

## ***Towards Solving the Environmental Crisis: Contributions of the Church, the EU and Society***

Seminar at the Studium Catholicum, Helsinki, 19 November 2019

The theme of the seminar was the encyclical letter *Laudato Si'* of Pope Francis. The three initial speakers were: **Nigel Haigh**, Institute for European Environmental Policy, speaking on the role of the EU; Dr. **Panu Pihkala**, University of Helsinki, speaking on the psychosocial dimension of the environmental crisis; and, Fr. **Gabriel Salmela**, OP, Studium Catholicum, speaking on environmental spirituality.

### **On Care for our Common Home – the Contribution of the EU**

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#### **1. This sister now cries out**

Pope Francis begins his great encyclical letter<sup>1</sup> by quoting from that lovely hymn of Saint Francis of Assisi: *Praise be to you, my Lord, through our Sister, Mother Earth, who sustains and governs us and who produces various fruit with coloured flowers and herbs....* It sounds even better in Italian.

The Pope then states his theme: *'This sister now cries out to us because of the harm we have inflicted on her by our irresponsible use and abuse of the goods with which God has endowed her. We have come to see ourselves as her lords and masters, entitled to plunder her at will'*

I cannot anticipate what Father Gabriel will say later this evening about the encyclical but I want to draw your attention to just one passage. It is headed *Weak Responses*<sup>2</sup>. There the Pope laments that we still lack the culture needed to confront the crisis he has identified.

The encyclical is addressed to individuals of good will throughout the world, not just to Christians<sup>3</sup>. It is not addressed to governments, but it refers indirectly to them when it regrets that we lack leadership capable of striking out on new paths; when it says that we need a legal framework which can set clear boundaries; and when it notes how weak international political responses have been. No international organisation is named apart from the United Nations, although the Pope does refer to some specialised treaties. He mentions for example the Basel Convention that sets rules for the export of waste which can be so damaging.

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<sup>1</sup> *LAUDATO SI' On Care for our Common Home* 24 May 2015

<sup>2</sup> Sections 53 to 59

<sup>3</sup> For those curious to know, I was baptised and confirmed in the Anglican Church but lost my faith. I sometimes describe myself as a 'cultural Christian' since Christianity has given us so much that I love.

I want this evening to describe how a unique international organisation, very close to us today - since Finland now holds the Presidency of the EU Council - came to realise that care for our common home should be one of its constant concerns. I will discuss what it has done over the years with the result that environmental policy has now reached the 'centre stage' as I argue in a recent book<sup>4</sup>.

As the EU is a fallible human creation we cannot expect it to solve all the problems identified by the Pope. But I will show that it has been creating a legal framework which has set some boundaries, and has also been providing global leadership. To what extent can it be said to be providing a beacon of hope? That is a question I would like to put before you this evening.

## 2. The Treaty of Rome

The Pope delivered his encyclical in May 2015 at the very time that I was sending the manuscript of my book to the publishers. Although I am not a historian, it is a kind of history of EU environmental policy, which I have subtitled '*its journey to centre stage*'. It is a personal account, and, as far as I am aware, no other history of that journey exists.

When the publishers asked me for ideas for a book cover I proposed the Palazzo dei Conservatori on the Capitoline Hill in Rome. That is where the treaty creating the *European Economic Community (EEC)* was signed in 1957. But I had other reasons too.

The palazzo is one of three buildings that form the Piazza del Campidoglio with an open fourth side looking across Rome so that it appears like a beautiful stage. It is sited on the hill that was the political centre of the ancient Roman world. Its design was commissioned from Michelangelo by the Farnese Pope Paul III, best known for initiating the Council of Trent. At the centre of the piazza stands the bronze equestrian statue of the Emperor Marcus Aurelius which only survived being melted down in the Middle Ages because it was thought to represent the first Christian Emperor, Constantine.

There can be little doubt that the EU's founding fathers were making a symbolic point in their choice for the signing ceremony. They were creating a 'Community' that would lead to cooperation between sovereign European nations so as to avoid the terrible wars that had so recently torn Europe apart. In so doing they were pointing to the Roman and Christian foundations of modern Europe and drawing inspiration from the cohesion of the Roman empire, and the subsequent attempts of Charlemagne and the Holy Roman Empire to create some sort of European unity<sup>5</sup>. But there are huge differences of course. The Community they were creating was entirely a secular one, and one that was neither created nor maintained by force.

Despite its originality, the Treaty was very much a creature of the 1950s when the condition of our sister Mother Earth was little discussed. The six founding nation states were not alone in ignoring the environment as a subject for collaboration, and it was not until the 1960s that a movement of thought developed that pushed the defence of the environment into the thoughts of politicians as a subject needing sustained international attention. This culminated in the great United Nations

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<sup>4</sup> *EU Environmental Policy - its journey to centre stage* Routledge 2016

<sup>5</sup> Charlemagne's empire covered territory of all the six founding member states of the EEC.

conference in Stockholm in 1972. It is perhaps not surprising that it was during this period that a former Pope – Paul VI - spoke about the potential for an '*ecological catastrophe under the effective explosion of industrial civilization*'<sup>6</sup>.

The treaty established an economic community. It made no mention of the environment, nor did it suggest that there were any limits to the 'continuous and balanced expansion' that was to result from establishing a common market and approximating national economic policies. Such was the task of the EEC. It took some years for the task to be expanded to include environmental protection and, then a little later, sustainable development. Before describing how that happened let me say something about the character of the EU ( into which the EEC evolved).

### 3. The ambiguous character of the EU

The EU is unique in the world in its attempt to share sovereignty. There is no other grouping of nation states that has its own institutions with the power to adopt legislation that directly binds the constituent nation states, without further review by national institutions. The power, of course, is limited to certain prescribed fields and is intended to achieve results beyond the reach of each state individually. So it is no surprise that people find the EU very difficult to understand. I believe that one reason is that it does not fit the usual division between **foreign affairs** and **home affairs** - a division that most people do understand. People often think of the EU as a branch of **foreign affairs** but that is to misunderstand it.

All educated people have some idea of how their own nation state functions. They know there is a head of state who may be a hereditary Monarch or an elected or appointed President with more or less limited powers; they know there is a parliament that makes the laws that govern the relations between individuals and other entities within the nation; and they know there is a national government that raises taxes and implements laws; they know there are local and other authorities that carry out certain functions and provide certain services. We call all that **home affairs** and we take it for granted. **Foreign affairs** is quite different. It is about relations between sovereign nation states. If they then wish to make binding what they have agreed they then enter into treaties or conventions.

EU policy has some of the characteristics of both home and foreign affairs but it is neither. It has, for example the power to enter into treaties or conventions as if it were itself a nation state when clearly it is not. So we must recognise three categories of policy making: **home affairs**, **foreign affairs**, and **EU affairs**.

Let me give as an example a typical conflict between nature protection and jobs that happened in Scotland some years ago.

On the island of Islay on the west of Scotland there is a whisky distillery famous for the flavour imparted to the barley by the burning of peat. The distillery wanted to increase production by digging more peat from a bog. But that peat bog happens also to be the feeding ground of the Greenland White Fronted Goose. At times 5 per cent of the world population is to be found

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<sup>6</sup>Address by Pope Paul VI to the UN Food and Agriculture Organization (FAO) 16 November 1970. This is the earliest pontifical statement about the environment quoted in *Laudato Si'* (Section 4).

feeding there. The distillery applied for permission to build an access road across the bog. Interested parties made their representations and one opponent was the Royal Society for the Protection of Birds (RSPB), Europe's largest nature protection organisation with a membership of over a million. After heated debate the local authority eventually decided in favour of the distillery, and there the matter would have ended under the rules of home policy.

But the RSPB then complained to the Commission in Brussels that the UK was in breach the EEC Birds Directive which requires Member States to classify special protection areas for the conservation of named species of birds, and this had not been done in this case. The RSPB argued that had it been designated, as it should have been, the outcome would have been different. A Commission official even travelled to the site before recommending that the UK be taken to the European Court. At that point the UK Government intervened. It persuaded the distillery to think again, and under pressure they decided that another source of peat could be used. The digging of the bog did not proceed.

So here we have a local dispute being decided first one way and then another. Originally it was certainly a matter of **home affairs** but by the time it was finished it had become something different. But it cannot be described as **foreign affairs** in the traditional sense of relations between two or more nation states. We can only describe it as an example of **EU affairs**.

It has to be recognised that the EU has this ability to penetrate even local affairs. So local authorities and local environmental groups need to be aware of it, in a way that they do not have to be aware of foreign affairs.

I wonder what St. Francis would have made of this story. I like to think that he would have praised the Lord that, through the EU, the geese are still with us.

#### **4. Environmental policy emerges from obscurity**

EEC/EU environmental policy began quietly in the 1970s and initially dealt mostly with acute and local problems. Directives were adopted in many of the traditional fields of environmental problems, with the weaker Member States learning from the stronger: water, air, waste, nature protection, and so on. A new and original subject was chemicals. Global problems such as protecting the ozone layer and combating climate change only emerged in the 1980s.

The environment was still regarded by most people in the Commission as a marginal subject - they did not see it as affecting what they did.

Jacques Delors, the President of the Commission underlined this obscurity. When appointing Carlo Ripa di Meana as the Commissioner responsible for the environment in 1989 he is said to have told him: *'I want you to give me an environmental policy. I cannot see an environmental policy. All I can see is a list of Directives'*.

By the time Ripa returned to Italian politics a few years later, EU policy was looking rather different. I do not want to overplay or underplay his role, but he happened to be in the right place at the right time.

Three things came together in the mid 80s to push environmental policy onto the centre stage:

- First, a powerful new concept emerged when the Bruntland report popularised 'sustainable development'. It stated that development must not be allowed to compromise the ability of future generations to meet their own needs. We have to think about the future.
- Secondly, a new Treaty legitimised environmental policy, and also made the environment a component of all EU policies. This significantly influenced the next Environmental Action Programme as I will describe.
- Thirdly, by chance several real world events shifted public opinion.

If one wants a key date when EU environmental policy began to move from obscurity it is 1987, the date of both the Bruntland report and the new treaty - the Single European Act.

## 5. Sustainable development becomes an objective of the Treaties

You will have to forgive me that when discussing how the Treaty of Rome came to include environmental protection, I have to mention my own involvement.

I still remember the shock I experienced when I first read the Treaty of Rome at the time the UK was negotiating to join the EEC. I had been brought up to believe in the European idea, but had also learnt that there was a looming global crisis because of the increasing consumption of raw materials by a growing population in a finite world. You will remember that the ideas in the Club of Rome's famous report *Limits to Growth* were already circulating some time before it was published in 1972. That was the year of the great Stockholm conference. It was also the year that the UK, Ireland and Denmark, signed the Accession Agreement to join the EEC.

What shocked me was to find that Article 2 of the Treaty of Rome called for a continuous and balanced economic expansion with no recognition at all that there might be any environmental constraints. So I was thrown into a state of internal conflict. I certainly wanted the UK to join the EEC, but did I want it to have such a backward-looking idea? I eventually resolved my conflict by deciding that, yes, the UK should join, but that the Treaty would eventually have to be changed. I gave myself a mission to promote that change and I became a driven man.

Soon after, I got a job with an environmental organisation called the Civic Trust dealing with land use planning and protecting historic buildings, and one of the first things I wrote in its newsletter was a piece called *Growth Limits and the Treaty of Rome*. This was the first published call for the treaty to be amended for environmental reasons. I was then motivated to help create the European Environmental Bureau (EEB) - a coalition of national NGOs - and at their very first meeting I persuaded them to adopt treaty amendment as their policy. For the first direct elections to the European Parliament in 1979 the EEB published a 'manifesto' called *One Europe- One Environment* saying what we expected of our MEPs. It was sent to all candidates and it called for treaty amendment.

This activity brought me into contact with the magnetic Konrad von Moltke who was in the process of creating the Institute for European Environmental Policy (IEEP) in Bonn. He too was writing about inserting the environment into the treaty so we corresponded and this led to him inviting me to open the London office of IEEP in 1980 and immerse myself wholly in EU

environmental policy. As a result I am the only person I know who can claim that reading a treaty transformed their career.

By the time the Treaty was being amended for other reasons in the mid 80s , the ground had been prepared for environmental provisions to be included. So that happened easily. The Single European Act that came into force in 1987 also stated that 'environmental protection requirements shall be a component of the Community's other policies' something the EEB and IEEP were also calling for.

But the new treaty left intact the old Article 2 so the struggle to modify 'continuous expansion' continued for several years. It would take too long to describe that struggle tonight, and enthusiasts will find an account in my book. The important point is that the Treaty now says that the EU 'shall work for the sustainable development of Europe ...' and 'shall contribute to peace, security and the sustainable development of the Earth'. Does any other international organisation have that as a goal? I do not think so.

## **6. Real world events shift opinion**

Words in a treaty, and ambitious programmes, do not by themselves change the views of uncommitted politicians. For action to happen public opinion has to shift, and by chance in the 80s a number of subjects came to prominence.

Climate change was placed on the political agenda by a world scientific conference in 1985 prompting the European Parliament the next year to call for an EU policy on the subject - the first EU institution to do so.

When the nuclear power station at Chernobyl in the Ukraine exploded in 1986 sending a cloud of radioactive particles over large parts of Europe, it brought home the message, more immediately than climate change, that pollution knows no boundaries.

The hole in the stratospheric ozone layer was another new subject. The hypothesis that it was caused by certain chemicals known as CFCs had been put forward a decade earlier and in 1987 an international agreement - the Montreal Protocol - required countries to cut production of CFCs as a precautionary measure. No sooner was it signed than a scientific consensus developed that the 'hole' was indeed man-made. Suddenly the public became aware that familiar domestic products containing CFCs - hairsprays and refrigerators - had the capacity to threaten the planet.

In 1988 the EU finally adopted a Directive to combat acid rain by requiring the Member States to cut sulphur emissions from power stations. This had long been a concern of Nordic countries as you in Finland know very well.

The issue of the ozone hole and acid rain did not just raise awareness. They led to EU policy responses that were highly original in dealing with long-range and long-term problems. They provided precedents for approaching the much more intractable problem of climate change and gave the EU the confidence it needed in negotiating international agreements and playing a leading role on the world stage.

## 7. Ripa's response to the challenge by Delors

How did Ripa reply to the challenge by Delors to make environmental policy more coherent by giving him an environmental policy?

Now the EU sets out its intentions for environmental policy by publishing Action Programmes every few years. These provide the occasion for discussing principles and emerging ideas but their main purpose has been to outline new legislation to be brought forward in the years ahead in the separate fields of water, air, waste, nature protection and so on. They were often long and detailed and so read only by enthusiasts.

Ripa's Action Programme of 1992 took a different form, inspired by the Netherlands where similar programmes were also divided along bureaucratic demarcation lines. When Pieter Winsemius became Dutch Environment Minister and brought with him his management consultancy experience he suggested a different approach. He argued that while the earlier programmes might have attracted the attention of specialists, they would never have been read by the Chief Executives or the Boards of companies that generated the problems in the first place. He proposed instead that a new Dutch programme should start by identifying the most environmentally damaging activities – oil refineries, road transport, and intensive pig farms, for example – and then say what the Ministry was going to do about them. That, he said, would get their attention.

The Dutch approach had of course to be modified to suit the greater geographical extent of the EU. Instead of identifying discrete problems, the EU selected five Europe-wide 'target sectors': industry, transport, agriculture, energy and tourism. For the first time the Directorates-General of the Commission (DGs) responsible for these subjects were on notice that they faced interference. Previously, as I have said, they paid little attention to the environment. Now they were forced to since Ripa had the authority of the Treaty behind him which said that the environment had to be integrated into all the EU's policies. Anyone with experience of bureaucracies will know the risks of trying to interfere with another department. If the Dutch programme woke up Chief Executives Ripa's Action programme woke up other parts of the Commission who might now turn round and bite back. But it worked, and the programme was the beginning of the greening of the Commission. Appropriately the programme was called '*Towards Sustainability*'.

## 8. Global issues

The hypothesis that CFCs would destroy the ozone layer resulted in different responses in the USA and the EU. The USA banned its use in aerosol cans but not for refrigerants and all other uses. The EU chose a different course and placed a limit on CFC production.

When the UN proposed a framework Convention on the protection of the ozone layer, the parties could not agree precise rules. The USA proposed a global ban on CFCs in aerosol cans on the grounds that this was the easiest and quickest way to get a reduction, but the EU insisted on production limitation, arguing that an aerosol ban did nothing about the growth in other uses and that what mattered was the total release of CFCs. Eventually the Montreal Protocol was agreed in 1987 when the USA dropped its proposed aerosol ban and proposed instead a freeze on CFC

production by all countries followed by a series of reductions leading to a production ban. Effectively the USA had conceded the merit of the EU's production limit approach but reformulated in a much more stringent form. Both the USA and the EU were able to claim the credit for success – always an ideal outcome.

The EU for the first time found itself as a major environmental player on the international stage. It had not only stood up to the USA, but had formulated an approach that set a precedent for dealing with climate change: a freeze on emissions followed by cuts.

At about the same time the EU succeeded in agreeing a Directive on acid rain. This too involved a cuts in emissions – in this case of sulphur from power stations. But unlike the Montreal Protocol which required all countries to make the same cuts at the same time, the acid rain Directive recognised that the circumstances of different Member States were so different that uniform cuts would never be agreed. Instead the Member States, after several years of discussion, managed to agree different cuts tailored to their circumstances, which nevertheless resulted in substantial reductions. This too provided a precedent for climate change.

So at last I come to climate change that together with biodiversity loss poses the greatest threat to continuing life on earth. In 1990 a joint meeting of both the EU Environment and Energy Councils met together to prepare for the Second World Climate Conference. Jointly they set a challenge to the rest of the world: if significant other countries did the same, the EU would collectively agree to stabilise carbon dioxide emissions by the year 2000 at 1990 levels. This was only a political declaration but it gave an impulse to the UN Framework Convention on Climate Change. After difficult negotiations with the USA, a form of words was agreed that enabled the USA to sign it at Rio de Janeiro in 1992. The EU had proved a global leader and was to do so again at Kyoto in 1997 when the freeze on emissions was turned into reductions, but with different reductions for different countries. Further reductions again were agreed in Paris in 2015 by many more countries. Now we have to cut further.

## **9. Chemicals**

Before I conclude I must mention chemicals policy if for no other reason than that Helsinki is the seat of the EU Chemicals Agency – ECHA – which I was pleased to visit this afternoon. It has a staff of 600.

Modern society is dependent on chemicals most of which can be used quite safely, but some are harmful and the harm has often only been discovered after long use. Persistent chemicals can reach the furthest corners of the earth. It has long been known that some cause cancer, but only in the 90s was it realised that some disrupt the endocrine system and affect hormones which control reproduction of both animals and humans. So the effects can be very serious indeed – falling sperm counts in humans being one example. The task of testing the many thousands of chemicals is large

and too big for any one country so is best shared. Hence the creation of ECHA under an item of EU legislation called REACH.

Manufacturers have to register the chemicals they sell with ECHA and must submit a dossier about their possible effects. ECHA then evaluates them in collaboration with the Member States, and if necessary can then authorise them for only limited use, or restrict or ban them.

The scheme was highly controversial, and when REACH was being negotiated, a dozen countries led by the USA, including all the EU's major trading partners, under pressure from their chemical industries, tried to stop it. But that did not deter the EU, though it might well have deterred individual Member States had they been acting on their own.

Now that REACH and ECHA are in place, a manufacturer anywhere in the world exporting to the very large EU market, must conform to REACH, which has therefore become the benchmark for chemicals legislation worldwide.

## 10. Conclusions

Let me now try to draw some conclusions. The Pope's encyclical is, of course, wide ranging and Father Gabriel will be elaborating on its spiritual messages. He has told me that the encyclical is the most widely read of all encyclicals outside the Catholic Church so its secular messages must certainly be stimulating thought throughout the world.

At the start of this talk I drew your attention to three things that the Pope was expecting of governments: leadership capable of striking out on new paths; a legal framework that can set boundaries; and stronger international responses.

Large organisations all have a certain inertia and striking out on new paths is always difficult and requires determination and sustained effort. As you know the UK voted three years ago to leave the EU and that may yet happen, or it may not happen. One argument of critics of the EU in the UK is that it is incapable of reform. That is entirely wrong. The example I have given of how the EU turned from a purely economic organisation to one that exists to promote sustainable development shows how it can strike out on a new path.. The Treaty has created a legal framework which has enabled EU legislation to set some boundaries. Acid rain, the ozone layer, climate change and chemicals are all examples I have given.

The EU, of course, is only a small part of the world. But it is influential beyond the size of its population both economically and culturally. It has already shaped international responses in a way that its constituent Member States could never have done on their own.

EU environmental policy has grown over the last 40 years. The focus in the early days was on acute and mainly local problems. Over the next 40 years the focus will increasingly be on long-range and long-term problems. Climate change will not go away with its associated floods, droughts and storms. . A growing world population, with an increasingly affluent middle class – think only of China in the last decades – will put increasing pressure on water and land for food and hence

threaten nature and biodiversity. Pollution of the seas will rise on the agenda – think of plastics. Air pollution is a regional problem killing millions worldwide. Persistent chemicals reach the far corners of the earth wherever they are made. Environmental policy can only grow on the international agenda where it will be dominated by the great global players: China, India, Brazil, USA, Russia – and the EU. Perhaps Africa too will come to play a role.

For which of these global players will the environment be a high concern? In the 70s the USA used to be an environmental leader but has long given up that role and is currently a brake – let us hope only temporarily. Among these global players, the EU has already shown itself to be a leader.

Internally it has the most mature and coherent environmental legislation to be found anywhere, and so has become the point of reference for other countries as they develop their own. Most importantly it has a highly developed culture of voluntary organisations that apply the pressure that governments need to overcome the resistance of vested interests.

Saint Francis has always been a beacon for environmentalists and his ideas are well embedded in our European culture. The encyclical of Pope Francis is part not just of European culture, but of global culture too. Let us hope that the EU can in the future fulfil the promises set out in its treaties and continue to contribute its part in the care of our common home both in Europe and in the world.

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