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**Spanish environmental foreign policy:
From reception to opposition**



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The accession of Spain to the European Community in 1986 is frequently considered the origin of a substantial part of its environmental policy. As Núria Font has sustained, "Spain's membership of the EU has been a key factor for the deployment [of its domestic environmental policy], as it has involved the transformation of the institutional, substantive, legal and operative framework within which such area of public intervention develops". In short, Spain has been, since 1986, "a receptor (a policy-taker) of the Community's environmental policy" (Font, 2001: 384).

This strong European flavour of Spain's environmental policy has multiple expressions, two of which will be analysed here. First, the accession of Spain fostered the incorporation at the domestic level of a "huge quantity of regulations and directives [...] lacking internal correspondence" (Font, 2001: 380). The lower level of economic and social development, as well as the task of creating a democratic and decentralized state had so far attracted the attention of the political actors¹. Thus, before 1986 an environmental policy was nearly inexistent in Spain. Second, "the decision *locus* moved to Brussels", where an important number of the environmental policies to be applied by the Spanish administrations is decided (Font, 2001: 380).

Thus, Spain's incorporation to Europe has accelerated the emergence of the institutional and normative frameworks that shape its environmental policy. This notwithstanding, this text sustains that a revision of the relationship in the reverse direction is urgently required, and a draft of such an analysis is proposed here. What is Spain's contribution to the Union's environmental policy? The evolution towards pragmatism of Spain's attitude within the EU (by giving up its earlier "naïveté"²); the achievement of European standards by its domestic environmental administration; and the emergence of new issues that were not present in the environmental agenda during the eighties have forced/allowed Spain to abandon its traditional role of passive receptor of the communitarian environmental legislation and to seek to influence it.

To have a better understanding of Spain's profile regarding its environmental foreign policy, two cases that share some interesting features are dealt with. Both are issues pertaining to the environmental agenda born in Rio 1992; both have been debated and negotiated in the international arena; and, finally, both have been perceived by the EU as opportunities to appear as an international actor with leadership skills and committed with multilateralism and

¹ As Núria Font recalls, the lack of attention towards the environmental policy was so widespread that "the Spanish negotiators of the accession to the European Community did not include the environment in their agenda", because of its assumed "lack of relevance". Indeed, the Spanish Treaty of Accession "did not contain a single safeguard provision to relax the implementation conditions of the environmental directives, which entered into force in January 1986" (Font, 2001: 384).

² Barbé (1996).

sustainable development. The first one is the genetically modified organisms (GMO) issue and, the second, the climate change problem.

Many political and social actors assert that GMOs involve a number of risks serious enough to limit their use. Normally, the risks underlined are those linked to the product itself, associated with human health, as well as those linked to its production (its cultivation, mainly), which imply dangers of environmental (biodiversity loss, species invasions and emergence of resistances) and social (contamination of the conventional crops and, in parts of the south, an increased dependence of the poor farmers *vis-à-vis* the northern rich companies) nature. Additionally, it has been pointed out that GMOs are but the more recent expression of a productivist and industrialist logic that many consider unsustainable and is believed to favour the concentration of agricultural activities in a group of very few but extremely powerful companies. Thus, the opposition to GMO's grew during the second half of the nineties, reaching its highest level within the EU.

In November 1994, Ciba-Geigy (the company which would be afterwards named Novartis and is nowadays called Syngenta) requested the French government to authorize the commercialization of maize with the Bt 176 genetic modification. The French authorities, in turn, asked the Commission to approve at the European level the cultivation of this variety of transgenic maize. The Commission showed its conformity with the French petition and transferred an authorization proposal to the competent regulatory committee and to the Environmental Council. They both showed their disapproval. Indeed, during the meeting of the Environment Ministers held on June 25, 1996, only France supported the application, while the rest voted against it, except for Spain, who abstained. In spite of their opposition, the European Commission finally asked France to grant the authorization for transgenic maize commercialization on February 4, 1997³.

This triggered a chained reaction among some EU countries. During 1997, Austria, Luxemburg, Italy, Denmark and Sweden banned the cultivation and importation of Bt 176 maize into their own territories. The French *Conseil d'État* cancelled the ministerial order authorizing the mentioned varieties in 1998, and Germany followed suit in February 2000. Thus, from 1997 to 2000 the communitarian Europe shifted to a reticent behaviour with regards to GMOs. This move culminated in 1999, with the declaration of a *de facto* moratorium on the cultivation of new GMO varieties within EU borders. During this period, the Union led the international negotiations that lead to the adoption of the Cartagena Protocol on Biosafety in 2000. This legal text conferred states the right to veto the importation of GMOs. The Protocol entered into force in the fall of 2003, without the participation of the United States⁴.

Spanish behaviour sharply contrasts with the evolution of the other EU member states' policies. Spain decided in March 1998 to include two varieties of Bt 176 maize in its National Register of Commercial Varieties, which is equivalent to allowing its commercialization. Thus, Spain is the only state in the EU that cultivates GMOs at a commercial scale. Additionally, it must be noted that the Spanish government is actively promoting GMOs before the communitarian institutions. So, in the Environmental Council held on March 4, 2002, in which the Commission's proposal for a directive on environmental liability⁵ was discussed, Spain aligned itself with the United Kingdom in its opposition to the possibility that GMOs were subjected to European norms on environmental liability. Equally, on March 26, 2003, the Agriculture Minister, Miguel Arias Cañete, appealed for the end of the communitarian moratorium, in response to pressures coming from the US. According to Liliane Spendeler and Juan-Felipe Carrasco, "there are

³ This authorization was accompanied by the French government's announcement of a moratorium on other GMOs.

⁴ The main GMO exporters (the so-called Miami Group, which includes the US, Canada, Argentina, Uruguay, Chile and Australia) sustain that the Cartagena Protocol provisions are contrary to WTO rules, given that they preclude the free commercialisation of some agricultural products.

⁵ "Proposal for a Directive of the European Parliament and of the Council on Environmental Liability with regard to the Prevention and Remedying of Environmental Damage", 2002/0021 (COD) Brussels, 23-1-2002, http://europa.eu.int/eur-lex/en/com/pdf/2002/en_502PC0017.pdf

rumours pointing to the fact that some officials from the Ministry of Agriculture are pressing the EU to allow high contamination percentages (presence of transgenic seeds) in conventional seeds" (Spendeler and Carrasco, 2003: 13).

The Spanish approach to GMOs coincides with the position adopted with regards to climate change. Climate change entered the agenda of communitarian environmental policies during the nineties, fundamentally because of the international negotiations that lead to the Kyoto Protocol in 1997. The increase in the concentration of greenhouse gases in the atmosphere risks to significantly step up the Earth's average temperature, to augment the frequency of extreme meteorological events, to raise the level of the sea and, consequently, to seriously stress natural and human systems. This is true especially in poor countries (always lacking the resources required to face such difficult changes) and those that, like Spain, are especially vulnerable to the extension of aridness and concentrate an important part of their output on climate-dependent economic activities.

Global warming was recognized as an international political problem in the late eighties, leading to the adoption of the United Nations Framework Convention on Climate Change in 1992, and, afterwards, to the negotiation of the Kyoto Protocol, which was open for signature by states in 1997, becoming from then on the only available tool to face the problems caused by climate change. The subsequent negotiations have successively watered down the Kyoto commitments, under pressure from the US, Russia and some other states. In March 2001, the United States announced that they were not ratifying the Protocol, leaving its entry into force in the hands of the Russian Federation and the EU's leaderships skills. The Union has attempted to take advantage from such circumstances in order to appear as a responsible and multilateralist international actor.

This notwithstanding, the leadership of the EU has been undermined by the behaviour of some of its member states, which have shown to be incapable of maintaining their international commitments. The Union must reduce its greenhouse gases emissions in 8% for the 2008-2012 period, based on 1990 levels. In order to achieve this goal, the Environmental Council agreed on June 16, 1998, a specific burden-sharing formula according to which Spain was to limit its emissions growth to 15% during such period. It must be acknowledged that, at least on this specific issue, Spanish environmental policy has been absolutely insufficient. In 2002 Spain had already increased its greenhouse gases emissions by 38,06%, and the governmental forecasts (expressed in the document entitled *Planificación de las redes de transporte eléctrico y gasista 2002-2011*) foresaw an increase of 64% for 2010, even if this figure could be reduced to 58% if the goals of the proposed *Estrategia de ahorro y eficiencia energética en España 2004-2012* were to be achieved. It must be underlined that a very important part of this increase (all but 7,7%) has taken place during the eight years of PP government. These circumstances have forced the government to defend the convenience of relaxing the EU's commitment within the Kyoto Protocol, a move which has left Spain standing alone with Italy, vis-à-vis the overt opposition of the other member states and the Commission⁶.

Thus, the PP government has frequently opposed the environmental policies supported by the EU, as well as some of its positions in the international arena. In short, once Spain has overcome the policy-taking period, the Spanish contribution to the shaping of the EU's environmental policies (both at the internal level and the international fora) can be qualified as reticent or even overtly contrary to the adoption of ambitious measures to protect the environment.

⁶ "La UE desoye a Italia y España y ratifica su compromiso con Kioto", *El País*, March 3, 2004.

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