

BRIDGING GAPS IN CLIMATE CHANGE MITIGATION AND ADAPTATION: OVERCOMING GOVERNMENT SHORTFALLS AND EXPLORING NEW FORMS OF COOPERATION

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Dealing with the possibly devastating effects of climate change is perhaps the greatest challenge humanity is forced to face in the 21st Century. Under the auspices of the United Nations, a large proportion of national governments have committed themselves to curb their greenhouse gas emissions, in a bid to avoid catastrophic climate change. The UN Environment Programme's most recent Emissions Gap Report indicates that although governments are making an effort, their efforts are not delivering the anticipated results. Delays in climate action will be costly for all of humanity, thus prompt and profound action is necessary. Commitments to curb emissions have direct policy implications, including the social, economic and environmental dimensions. Governments cannot reach climate goals by themselves; they need to forge partnerships with stakeholders to do this. Shortfalls indicate that a change in the forms of cooperation may be necessary, and novel forms of cooperation may need to be put in place. This paper offers an overview of the circumstances that make it necessary to seek new avenues of cooperation. In particular, this paper considers the Open Method of Coordination, as a possible means of avoiding and managing a climate crisis. Crucially, this paper also addresses the implications of these new forms of cooperation, especially in times of crisis, on the democratic functioning of the European Union.

Keywords: EU integration, climate change, mitigation and adaptation, Open Method of Coordination, democratic deficit, crisis management

Introduction

The quest for sustainable development and climate change poses a double challenge for the whole of Planet Earth. In an attempt to prevent dangerous human interference with the Earth's climatic system, the UNFCCC's Copenhagen Accord recognised "the scientific view that the increase in global temperature should be below 2 degrees Celsius" compared to pre-Industrial Revolution levels, which should be achieved by sustainable development. To tackle the serious consequences of climate change, the Accord calls for the establishment of "a comprehensive adaptation programme including international support", which must be "consistent with science and on the basis of equity". The accord points out that cooperation is needed to achieve "the peaking of global and national emissions as soon as possible, recognizing that the time frame for peaking will be longer in developing countries and bearing in mind that social and economic development and poverty eradication are the first and overriding priorities of developing countries and that a low-emission development strategy is indispensable to sustainable development". (U.N. Framework Convention on Climate Change [UNFCCC], pp. 1-2)

At the time of signing the Accord, the 2°C target was already nothing new. Governments in the European Union have set this target in 1996, which has since then been reaffirmed by the Environment Council in 2003 (Commission of the European Communities [Commission], 2008, p. 3), and then the European Councils in 2005 (Commission, 2005, pp. 3-4; Council of the European Union [Council], 2005, p. 2), and 2007 (Commission, 2007, p. 3). The fact that the European Union was successful in promoting setting such a target globally shows both its commitment and global negotiation power.

This 2°C target directly translates to a maximum in atmospheric carbon-dioxide-equivalence concentration (CO₂e), which, because of the uncertainties surrounding climatic feedback loops, is estimated to be between 350 to 450 parts per million (ppm) CO₂e. Scientists have found that 350 ppm is the safe upper limit with which a 2°C target can still be met (Rockström et al., 2009a; 2009b), p. 10). Targeting stabilisation between 400 and 450 ppm, just like the European Union has done, reduces the chances of meeting the 2°C target to 66-90% and 50% respectively (Commission, 2008, p. 27), but allows for continued emissions. As the current atmospheric CO₂e concentration is already fluctuating above 395 ppm (Earth System Research Laboratory [ESRL], 2012), attaining a target of 350 ppm would require an immediate net reduction in greenhouse gas emissions, to which even the European Union is not willing to commit itself (Commission, 2007, p. 3). The aim to meet the 2°C target, and thus remain within a range of 350 to 450 ppm, also sets a maximum of all possible net emissions, and in turn, policy constraints for the European Union: social, environmental and economic policies must be formulated within these.

As the necessity for more drastic climate action becomes clearer, the widening gap between actual climate performance and climate targets becomes a startling reminder that much needs to be done. According to the UNEP's 2012 Emissions Gap Report, meeting the global climate targets is still possible from a technical standpoint. However, what governments commit themselves to today define our progress trajectory for the next few decades. For example, large-scale investments into satisfying energy demand by burning fossil fuels outlines a path, rigid and unchangeable, for decades to come (United Nations Environment Programme [UNEP], p. viii). We "lock ourselves" into high energy consumption patterns, with no viable 'emergency exits' in place, should they be needed. Present short-sightedness will come with a hefty price tag attached in the future. Unwillingness to correct our decisions today will cost us dearly in the future.

And the future may hold some very unpleasant surprises. As a consequence of the almost incomprehensible complexity of Planet Earth's climatic system, some uncertainties about the magnitude and the effects of climate change do exist. They, however, in stark contrast to what climate change sceptics would like to believe, do not mean that climate change is going to be less severe than predicted. On the contrary: scientists reviewing climate models have now determined that climate models projecting a greater rise in global temperatures are more likely to be accurate than models showing a more moderate temperature change (Harvey, 2012; Fasullo & Trenberth, 2012). This, in turn, also means that the resulting effects are also going to be more severe, and they would come earlier than previously predicted (i.e., already with more moderate temperature increases). This should alert us that greater caution is in order, since such unnerving findings may come to light with increased frequency. This should also remind us that the time for action on our hand is much shorter than we wish it would be, and it could also become even shorter very quickly.

To add insult to injury, the Gap Report also draws attention to the lack of ambition on behalf of governments to take action. The report bluntly states that "[i]f there is a gap, then there is doubt that the ambition of countries is great enough to meet the agreed-upon 2°C climate target." (UNEP, p. 1) This is not to say that there is an outright governmental inaction towards tackling climate change. There is movement. However, in some cases incompetence can be at least as damaging as inaction.

Government Commitments and Missed Targets

It is quite clear that governments — national, regional or local — are forced to think in terms of budgets and election cycles. Ambitious and/or painful actions by governments are usually scheduled to just after the elections, with at least some results already showing up sometime before the next elections. Tackling climate change and steering society and the economy towards a

sustainable future is a massive challenge. It requires ambition, dedication and strategic vision much, much longer than intervals between general elections. Climate efforts and sustainability efforts are also costly and painful, and they have barely noticeable results in the short run, say, in the time frame of an election cycle. Therefore, governments are tempted to sacrifice medium and long-term political and development goals for short-term gains. (Majone, 1998, pp. 16-18) From a game theory approach, climate change is a multi-player game, where in the short-term time frame payouts are greater for desertion than cooperation, but where long-term time frame payouts are greater for cooperation than desertion.

Indeed, climate reports, including the Gap Report, are conclusive in stating that any current inaction must be made up for in the future, if targets are to be met, with the flexibility of action and the room for manoeuvring greatly reduced — both technologically and financially. (UNEP, p. 21) These so-called “later-action scenarios” postpone some or all of the required action to the future. While the Gap Report admits that even these later-action scenarios may yield the desired results, it implicitly warns of their technocratic approach, and the possibly disproportionate future costs of later action, thus falling outside the range of Least Cost Scenarios. (UNEP, p. 22) Indeed, the price of inaction has been made very clear in the Stern Review, estimating future costs of current inaction to stop climate change to reach a staggering 20% of the annual global GDP, year on year, in the form of damages, risks, lost revenues, additional expenses and other impacts. (Stern, 2007, p. 144)

By its very nature, the United Nations (and therefore, UNEP too) deals with — *nations*: sovereign countries. When performances are assessed and evaluated, it is done on a national level. Besides its sovereign members, the European Union is also taken into consideration as a special case, practically as a future super state. However, sub-national entities are not considered at all. Therefore, target shortcomings which arise from a myriad of issues on a sub-national level, are completely ignored.

Yet the European Union has set out its Sustainable Development Strategy and its Climate Action strategies as a cooperation between the various levels of government: a cooperation *between* European, state, regional and local levels (i.e.: vertical cooperation), but also a cooperation *within* these levels (i.e.: horizontal cooperation). “[T]his [better policy-making] requires all levels of government to support, and to cooperate with, each other, taking into account the different institutional settings, cultures and specific circumstances” (Council, 2006, p. 6).

The willingness to adopt and implement this strategy was met with varying enthusiasm among the States: some were more eager to take the lead in sustainable development and climate defence, whilst others were more reluctant to commit themselves to more than what was absolutely necessary. This

willingness is reflected in the individual member states' own sustainable development strategies and climate strategies. However, commitment on sub-national level seems to show great variations too. It is not difficult to accept that local governments on very tight budgets and with paralysing debts tend to be more sceptical, or in some cases, rejecting towards sustainability and climate initiatives, than local councils with more permitting budgets. To achieve a successful transition to sustainable development, having citizens and lower levels of government on board is a necessary, but insufficient condition. Citizens may decide not to cooperate with policy goals that they perceive as either remote or as not serving their interests. Such resistance may arise on political and spatial (e.g. a policy is perceived to have been decided "in Brussels", i.e. without sufficient citizen consent) or temporal grounds (i.e. the costs will be felt immediately, but the benefits only at a later point in time). Such resistance may render government efforts ineffective, and therefore, needs to be prevented.

Governments must attempt to avoid being "left on their own" by lower levels of government and citizens in their sustainability and climate efforts. In general, government initiatives take a top-down approach. However, both the European Union's Sustainable Development Strategy and the Climate Action strategy recommend the support of bottom-up initiatives. The so-called Open Method of Coordination could be a practical tool that proves both effective and efficient in channelling in such bottom-up initiatives, which will be discussed in more detail further on.

It is clear, that governments need to foster the establishment of novel and innovative partnerships between actors in what is known as multi-layered governance, including individual citizens, entrepreneurs and corporations, interest groups and trade unions, as well as government agencies. Furthermore, careful consideration must precede all and any decisions to be taken about which policy goals will be left to the markets, and which ones will require government supervision and intervention. As observed by Tietenberg, it cannot be just one or the other; it has to be a balance of both. He adds, "[e]ach problem has to be treated on a case-by-case basis", and the necessary tools are at our hands to be able to decide what decisions need to be taken (Tietenberg & Lewis, 2012, p. 594). Additionally, Giddens points out that "the most dramatic initiatives are likely to bubble up from the actions of far-sighted individuals and from the energy of civil society" (Giddens, 2009, p. 5). These initiatives could help fulfil government pledges to cut emissions. At the moment, however, these bottom-up initiatives are not appropriately channelled into the decision-making and policy-setting process, which adds up to the national shortfall in meeting the climate targets, and thus, the Gap remains. This also means that governments could potentially delegate some tasks to different levels of government, and still achieve better results than previously, provided that governments improved their ability to recognise worthy initiatives. This would grant governments a much-

needed flexibility of action, reduce the burdens of oversight, and give all stakeholders more room for manoeuvring.

The problem we face is this: how could we establish a network-based structure or an Open Method of Coordination that would more effectively and efficiently channel in bottom-up initiatives into the decision-making process? Furthermore, how would these novel models stand up to the scrutiny of democratic standards?

Creating New Channels of Integration

A fundamental problem with creating policies for climate change mitigation is that the inherent multi-dimensional approach of sustainable development must be respected: any climate change mitigation or adaptation policy will directly depend on social, economic and environmental policies. Crucially, within the European Union's framework, these policies will affect areas which are either wholly under member state competence, or are shared competences between the Union and the member state. The coordination of social, economic and environmental policies is a very serious challenge on a supranational level, as defection from agreements offers more lucrative returns than cooperation. This is even more challenging on an international level. According to Zandstra, "mutual adjustments are turned out to be extremely difficult" — if not impossible — "in these areas due to the lack of political support". (Zandstra, 2007, p. 252)

Without political consent, the creation of a common climate protection policy across the classical Community Method or the classical political institutions is unlikely to succeed. However, to reduce the negative effects of conflicts of interest, it may prove necessary to turn towards alternative governance structures, which channel in the bottom-up initiatives, and integrate more actors than the Community Method does. Under "Community Method", we refer to the ordinary functioning of the European Union. This includes the delegation or transfer of a number of particular competences of Member States' to the supranational level through the alteration of Treaties, and through the ordinary legislative and decision-making process of the Union. This process has its strict rules and regulations, which make it less dynamic and reactive than the new governance structures do. One of these alternative structures is the Open Method of Coordination.

Applying the Open Method of Coordination is useful in sustainability and climate change mitigation and adaptation policies, as both sustainable development and climate protection have high political and economic costs in the present, but their goals and benefits are anticipated in the medium and long term future. As Moravcsik and Majone explain, long term policies which impose high cognitive costs to the electors and require generally unavailable information

could be depoliticised (Moravcsik, 2002, p. 614; Majone, 1998). Under high cognitive costs we mean that the electors generally are not adequately informed to carry out a controlling role in these areas. Gaining enough competence that would enable them to make an informed choice between even basic policy alternatives would result in excessive costs, energy and time spent by the citizens. Thus, depoliticisation is the removal of the control of certain policies from the classical political framework, which are then delegated to the competence of independent and politically not responsible institutions, i.e. institutions which do not answer directly to voters. Its fundamental logic is the prevention of sacrificing medium and long term goals, whilst bodies of experts ensure the necessary scientific competence and knowledge

We must take note of a fundamental flaw in this approach: it presupposes that there is a clear difference between regulatory and redistributive policies. Majone differentiates between regulatory and redistributive policies. Regulatory policies attempt to correct market failures (i.e.: internalise externalities, thus making the results Pareto efficient. According to Majone, these areas can be fully depoliticised, due to the fact these types of decisions don't cause an outright loss to anybody: those that remain in minority are also compensated by the results themselves. However, redistributive areas and its related policies should not be depoliticised, because those incurring a loss will not be compensated adequately (Hix & Follesdal 2006, pp. 537-538). But, as Hix & Follesdal point out, a clear differentiation between the two policy types is more than questionable. There are simply no purely regulatory policies which would not have a redistributive effect, and as a consequence, depoliticisation is not desirable in either of in these policy types (ibidem, pp. 542-544). As it has been mentioned previously, sustainable development and climate policies will always have an effect on social, economic and environmental policies, therefore a redistributive effect will also be observed. Following the logic of Majone, Hix & Follesdal, sustainable development and climate change mitigation and adaptation policies should not be depoliticised. Instead, the most appropriate governance structure for sustainable development policies and climate protection policies is to be found in the Open Method of Coordination, for several reasons.

First, as we have seen, due the inherent tri-dimensionality of sustainable development, sustainable development and climate change policies affect some core areas of sovereignty of nation states, including, but not restricted to, social and economic policies. This makes the delegation of some competences to Union level impossible, thus rendering the Community Method essentially impossible.

Second, efforts towards a transition to sustainable development and achieving climate targets have profound redistributive consequences, making its depoliticisation impossible. As Kjaer cites, Borrás and Jacobsson mention three main areas where this method is applied:

- in the field of social policies and research and technological development – where the transfer of competencies has failed previously,
- in policy areas where the European Union's visible public involvement is relatively new - including policies related to the information society,
- in policy areas which do not fall under the Community Method, but are strongly interdependent of other European Union policy areas, which themselves also fall under the Community Method. As an example, the coordination of economic policies of the Member States and their relations to the Economic and Monetary Union can be mentioned (Kjaer, 2010, p. 57).

Third, the Open Method of Coordination offers the possibility of wider involvement of different actors, including, but not restricted to European institutions, national, regional and local governments, citizens, entrepreneurs and corporations, civil society, and so on (Council, 2000, § 38).

In continuation, the general characteristics of the Open Method of Coordination will be analysed. The Presidency Conclusions of the Lisbon European Council was one of the first documents to mention the Open Method of Coordination. This method involves four basic actions.

1. It sets guidelines for the Union with specific timetables for achieving short, medium and long term goals.
2. It establishes indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practices.
3. It translates these broader, Union-level policy targets into national and regional policies, creating more specific targets and measures adapted to the given policy field and geographic territory.
4. It sets out for periodic monitoring, evaluation and peer review, organised as mutual learning process (Council, 2000, § 37).

Its central elements include, for example, collective planning, benchmarking, target development and multilateral surveillance, making it a novel method of policy-making. Among these, perhaps the most important is 'its "seemingly" soft character' (Zandstra, 2007, p. 254). On Union level, we can distinguish between 'hard laws' and 'soft laws'. Hard laws are derived from Treaties, their modifications and legislation of the Community Methods. Soft laws, however, are the result of other decision-making processes, which are outside the classical institutional framework, like the Open Methods of Coordination (*ibidem*).

In the case of soft law tools, there is no transfer of competences, so the process of mutual cooperation is almost entirely reliant on a loose form of community-based control or peer pressure. In the functioning of the Open

Method of Coordination, a strong emphasis is placed on the pooling of problem-solving experience, best practices and the like. According to Jacobsson and Vifell, and as cited by Zandstra, because of this process, national officials are now capable of mapping out a domestic strategy by identifying broad common goals and concerns, sharing ideas and experiences with a wide range of actors, in the private and public sector as well. The Open Method of Coordination merges joint action and national sovereignty, in line with the principle of subsidiarity (Jacobsson and Vifell, 2003, p.6-7 cited by Zandstra, 2007, p. 254)

Despite the fact that the Open Method of Coordination is a soft law tool, it can be distinguished from the others through four characteristics, which make it more appropriate for sustainable development policies and climate change mitigation and adaptation policies.

First, due to the substantial role played by the European Council, it has a stronger intergovernmental basis (*ibidem*). This means that the key competences and roles of member states are secured and not questioned. As it has been mentioned previously, the policies in interference with climate policy are highly relevant for national sovereignty this character is necessary to the well-functioning of the policy area. Because of the prominent role of governments, the Open Method of Coordination ensures better compatibility with the UN's own climate protection efforts, where the main actors also the states. Crucially, soft-law tools in general are not based on the logic of intergovernmental cooperation, but in Open Method of Coordination, the European Council assumes a prominent position alongside the European Commission, which strengthens the role of member states. As this falls in line with UN frameworks of action and cooperation, this provides a more compatible and competent system.

Second, according to Zandstra, contrary to other forms of soft law, the procedures of Open Methods of Coordination are generally well-defined.

Third, consequently, the processes of deliberation and problem solving are cyclical, instead of sequential which makes possible to steering on the basis of benchmarking and peer pressure (*ibidem*). It is important to draw the attention to the fact that this deliberation and problem solving cycle essentially follows the logic of the Deming-cycle, a widely-known basis for environmental planning.

The fourth important aspect is the presence of the systematic linking of issues across policy areas and between national and European level (*ibidem*). From the aspect of climate protection and sustainable development policies, this results in improved possibilities for preserving the balance between the three policy dimensions. This systematic linking is placed on an active participation of social actors, the explicit aim of enhancing deliberation and mutual learning process (*ibidem*). During the course of this process, the channelling in of the bottom-up initiatives is instigated.

Democratic Implications

As it has been underlined, the Open Method of Coordination may be the most appropriate governance structure for the elaboration and functioning of climate protection and sustainable development policies. Now the analysis of the democratic aspects of this governance structure will be outlined. According to Bekkers, the application of new governance structures means a transfer of problem-solving capacity from the classical institutional framework of representative democracy, towards other entities (Bekkers et al., 2007, pp. 3-5, 20-22, 307). In the literature of political sciences, the democratic deficit in the European Union is a frequently-debated topic. (See also: Moravcsik (2002), Majone (1998), Follesdal & Hix (2006), Bellamy (2010), Scharpf (1997), Papadopoulos (2003).) Democratic deficit could be defined as the difference between the delegated competences on supranational level and the electoral controls over them. There are several points of view considering the above mentioned transfers of problem-solving capacities as another source of democratic deficit as well (Romani & Liakopoulos, 2009, pp.17-18; Bekkers et al., 2007, pp. 3-5; Papadopoulos, 2003, pp. 467-477).

At first, the Open Method of Coordination was considered as a new tool for a better legitimisation and democratisation of the European Union, as a consequence of its wider integration of actors. As more and more experts describe it, one may observe a shift from it being a vote-based democratic theory to a dialogue-based democratic theory (Chambers, 2003, p. 308; Zandstra, 2007, p. 256). This denotes a change in the electoral control mechanisms. Instead of controlling the political decision-making processes through elections, citizen control is exercised through public deliberations and dialogue. As citizens are not forced to just plainly choose from a very limited number of options, more aspects and factors may be deliberated and integrated into policies. Stakeholders such as citizens, entrepreneurs and businesses, social pressure groups and the civil society will more than likely have an improved way of making their voices heard and their priorities incorporated into policies (*ibidem*). Indeed, this may prove to be a very effective and efficient means of fine-tuning policy targets, provided that they are used appropriately.

But the Open Method of Coordination cannot be considered as a tool in a deliberative democracy, as it does not provide a universal participation and involvement for every citizen. However, according to the arguments put forward by Zandstra, it would not even be necessary. It could be thought of as deliberative technocratic form of pluralism (*ibidem*, p. 258). This means that some actors would be involved who are competent in a given scientific field. Thus, the involvement on the decision-making process is wider than in other structures of governance, but the universal access is not made available to every single voter. Even in this case, though, the Open Method of Coordination offers

new possibilities to a more legitimate decision-making process. Zandstra stipulates that the legitimacy of this method is secured by its qualitative representation, its procedural openness, its transparency and its public debate (ibidem, p. 259).

Lamentably, this argumentation has several weaknesses. First of all, there are some presuppositions related to representation. As Bekkers & Edwards observed, cited by Zandstra, how this process is being legitimised is significant. At the very least, the qualitative representation of all affected stakeholders should be ensured in some ways (Bekkers & Edwards, 2007, pp. 36-61). But Zandstra points out that the Open Method of Coordination does not require a direct representation of all stakeholders (Zandstra, 2007, p. 259).

We can agree with the statement that the Open Method of Coordination creates efficient results and fosters vivid public debates through its wider stakeholder involvement. However, at the core of democratisation lies political responsibility and accountability, which are not guaranteed through this process. Essentially, electoral control mechanisms are absent. As it has been mentioned previously, the use of the Open Method of Coordination means a removal of problem-solving capacity from the classical institutional framework, which is then transferred to its own new structure, where political control mechanisms of voters are missing. Consequently, we can observe a democratic deficit within its own functioning.

This problem is similar to the general dilemma in the debate about democratic deficit. Is the presence of democratic deficit a real problem? From our point of view, yes it is. As sustainable development and climate protection policies must respect all three dimensions of sustainability, thus have a direct effect on economic, social and environmental policies, which in turn have redistributive consequences. Compensation of those suffering a loss will have to be covered from taxpayers' contributions. As one of the fundamental principles of democracy is "*no taxation without representation*", covering losses from tax contributions without allowing for outright citizen control is unacceptable from a democratic aspect.

As it has been demonstrated, the Open Method of Coordination is far from being a perfect tool from the aspect of democratic legitimisation. However, could it prove useful, with all its shortcomings and mistakes, in case of climate protection and sustainable development policies? In our view, yes, it could. We can regard climate change as not just a crisis, but a string of self-enforcing crises. As it is made clear by numerous climate reports, including the Gap Report, carrying on with 'business as usual' would certainly mean that we miss our climate target of 2°C (UNEP, p. 7). As a consequence of this, we may describe our current situation as a crisis. Like all extraordinary situations, climate change requires special tools for crisis management. The European Union already has some mechanisms in place for climate change mitigation and

adaptation, but as the Gap Report shows, these fell short of expectations. Therefore, extraordinary measures need to be prepared to deal with the impending climate crisis. Since extraordinary measures of mitigation and adaptation would be instated to deal with a crisis, some of these special steps could be legitimated.

At this point, we would like to underline an analogy with the European economic crisis management. In that case, the political and democratic logic was put to second place, and was overshadowed by the economic rationality and logic. Various steps of economic crisis management, such as the nomination of what is effectively a Community supervisor for the Greek budget, or the letter by Jean-Claude Trichet and Mario Draghi, sent to the Italian Government, were non-democratic measures by conventional standards. Nevertheless, the use of such extraordinary measures is justified by the special circumstances that arise in a crisis. We have born witness to the *de-facto* birth of the special economic legal order of the European Union. (Varga, 2013) These steps, legitimated by the necessities of the crisis, create a need for retrospective democratisation once the crisis is over: the creation of a *de-jure* special legal order, as is the case in general with the application of special legal orders.

The threat of a climate crisis grows larger, and the factors that contribute to this crisis also appear to reach critical states. As we ought to prepare extraordinary measures for climate crisis management, we may need to face up to temporarily disregarding some questions of democracy in some policies, as the logic of climate protection (both in the form of mitigation and adaptation) may need to assume priority over political and democratic logic. Some events, which are factors of the climate crisis, but are themselves in an outright crisis, may have to fall temporarily under the auspices of a special legal order, which is to be democratised as soon as the crises is over.

Such extraordinary measures are an uneasy choice for governments and citizens and other stakeholders equally, and therefore efforts that strive to the avoidance of crises ought to receive much wider support from all stakeholders. As is apparent from the efforts of the European Union's agencies and national governments, the logic of sustainable development is to be integrated into all policies *anyway*, the European Union is already doing as much as it can to mitigate and adapt to climate change as democratically as possible. Nevertheless, it may be necessary for the European Union to adopt extraordinary measures of governance to tackle an imminent climate crisis, even at the expense of democratising its actions when the crisis is over.

Conclusion

Climate change studies have shown that should the global economy carry on with “business as usual”, there is no probability that we would be able to attain our climate change target of 2°C. It is clear that the global community has recognised this climatic crisis, and has started its management already. As we have demonstrated, national climate protection initiatives have shown considerable shortcomings from the internationally agreed targets, and although the UNEP’s Gap Report admits that meeting these targets is still technologically possible, achieving them would require absolute dedication and virtually immediate action. National governments have shown both commitment to tackle climate change, as well as more or less of an incapability of doing so. Yet governments could improve their performance in climate protection, if some new avenues of cooperation, such as the Open Method of Coordination, were to be given more room for action. This could improve the way bottom-up initiatives are channelled into the decision-making process. The Open Method of Coordination, being a novel tool for policy making, would allow a more efficient and effective decision-making process to be created, and it would better reflect the policy-setting particularities in the UN and its associated agencies. We believe that the Open Method of Coordination could prove to be a useful tool for policy-making in the fields of sustainable development and climate protection.

Nevertheless, there are questions of democracy and citizen control which must be addressed. As we are dealing with a crisis, the European Union ought to prepare itself for extraordinary climate protection policies and measures, and special legal order as well, which may need to temporarily substitute general political and economic logic and rationality with the logic of climate change prevention, as in the case of economic crisis management. The necessity of the special legal order on the European level is the consequence of the global character of the phenomenon. As the crisis is inherently larger than the range of national jurisdictions, the instatement of national special legal actions would not yield sufficient results, thus, action on a supranational level, the level of the European Union, would be necessary. As has been showed, the presence of a temporary democratic deficit during the climate crisis management would not present any problems or interference with democratic order and principles, provided that the democratic deficit is absolved once the crisis is over.

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