007b)

Even though the discourse on energy and climate as the new *raison d'être* of integration is associated with the Barroso Commission (2004-2009), this issue linkage is not new. The release of the Sustainable Development Strategy at the European Council of Göteborg in 2001 was an attempt to counter the public criticism, which was manifest during the anti-globalisation protests on the streets in Göteborg. Thus EU institutions, and especially the European Commission (Prodi Commission 1999-2004), countered the public protest against the neoliberal image of Europe with the sustainable development message.

“The environment remains at the top of citizens' concerns and is an area where the EU is expected by people to provide added value over action by Member States. This also means that it is an area where the EU can demonstrate that it merits the citizens' support. In that sense, Göteborg has also been a Summit that carries a message to the man in the street. “ (Wallström M. 2001)

Jacques Santer, president of the European Commission from 1995 to 1999, declared in 1997 - the year of the Kyoto Protocol - that EU citizens are looking for leadership to protect the environment.

“ Public opinion in Europe continues to recognise that there is need for strong action to protect the environment. It increasingly recognises the need for new types of determined action to achieve this at home and is ready to pay the price. It is looking for leadership.” Preventive and precautionary environmental action, has been the commitment of this Commission since it took office. ...In the field of environmental protection, our citizens want more Europe, not less! ”.(Jacques S. 1997)

By referring to preventive and precautionary action as commitment of the European Commission, the Commission tried to legitimate the regulatory capacity of the EU in the field of environmental protection. In 1997 there was not only the agreement on the Kyoto Protocol, but there also was an European March to promote a Social Europe culminating with a demonstration at the EU summit in June 1997 in Amsterdam. Thus public dissent against the hyper-globalism of the EU is answered by an environmental leadership discourse.

A more systematically discourse analysis is needed to show the issue linkage between NPEU and popular resent. It would be useful to draw parallels in time between the NPEU discourse and periods of public resistance against the EU's regulatory state image.

Climate Change central theme in EU's communication strategy

The NPEU discourse is considered as an attempt to fill the community deficit and create an European identity. Earlier we mentioned that the communication of the message is very important to engage people in the NPEU discourse. We argue for of an effective communication strategy but are not doing an analysis of the effectiveness of the EU's communication. First this entails inevitably a value judgment and second it is hard to measure the effect of communication on mass public opinion. For example Eurobarometer opinion polls show that majorities are in favour of a progressive role for the EU in global environmental politics; it is hard to tell whether this is because of green public feelings or whether it is an effect of the NPEU discourse. Consequently not the effect but the functionality of the discourse is our main research question.

Issue linkages in Commission documents and speeches are a first step in detecting the functionality of the NPEU discourse.

Secondly we look at the different communication channels. As the EU has a relatively thin communicative discourse, the communicative discourse to the public is often left to national

political actors (Schmidt and Radaelli 2005). We could look at how national politicians communicate (or not) about the EU's role in external relations; is there any reference to NPEU characteristics and is it associated with a positive image of the EU and the European Commission, which could point to the functionality of the NPEU discourse at the national level. Considering that the EU has 27 member states this approach raises some major empirical problems. First we are confronted with a language problem, our limited language skills would force us to pick out some member states. Secondly the definition of national politicians forms another difficulty; are politicians only members of the executive branch or also members of the legislative branch, such as parliamentarians? Not only members of government but also members of national political parties can be considered as national politicians. In sum we think that an analysis of the national political discourses would raise nearly insuperable empirical difficulties and would not give an answer to our question.

Moreover national politicians use the media to communicate with the broad public. For these reasons an analysis of national media would be a lot more useful. Once more our limited language skills would force us to make a selection. Although it is impossible to take a random sample survey, we could select some significant member states. France, Germany, UK, three large and powerful member states and Belgium and the Netherlands, two smaller but influential member states. At the member state level we have to make the choice which media channel to investigate. We should limit our analysis to the written press because it is a lot harder to collect television and radio news items. You would be confronted with more empirical difficulties - is there an archive and is this open to the public – which require more time and resources. Given our limited time and resources, we would choose to analyse some selected newspapers in each member state. The selection criteria for the newspapers could be outreach, reputation, popularity and target audience. We should select all the articles referring to climate change, key dates on international and European climate-change policies would guide our search. Relying on a qualitative content analysis we search for discursive constructions on how the EU, and the European Commission in particular, is presented in the written press. If the EU is presented as a positive force in the climate change case and if this success is credited to the active role of the European Commission, there is a seeping through of the NPEU discourse at the national level.

Nonetheless we are more interested in the communicative discourse at the European level. Earlier we mentioned that especially the European Commission tried to expand the EU's

communicative discourse. An EU communication strategy was presented as an identity-building instrument. Hence the EU's communication strategy can be seen as the channel through which the NPEU discourse is communicated. By looking at the content of the EU's communication strategy we hope to demonstrate the Commission's attempts to build a NPEU identity, of which climate change leadership is an essential element. Our central hypothesis is that EU's communication strategy prioritises climate change to spread the communicative discourse of NPEU on climate change as the new *raison d'être* for European integration. Climate Change has become one of the most important communication priorities of the EU (see APS/CLWP 2007-2009). Additionally communication initiatives dealing with the environment and climate change have been on the rise since 2000.

We begin our analysis in 2000; this year is important for many reasons. In 2000 the first European Climate Change Programme was launched and the Prodi Commission (1999-2004) initiated structural reforms in the EU's communication policy. Additionally from 2000 there is a rapid proliferation of EU communication initiatives. Thus we evaluate the communication policy of the Prodi Commission (1999-2004) and the following Barroso Commission (2004-2009). A critical reading of annual Commission Legislative Work programmes, Annual Policy Strategies and the Strategic Objectives of the Prodi and the Barroso Commission could reveal the communication and policy priorities of the Commission between 2000-2008. Secondly we look at the level of DG Communication at the several communication policy documents (Action Plan, Plan D and White Book), the Annual Management Plans and the Annual Activity Reports. We are seeking an answer on the following questions; how does the EU's communication policy works, what are the communication priorities and how does DG Communication relate to other DG's, such as DG ENV? The general guidelines of the EU's communication policy are decided by DG COM, each DG has its own communication unit and its own communication strategy to translate these general guidelines into practice. We take a closer look at DG ENV Communication Strategies, and its Annual Management Plans (AMP) and Annual Activity Reports (AAR).

Our central hypothesis is that climate change is prioritised in the EU's grand communication strategy by the Commission President and DG COMM and it is also the number one communication priority of DG ENV. We hope to find evidence of this prioritising in more resources (financial and human), more public campaigns and communication initiatives dealing with climate change and in the discourse of these policy documents. A first glimpse at the Communication Strategies, AMP's and AAR's of DG ENV reveals that information and

awareness raising is an important policy priority. In the sixth Environmental Action Programme information, awareness raising and participation is one of the strategic objectives of the EU's environmental policy. Partially awareness raising is more important for environmental issues than for other issues given the fact that policy requires change in citizen's behaviour. In the AMP's and ARP's awareness raising and information is most often categorised under the title implementation, or is related to implementation under the title proper communication of policy messages. Another factor that partially explains the importance of information, awareness raising and public access to documents in environment issues is the Aarhus Convention⁴. Public transparency, access to information and the promotion of participation of interested parties is also part of the better regulation agenda. Thus the focus on information and awareness raising can be partially explained by other arguments than the legitimising argument of climate change.

However, the discourse in these policy documents seems to give evidence of the functionality of environment policies. In AMP of 2003 it is stated that *“being a policy oriented DG output features significantly in the overall trust of EC policy-making”* (AMP 2003). This discourse is even stronger in the AMP of 2007 *“Progress on environment has contributed strongly towards delivering a “Europe of results”, environmental policy will continue to have a key role to play in the future of Europe* (AMP 2007). In the AMP of 2008 the link with the citizens is even more clear. *“Delivering a “Europe of Results” is a priority for this Commission, and the EU's environmental policy has been one of the Union's success stories in terms of providing tangible benefits for its citizens”* (AMP 2008). The Discourse on Europe of Results was launched in the paper *“The Future of Europe”* by the European Commission in may 2006 as a reaction on the negative referenda in 2005, and in preparation for the June 2006 European Council and the celebration of 50 years of Europe in march 2007. With the Europe of Results agenda the Commission proposed a twin-track approach to solve the EU's crisis, a Europe of Results providing results for the European citizens will create the right

⁴ The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus) was adopted on 25 June 1998 in the Danish city of Aarhus (Århus) at the Fourth Ministerial Conference as part of the "Environment for Europe" process. It entered into force on 30 October 2001. The Aarhus Convention establishes a number of rights of the public (individuals and their associations) with regard to the environment. The Parties to the Convention are required to make the necessary provisions so that public authorities (at national, regional or local level) will contribute to these rights to become effective. The Convention provides for: access to environmental information, public participation in environmental decision-making and access to justice.

political conditions to address institutional issues. In the Press Release to introduce the paper “The Future of Europe”, it is stressed that “*The Commission is ready to take up the challenge of invigorating the citizens’ Europe. We challenge the other players to take up the challenge and to match our ambition*” (Barroso, A Citizen’s Agenda - Delivering results for Europe Press Conference, Brussels, 10 May 2006). Thus the Commission presents itself as the inspirer of the EU’s new agenda for the future, hoping to receive public credit for its ambition. Thus the content of these policy documents reveal that there is a special attention for awareness raising and information concerning environment issues, more research is needed to examine whether the above mentioned arguments – implementation, Aarhus and better regulation agenda – can fully explain the prioritising of awareness raising and information. Nonetheless the discourse on “the Europe of Results” does suggest that legitimacy is an additional dynamic at play.

In a first attempt to prove the prioritising of climate change we tried to find out the budgeting of communication. It is hard to find policy documents that give a clear overview of the financial resources, we tried to gather more information by an interview with Carina Vopel of the communication unit of DG ENV. We asked her how large the communication budget for DG ENV is and if there is more money for DG ENV than for other DG’s. She had no idea where to find a general overview of the communication budget, she confirmed that it must exist but does not know where to look. Additionally she mentioned that it is very difficult to find out how much resources are spent on one issue because of the three communication levels. There is a central communication budget managed by DG COM, a special budget for the communication unit in DG ENV and the technical policy units in DG ENV also receive their own communication budget. Furthermore communication is integrated in the entire policy-making circle and hard to differentiate. Vopel also mentioned that there is a large political will for communication from the Commission but this is not translated into more financial and human resources. During the years the budget for communication stayed more or less the same, but DG ENV is told to prioritise differently. To focus more and use less resources and other resources; use the internet, develop skills and train the personnel instead of relying on the traditional printed publications. Thus more communication is not necessarily translated in higher budget needs, the new electronic media (internet, you tube, live web-streaming..) are a low-cost wide audience communication channel. Although Vopel acknowledges these new channels are effective, she is disappointed in the budget. “*Reach European citizens is very costly, in fact we have more ambition than money*”. According to

Vopel communication has become a political priority of the Commission, but is still seen as something nice to do in addition and is not considered as a core activity (Interview Vopel 13/2/2008). Thus the above mentioned arguments indicate that budgeting lacks transparency and is no clear indicator of prioritising.

Another indicator of prioritising climate change could be more public campaigns and communication initiatives on the topic. It would be useful to make an inventory of all communication initiatives of the EU, and then categorise these according to DG and topic.

Thus we suggest to do a quantitative and qualitative analysis of all the communication activities of the European Commission. We take a broad definition of communication activities; e.g. we also take into consideration Eurobarometer surveys. Eurobarometer surveys are not only an instrument to measure public opinion they are also a communication channel.

When the Commission services ask more questions relating to climate change, the topic is considered as a priority in the communicative discourse. For example we could try to find an answer on the following questions; when was climate change mentioned for the first time, how are the questions formulated and is there a parallel in time between questions on climate change (or NPEU or environment issues in general) and periods of weak public legitimacy. Our empirical data also includes press releases. We suggest to do a quantitative analysis by counting the number of press releases on climate change comparing these to other subjects. Communication priorities reflect political priorities, accordingly we have to weigh the number of press releases against the total number of legislative proposals on one issue. Thus climate change is a communication priority of DG ENV, because it is one of the political priorities entitled in the sixth Environmental Action Programme – next to biodiversity, natural resources and waste, and environment and health. Nevertheless in the interview with Vopel climate change and biodiversity are mentioned as the most significant communication priorities of DG ENV. This prioritising of climate change and biodiversity is reflected in two major public campaigns aimed at awareness raising. Vopel mentioned that campaigning is very new for the Commission. Besides the campaign on climate change and the upcoming biodiversity campaign (will be launched in 2009 building up to 2010), there are only a few such as the anti-smoking campaign. For example the You Control Climate Change Campaign was a large scale campaign with a budget of 8 million euro, this is a huge amount of money compared with the 2008 budget for the communication unit of DG ENV of 7 million euro⁵

⁵ Interview Vopel: communication unit of DG ENV had in 2008 a budget of 15 million euro. 8.5 million euro for the funding programme of NGO's +7 million euro for communication

(Interview Vopel 13/2/2008). For our empirical research we would further gather information about all public campaigns, their budget and their importance in the EU's communication strategy.

The climate change case also is the test case for a new integrated communication strategy.

This communication cycle has four steps; trying to be proactive, inform the stakeholder and the general public, spread information via the local press and the European Commission representation in the MS and finally show the positive impact of the legislation and show the general success to the public, justifying the involvement of the Commission. This last step supports our hypothesis on the functionality of the climate change discourse to justify the authority of the Commission. An integrated communication approach, integrating communication in all stages of policy making and enhancing the cooperation between different departments, was used in practice for the communication of the Energy and Climate Change Package, starting from January 2007. A special task force was set up to coordinate the consultation between DG COMP, DG TREN and DG ENV, chaired by DG COMM providing support services. Climate change is taken as test case because it is considered as a top political priority for the Commission and for the Commission president Barroso. It is not only a top political priority but also a top priority for communication (see APS/CLWP 2007-2009).

There is already evidence from this limited empirical research that climate change is a communication priority for Barroso, DG COMM and DG ENV. Before we can make assumptions about the functionality of the climate change discourse, we have to consider all other possible explanations for the prioritising of climate change.

Earlier we mentioned that the Aarhus convention, the better regulation agenda and the necessary participation of citizens for implementation of environment policies could partially explain the attention for information and communication. Secondly climate change has become a high level political priority for the EU and especially for the Commission. It has entered the realm of the president Commissioner's cabinet Barroso and is no longer solely an agenda item of DG ENV. Thirdly the role of Eurocrats could explain the prioritising of communication on climate change. Given the former position of Margot Wallström as Environment Commissioner under Prodi and her current career as vice-president and Commissioner for Communication, we can expect an increase of attention for the climate issues in the communication activities. Further research could elaborate on this more systematically. The data analysis will be accompanied by a discourse analysis and elite-

interviews. Nonetheless we expect that the aforementioned reasons fall short in fully explaining the prioritising of communication on climate change.

Conclusion

The paper is a first attempt to address the question **why** the EU has taken a leadership role on climate change. We tried to answer this question by using the concept of Normative Power Europe. Following Diez and Pace we consider NPEU not as an objective reality but as a discursive self-construction. The European Commission is considered as the principle agent engaged in the NPEU discourse. Building further on the discourse definition of Schmidt, we discerned a coordinative and a communicative dimension.

On the coordinative side the NPEU discourse is functional to justify and increase the Commission's authority. We suggest to begin with a temporal research of the climate change case looking at the strength of the NPEU discourse and relate it to the competence of the European Commission and the room for increasing regulative authority. At a later stage we could do a comparative case-by-case research, comparing climate change with other environmental issues or with other policy domains. We expect that the NPEU discourse is more apparent in the climate change case. Thus European climate change leadership is partially a result of the European Commission's ambition to increase its own authority and to justify its role in this policy domain. Moreover the ambition to lead the climate change fight is nearly consensual among EU officials and it seems functional to relaunch other failing agenda's. After explaining why the EU has taken a leadership role, we could look at the influence of the climate change leadership discourse on the decision-making process. We claim that the discourse can trigger common policies, eventually leading to a spill-over.

On the communicative side the NPEU discourse is functional for the Commission's public legitimacy. Representing itself as the inspirer of a progressive climate change policy gives the European Commission intra-EU and internationally a personality. We try to demonstrate this functionality by looking at issue linkages in Commission' discourse. Additionally we examine the centrality of climate change in the EU's communication strategy. We already found evidence of prioritising climate change in communication initiatives. Although we consider all other possible reasons, we claim that they fall short in fully explaining the prioritising of climate change. A brief analysis of Commission documents gives evidence of our hypothesis, that the climate change leadership discourse (as example par excellence of the NPEU discourse) has an identity (or normative community) building function. The EU has taken a

leadership role, and this leadership role is sustained, because the discourse is functional for the EU's external and internal legitimacy. Although our main hypothesis is related to the functionality of the discourse, we could examine whether there is a seeping through – or an effect- of the NPEU discourse at the national level.

Besides answering the question **why** the EU has taken and sustains a leadership role on climate change, this paper aims to scrutinize the EU's legitimacy building efforts. The Normative power Europe discourse seems a convenient way for EU institutions to publicly legitimise itself, but there are some paradoxes in using NPEU as legitimising strategy. We point to the need for reflexivity, the possible in-consistency between internal and external policies, the lack of public participation in external relations and the limited capabilities of the EU as regulatory state. We claim that these paradoxes could enlarge the EU's legitimacy crisis instead of solving it. Climate Change leadership, as an expression of the NPEU discourse, is used to gain citizens trust. If people would turn against the cause, because they are more aware of these paradoxes or they start perceiving climate change policies as a cost, climate change would lose its legitimacy building function. Finally we could wonder whether the EU, and the European Commission in particular, would change their policies and their discourse owing to a change in public opinion. But differently if the climate change leadership discourse loses its functionality, would the EU still be a climate change leader?

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