German climate change policy - best practice for international relations?

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1. Habermasian discourse ethics

This paper is intended to show that Germany's political system, which is consensual in nature, has had a strong impact on climate change related policy outcomes both within Germany and in its aims in international relations. The consensual imperative of both Germany's political system and international relations make it appropriate to utilise Jürgen Habermas' work on discourse ethics to aid analysis. It is further argued that discourse ethics would provide an appropriate framework to implement international policy-making.

Discourse ethics requires that all affected parties have the opportunity to contribute to the discussion, that contributions are listened to, and that decisions are made through rational choice, i.e. that the force of the better argument prevails. In this way, democratic will formation can be achieved. Through such discursive processes agreement can be reached to formulate a system of rights and duties. Although Habermas details the process through which universal norms can be determined, it is not the case that such norms are always achievable, as not all interests are generalisable. The main point is that ethical discourse be engaged in and that where a universal norm is not achievable, a consensually agreed upon compromise should be reached.

Compromise requires changing actions, whilst consensus can imply changing cognitions, interest patterns and options for actions. Although Habermas details ideal discursive processes, he does recognise that humans can act in a goal oriented manner. As Stokke (1998:135) points out, Habermas holds that such actions cannot be reduced solely to strategic concerns, but that values and social norms also feed into the decision making process.

From a Habermasian point of view one might expect German climate change related policies to be the result of rational decision-making arrived at through discourse that includes a multiplicity of inputs and considerations.

2. Germany

Following the Second World War the German political system was completely overhauled. Diffusion of power was a prime objective and this resulted in a system which requires multi-participation and consensual policy-making. International relations are conducted in a discursive manner that aims to lead to consensus. Participants in the political system include the *Länder*, i.e. regions that constitute the Federal Republic of Germany. The *Länder* introduce some laws but they implement those made by both themselves and the Federal Government. Implementation is clearly an important factor and can obviously be effected with more or less vigour. Representatives of the *Länder* constitute the *Bundesrat*, the upper house of parliament.

Political parties also play a major role in the German political system. Article 21 of the Basic Law states that 'political parties shall participate in the formation of the political will of the people'. The main political parties, the Christian Democratic Union / Christian Social Union (CDU/CSU) and the Social Democratic Party (SPD) have consciously defined themselves as mass organisations, with relatively large memberships and broad electoral bases, which bridge traditional electoral cleavages, especially class and religion. Precisely because of their broad appeal, the *Volksparteien* [peoples' parties] must reconcile a wide range of interests within their ranks (Green & Paterson, 2005:5).

Germany's electoral system is based on proportional representation. A second party list allows for people to express a preference for, in effect, the party that they wish to be in coalition with their main preference party. This system has resulted in coalition governments for all but four years since 1949. These characteristics allow for minority groups to have attention paid to their concerns. However, before gaining representation a political party must receive at least 5% of votes; this it is argued limits the number of 'effective' parties within the party system, and isolates extreme Right- and Left-wing parties (Lees, 2005:21).

The judiciary also plays an important part in German governance. Germany has a written constitution that allows for a programmatic statement of general principles which are seen as an essential prologue to legislation and policy development, a tendency that is probably reinforced by

the practice of coalition government in which political parties of different ideological persuasions have to come to some agreement on the running of government. Moreover, the emphasis upon constitutionalism in the conduct of government also has the effect of making the policy process more formal (Weale, 1992:81-82).

A statement of environmental principles (precautionary principle, polluter-pays and industry-government cooperation) was made as early as 1971. These principles, it seems, have effectively been institutionalised within the German policy-making system.

Proportional representation and coalition government enables small groups to be heard. When environmental issues, including climate change, became fairly widespread concerns, the Green Party gained support. This had the effect not only of the Green Party gaining, in the first instance *Länder* government places and later Federal Government positions, but also forcing the main parties to take on board environmental issues. The adoption of people's ideas and concerns by the main political parties was a result of the political system that facilitates such inclusiveness.

In addition to federalism and political parties, Katzenstein (1987) identifies parapublic institutions as being a part of the policy-making process. In the environmental field such institutions include the Council of Environmental Experts (SRU), the German Advisory Council on Global Change (WBGU), and the Council for Sustainable Development (RNE). Academic research institutes and non-governmental organisations may also be included, as input of parapublic institutions to the consensual political system (see Lees, 2005).

The political features as described above create a situation in which consensual politics can flourish. This propensity for multi-participatory and consensual politics has allowed the ideas and concerns of various sectors of the community to be considered in the development of climate change related environmental politics and policies.

Forests are important in German mythology, and it appears that inherent in German culture is the idea of forests being permanent features of the environment. Beuermann & Burdick (1997) point out that *nachhaltige Forstwirtschaft* (sustainable forestry) was an aim as long ago as the turn of the 19th century. It is therefore not surprising that one issue that engendered popular concern was the widespread discovery in the early 1980s of *Waldsterben* (dying forests); the cause was attributed to air

pollution. Von Weizsäcker states that all of a sudden, the public was up in arms again. The forests, the home of German myths and fairy tales were dying (von Weizsäcker, 1994:20).

Beuermann & Burdick argue that due to this entrenched association with forests, during the 1980s and 1990s tropical deforestation and climate change[1] were predominant in German thinking in relation to the concept of sustainability.

Weale states that 'the sudden upsurge in public concern over issues of forest death and damage' (Weale, 1992:1) in 1982, caused the German government to change from a 'cautious stance on the environment' (ibid) to a more proactive one. It would, however, be incorrect to think that environmental issues were not addressed prior to this date. Von Weizsäcker notes that following his election in late 1969, Willy Brandt was the first Federal Chancellor to give high priority to environmental protection in a government programme (von Weizsäcker, 1994:21).

In October 1971, a Federal Environment Programme was adopted which entailed the passing of eighteen major environmental laws over the subsequent five years. This was Germany's first Environment Programme. Cavender and Jäger explain that the programme was based on three principles – *Vorsorge* (precautionary measures), *Polluter Pays*, and *Industry-Government Cooperation* - the philosophical underpinnings that have guided all subsequent environmental policies (Cavender & Jäger, 1993:7). Precautionary measures are indicative of considerations of intergenerational justice.

The polluter pays principle demands that the originators of the problem pay to resolve it. This, Paterson (2001) argues, is a form of retributive justice. Retributive justice can be seen as taking responsibility for distributive injustices and making amends for them.

Participatory justice (which is in effect what Habermas' discourse ethics demands) enables ideas to be heard and acted upon, thus enabling policies to be perceived as being just, resulting in acceptance of such policies, which enhances their potential for success. Industry-government cooperation can be seen as a part of this process.

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1   The public became aware of massive tropical deforestation and the fact that forests act as 'carbon sinks', that is they take in carbon dioxide and give off oxygen. Carbon dioxide (CO_2) is a major contributor towards global warming and climate change.

Both the precautionary principle and the polluter-pays principle have been adopted by the international climate change regime (at least they are included in documentation if not properly implemented) since they were introduced in Germany. It can be argued that this transmission of ideas has been achieved through what Habermas terms communicative rationality. In other words, the better argument has prevailed, resulting in the above principles entering into international environmental discourse.

Returning to German politics, the Council of Environmental Experts (SRU) was convened in 1972, and in 1974 the Federal Environment Agency (UBA) was created to research requirements for possible regulations.

By 1975 the global oil price increase was biting, both economically and in fears of worsening unemployment and continued fuel cost rises. This had the effect of industrial leaders putting pressure on the government not to apportion further costs to industry in the form of environmental regulations. It is also the case that the *Länder* and communities were made to take on environmental administration; emissions standards regarding the protection of water were also introduced. Rowlands (1995) points out that during the oil crisis, although the use of coal increased, energy use in total decreased in West Germany. Economic growth did not suffer as perhaps would be thought. Instead, energy use became more efficient. Rowlands attributes this fact with the reason why German businesses were not violently opposed to proposed policies to reduce CO_2 emissions in the late 1980s. He claims that instead these policies were seen as being potentially beneficial in terms of efficiency and productivity.

The need for emissions standards to reduce and control air pollution came to the fore when the issue of *Waldsterben* was discovered and made public. As already discussed, this was the catalyst that reinvigorated progress in German environmental policies. An example of this reactivation is given by Weale (1992), who states that following the German government's change in 1982 to a proactive stance in its environmental outlook, strict emissions limits with regard to sulphur dioxide and large furnaces were implemented in 1983 under the Federal Emission Act. Weale goes on to say that Germany has pursued environmental policies such as the restriction of vehicle emissions; waste recycling programmes; and waste disposal regulations.

Members of the Green Party (which had been formed from a social movement that had arisen in the 1970s due to popular concern over the environment and particularly over nuclear safety[2]) were voted in to the *Bundestag* (lower house of parliament) in 1983. At the level of the *Länder,* the Green Party was successful in gaining representation in Baden-Württemberg in 1980; in Hamburg, Lower Saxony, and Hesse in 1982; and in Bremen in 1983. In Hesse following the 1985 state elections the Green Party and the SPD entered into a coalition and Joschka Fischer became the first Green state minister for environmental and energy affairs (Mewes, 1998:41).

These events are significant as they demonstrate that 'green' issues were a matter of popular concern; this in turn put pressure on other political parties to pay attention to environmental matters. An example of the results of this pressure is the adoption by the SPD during the 1980s of environmental policies that were in large part those already espoused by the Green Party. Lees argues that this was done 'to counter the electoral challenge from the Greens' (Lees, 2002:10). The electoral success of the Green Party and the adoption of environmental polices by mainstream political parties is an example of multi-participatory and inclusive processes that can be related to Habermasian decision-making procedures.

Media coverage of such eventualities as *Waldsterben*, depletion of the ozone layer and global warming are important as they raise public awareness of such issues. If the results of scientific research into environmental issues can achieve media attention, this too, clearly feeds into the political system. Scientific research is not, however, reliant on media attention as Germany has a clear structure for scientific input into the political system. Mentioned above was the formation of the Council of Environmental Experts (SRU) in 1972. Other examples include the Federal Environment Agency (UBA) which was established on 22 July 1974, to provide scientific and technical support for the Federal Environment Ministry (www.bmu.de/english/tasks/uba.htm, October 2001), and the German Advisory Council on Global Change (WBGU) which was established by the Federal Government in 1992, immediately before the Rio Conference (UNCED). The institutionalised inclusion of scientific experts in the policy-making debate is another indication that multi-participative decision-making procedures are in place.

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[2]   For further information see Mayer and Ely (1998)

Enquete Commissions also provide expert input to the political process. Enquete Commissions are an advisory body to the Federal Government. One half of the members are politicians, the other are scientists appointed by the parties represented in parliament. Enquete Commissions are established to give policy advice on complex political issues.

Beuermann and Jäger hold that the work of the Enquete Commission *Vorsorge zum Schutz der Erdatmosphäre* (Preventive measures to protect the Earth's atmosphere), set up in October 1987 was successful and shortened the length of time the political process would have taken without such input. Following the work of the Enquete Commission and the Federal Environment Agency (UBA) on 11 December 1991 the Cabinet stated that Germany would aim to reduce CO_2 emissions by 25-30 per cent by the year 2005, based on 1987 values. The Enquete Commission in its 1990 report had a goal of 30 per cent CO_2 emissions reduction.

As a further reaction to the final report of the first Enquete Commission in September 1991, the *Bundestag* agreed strictly to apply the precautionary and polluter pay principles and to integrate environmental protection in all political areas (BT.-Drs. 12/1136). This application is stressed in every environmental resolution because these principles are the basis of German environmental policy since 1971. They are used to explain why Germany puts emphasis on the limitation of greenhouse gases and not on adaptation research and measures (Beuermann & Jäger, 1996:195).

As previously noted, one of the principles enshrined in the 1971 Environment Programme is that of industry-government cooperation. The consequence of such cooperation is, unsurprisingly, contested. The Directorate General XI, Environment, Nuclear Safety and Civil Protection of the Commission of the European Communities (1993) holds that close cooperation between the various levels of the German government and industrial associations is a positive factor in environmental policy-making, as is the involvement of environmental non-governmental organisations. Examples of such are the Federation of German Industry (BDI) and the German Federation for Environment and Nature Protection (DNR).

The inclusion of industrial associations and environmental non-governmental organisations in discussions with the German government are further indicators of the existence of discursive decision-making processes. However, Beuermann and Jäger argue out that the Federal Ministry for Environment, Nature Conservation and Nuclear Safety (BMU) is

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one of the smallest and resource poor ministries, and that the Federal Ministries of Economic Affairs; Agriculture, Nutrition and Forestry; and Transport all make decisions that affect climate change. However, they not only represent the German government, they also take into account the interests of industry and others. BMU does not have such connections but stands between all lines: other ministries, industry and environmental groups.

Beuermann & Jäger (1996:195) point out that industrial influence with various ministries and inter-ministerial conflict has the effect of weakening the environmental policies of the BMU. It could be argued that such governmental workings are demonstrative of the consensus oriented nature of German politics and comply with Habermas' contention that all parties should be able to partake in discourse.

A multiplicity of factors, which cannot all be detailed in this paper, have influenced the evolution of climate change politics and policies in Germany; discursive inclusiveness has allowed ideas and values to be taken on board. It can be argued that Germany's federal system allows for multiple viewpoints to be considered and that this has resulted in 'green' issues becoming mainstream concerns.

This can be related to Habermas' ideal of multi-participative discourse being engaged in that results in consensus being reached through the force of the better argument. It has also been argued that the enshrining in law of the environmental principles contained in the 1971 Environment Programme, i.e. precautionary measures, polluter-pays principle, and industry-government cooperation, is akin to the process identified by Habermas in which generalisable interests become universal norms. The adoption of environmental concerns by mainstream political parties has led to effective domestic environmental policy-making, which has subsequently allowed Germany to become a leader in climate change politics.

3. Germany and the European Union

The European Union (EU) is not the focus of this study. However, Germany is a member of the EU and as such works within the framework of the EU. At international negotiations the Member States of the EU pre-agree a unified position that is presented by the EU delegation. It is, therefore, necessary to consider the relations between Germany and the EU.

In the 1957 Treaty of Rome which created the European Economic Community (EEC), there was no mention of the environment, and therefore, no specific authority for environmental policies to be introduced. Nevertheless, over a number of years it became apparent that damage to the environment and environmental protection needed to be considered. At the Paris Summit in 1972, ministers decided that the Community should take measures to address environmental issues.

It is worth noting that in 1972 the UN Conference on the Human Environment was held in Stockholm at which time there was much activity in environmental politics. Germany had introduced its first Federal Environment Programme in 1971. As an important member of EEC and as environmental policy-making had taken a major step forward in its domestic politics, Germany was proactive in encouraging the EEC to take action with regard to the environment. Von Seht and Ott (2000) argue that German environmental policy was in many cases the starting point of EU/EEC environmental policy. Germany introduced environmental protection legislation earlier than other EU/EEC countries. This resulted in calls from German business for conditions of equal competition. They demanded that competitors in other Member States should be subject to the same environmental requirements and thus the same presumed costs (von Seht & Ott, 2000:5)[3].

Much of Germany's environmental policy-making has resulted from a discursively inclusive process. The above argument points to discourse continuing to be important in the transfer of environmental policy-making to the European level, i.e. Germany business communities entered into discourse regarding the need to prevent themselves being put at an economic disadvantage. Calls for EU/EEC legislation on the environment would undoubtedly have also come from actors promoting environmental

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[3]   Schleicher, 1997:44 is referenced in von Seht & Ott's work.

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awareness and protection for the environment's sake, thus resulting in multi-participative discourse.

Previously mentioned was the catalytic effect that *Waldsterben* had on German domestic environmental politics in the early 1980s. This transferred to Germany's efforts in Europe where they pushed for air pollution policies to be introduced. Anderson and Liefferink (1997:26) argue that Germany's efforts were aided by the appointment of a German Environment Commissioner, Karl-Heinz Narjes and Germany holding the Presidency of the Council in the first half of 1983, which had the effect of expediting a final proposal of an acidification policy that the Commission was in the process of preparing. Anderson and Liefferink point out that at this time the Third Environmental Action Programme was approved which placed more importance on the separation of environmental issues from trade concerns than previous programmes had done.

A similar argument is made by Economy and Schreurs (1997) who cite the success of the Green Party in Germany, and the subsequent uptake of green issues by mainstream political parties arguing that this train of events continued on to the European level where Germany became a "primary force" in pushing the European Community on the introduction of a Large Combustion Plant Directive and later in the cases of stratospheric ozone depletion and global climate change (Economy and Schreurs, 1997:9).

Anderson and Liefferink state that 'Germany became known as the 'engine' of EU environmental policy in the 1980s' (1997:26). Reasons given for this are: Germany's domestic policies; the economic importance of the German market; and 'the more intentional pusher role of the German government' (ibid).

Although EEC environmental policy-making became established in the 1970s and 1980s, it was not until the Single European Act amended the Treaty of Rome in 1987 that express authority for an environmental policy was provided, thus effectively legitimizing the extensive body of environmental legislation that had by then been adopted under a rather elastic interpretation of the original Treaty (Haigh, 1996:159).

Clearly, the Member States of the EEC had agreed on the general development of environmental policies; the de facto existence of such policies eventually leading to their legitimisation and the right to introduce future policies.

The Single European Act decrees that a number of environmental principles be followed. These principles determine that preventive action should be taken to avoid environmental degradation; that environmental damage be addressed at source as a matter of urgency; that the polluter should pay; that environmental protection requirements be incorporated within other EEC policies; and that the principle of subsidiarity should apply. This latter principle means that action should be taken by the EEC only where the required objectives can be better achieved by the EEC than by Member States acting alone.

On 1st November 1993, the Treaty on European Union (otherwise known as the Maastricht Treaty) came into effect. The treaty strengthened the requirement for environmental protection to be integrated both in definition and in the implementation of other policies, i.e. that the environment must be considered in all policy-making, not only that which is purely environmental. The environmental principles that were enshrined in the Single European Act were supplemented by the addition of the precautionary principle. Germany actively promoted its adoption.

It is pertinent to mention that the precautionary principle is not one that sits easily with all countries of the EU. As Wurzel (2002) explains, a standard setting philosophy in Britain is the requirement for scientific proof. This fact indicates that for the precautionary principle to be adopted by the EU required discourse through which agreement was reached by the force of the better argument. The preventive principle and the precautionary principle may seem to be similar; the difference being that one can take preventive action if an outcome is expected, i.e. known to be an end product of a particular action or series of actions. The precautionary principle can be explained as requiring consideration of what outcomes *may* occur as a result of an action or series of actions and to take precautions accordingly.

4. The European Union and International Relations

The EU presents a united position at global conferences such as the World Summit on Sustainable Development (2002) and at climate change specific international negotiations such as those held annually by the Conference of the Parties to the United Nations Framework Convention on Climate Change. The European Community (EC)[4] (represented by the Directorate General for the Environment) and the EU Member States attend such conferences. But it is the 'troika', which consists of the current EU Presidency, the incoming Presidency and the European Commission, that negotiates on behalf of all Member States. The presiding EU Presidency presents the pre-agreed united position. Speaking with 'one voice' gives the EU a strong bargaining position in terms of it representing a large power bloc.

In 2004, in addition to the fifteen Member States, it has usually been the case that the ten European States that became EU members in May 2004 have also backed the EU position. A bloc of twenty-five countries that are presenting a unified argument have a greater chance of influencing events than does any individual European State acting alone. It can be argued that without the proactivity of the EU following the withdrawal of the USA from the Kyoto Protocol, it is likely that the Protocol would have completely collapsed. Ratification of the Kyoto Protocol by Japan, the EC and the EU Member States has meant that when Russia ratified the Protocol on 18 November 2004, the required ratification by 55 parties to the convention making up at least 55% of 1990 emissions of Annex 1 parties (industrialised countries) has occurred. The Kyoto Protocol therefore entered into force on 16 February 2005.

There are, however, some disadvantages of 'speaking with one voice'. Whilst the bargaining position of the EU as a bloc is enhanced in terms of pure power, flexibility suffers as does the ability to network, which would enable greater understanding of the positions of others and the chance to

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[4]   The EU consists of three pillars, which are the EC, Common Foreign and Security Policy, and Home Affairs and Justice Policy. Whilst it is common practice to use the term EU when talking or writing about European law, it is in fact the case that it is only the EC that has legal identity. Therefore, the United Nations Framework Convention on Climate Change and the Kyoto Protocol were signed and ratified by the EC and the Member States.

let others know and understand one's own position and perhaps gain influence through reasonable and just argument.

Some elucidation regarding the comment about flexibility is required. Prior to international negotiations, EU members agree on a unified stance. During international conferences EU coordination meetings are held at the start of each day so that the EU Member States can keep up to date with events and agree on a unified position. Coordination meetings can be, and are often, held during the course of the day to ensure that the EU 'one voice' keeps apace with developments. When discussions move on a tangent that was not expected, the EU tends to be left out of the ongoing debate whilst the EU Member States gather to talk about the new situation in order to come to some agreement amongst themselves before returning to the bargaining table. Thus, the EU can be rather slow at international negotiations.

This situation is likely to be exacerbated now EU enlargement has occurred. Negotiators involved in these meetings are themselves aware of these shortcomings and are looking at ways to circumvent such problems. It could be argued that whilst discussions occurring between EU Member States in order to reach agreement may fit within Habermas' discourse ethics framework, that when this occurs repeatedly it hinders the fulfilling of universally inclusive ethical discourse between the wider international community.

It is worth mentioning the argument put forward by Schelling (1960:29) that when a bargaining process has a time limit and there is seen to be inflexibility on the part of an actor that this can in fact work as an incentive to others to agree on a position near to that put forward by the inflexible actor.

The second disadvantage identified above, is the restricted time spent networking due to discussions being held among EU Member States. In an interview with a senior member of the German delegation, what has been termed networking in this paper was called outreach. It was stated that this problem has been recognised and that at recent meetings it had been decided to maximise outreach by allocating certain areas to the most appropriate EU Member States. For example, France had the task of talking to representatives from francophone Africa, and Britain to Indian representatives. Germany is active in promoting outreach talks.

In order to arrive at a unified EU position prior to international negotiations, delegations from Member States meet regularly with representatives of the European Commission (from the Directorate General for the Environment). Normal practice is for meetings of the 'working party on international environmental issues – climate change' to be held approximately monthly. Additionally, expert groups are held to look into specific issue areas; these expert groups are initiated by, and report back to, the working party. Member States can appoint an expert to attend these groups and to accompany governmental representatives to conferences. In addition to the monthly meetings, at the start of each Presidency (January and July) a meeting is held that lasts for about three days. These meetings combine work and the reinforcing of working relationships; it is a time when informal ideas can be talked about. It is also the case that at least some of the people working on climate change within the various countries and the European Commission have built up a close working relationship with one another and that communication is ongoing between various parties.

In addition to the working party on climate change there is a 'working party on international issues – sustainable development'. Just as Germany's climate change policies have evolved over a number of years so have those of the EU. Continuing discourse exists between the Member States with the aim of reaching a unified position. Germany may be influenced and also influence these discussions, but the end result is that there is largely a confluence of positions.

Germany actively participates in the evolution of environmental policy within the EU. The very nature of the EU, with Member States regularly meeting to discuss environmental issues in order to reach a united position can be related to Habermas' requirements for ethical discourse. That said some of the reasons cited for Germany's influence, i.e. monetary contributions and market importance do not fit within the framework of the force of the better argument prevailing. However, the fact that existing policies within Germany give credibility to the German position can be related to this framework, as if a policy is already seen to be working efficiently then one could say that this is indicative of the best argument. The fact that Germany actively participates in all meetings and is keen to enter into discussions with all parties also fits within the requirements for ethical discourse.

It has been argued that Germany is influential with regard to EU climate change policies. It should be noted that if a policy is backed by the

EU, it reinforces the BMU's argument within Germany. There is reflexivity between German and EU policies and aims.

Not all of Germany's aims have been taken up by the EU. One of the features of decisions reached through multi-participative discursive processes can be that where true consensus is not achieved compromise is needed. In order to arrive at the united position that the EU presents at international negotiations, the EU Member States have to negotiate – and to varying degrees they have to compromise.

5. Conclusions

At the beginning of this paper it was stated that from a Habermasian point of view one might expect German climate change related policies to be the result of rational decision-making arrived at through discourse that includes a multiplicity of inputs and considerations. To an extent, this can be seen to be true. Discussion in this paper shows that Germany's political system allows for multi-participative discourse to be considered in the policy-making process. Policies that are the outcomes of this process are then taken forward onto the international arena. As has been shown in the section on Germany and the EU, Germany has had some success in influencing EU policy[5].

Once negotiations take place between nations, whether this be within the EU or at the truly international level, there is a discursive imperative through which consensus needs to be found in order for any agreement and progress to be made. The use of Habermas' discourse ethics has greater relevance than providing a framework for the analysis in this paper. It can lead to greater understanding of how interests are formed and legitimised; facilitate analysis of actions taken; and provide a framework through which just and implementable decisions can be reached.

The discursive nature of climate change international relations and the need to find common agreement for the future direction of global climate change related policies indicates that the implementation of discourse ethics as propounded by Habermas would be beneficial. Agreements reached through discourse where participatory justice has been implemented are more likely to be acceptable to all parties, and thus the prospects for successful implementation will be greater.

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[5]   Germany has also had some influence with regard to truly international policy; see Jaggard (2005).

References

Anderson, M.S. & Liefferink, D. (1997): Introduction: The impact of the pioneers on EU environmental policy. In: Anderson, M.S. & Liefferink, D. (Eds): *European Environmental Policy: The Pioneers.* Manchester. Manchester University Press.

Beuermann, C. & Burdick, B. (1997): The Sustainable Transition in Germany: Some Early Stage Experiences. In: O'Riordan, T. & Voisey, H. (Eds): *Sustainable Development in Western Europe: Coming to Terms with Agenda 21.* London. Frank Cass & Co Ltd.

Beuermann, C. & Jäger, J. (1996): Climate Change Politics in Germany: How long will any double dividend last? In: O'Riordan, T & Jäger, J. (Eds): *Politics of Climate Change: A European Perspective.* London. Routledge.

BMU: The Federal Environmental Agency. www.bmu.de/english/climate-change

Cavender, J. & Jäger, J:. The History of Germany's Response to Climate Change. In: *International Environmental Affairs.* Winter 1993. Vol. 5:1, pp. 3-18.

Economy, E. & Schreurs, M. A. (1997): Domestic and international linkages in environmental politics. In: Schreurs, M. A. & Economy, E. (Eds): *The Internationalization of Environmental Protection.* Cambridge. Cambridge University Press.

Green, S. & Paterson, W.E. (2005): Introduction: Semisovereignty challenged. In: Green, S. & Paterson, W.E. (Eds): *Governance in Modern Germany.* Cambridge. Cambridge University Press.

Habermas, J. (2002): The Tasks of a Critical Social Theory. In: Calhoun, C. Gerteis, J. Moody, J. Pfaff, S. & Virk, I. (Eds) *Contemporary Sociological Theory.* Malden, MA. Blackwell Publishing Ltd.

Habermas, J. (translated by Cronin, C.) (1998): The Inclusion of the Other: Studies in Political Theory. Cambridge. Polity Press.

Habermas, J. (translated by Rehg, W.) (1996): Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy. Cambridge. Polity Press.

Habermas, J. (translated by Lenhardt, C. & Nicholsen, S.) (1990): Moral Consciousness and Communicative Action. Cambridge. Polity Press.

Habermas, J. (translated by McCarthy, T.) (1979): Communication and the Evolution of Society. London. Heinemann.

Haigh, N. (1996): Climate Change Policies and Politics in the European Community. In: O'Riordan, T. & Jäger, J. (Eds): *Politics of Climate Change: A European Perspective.* London. Routledge.

Jaggard, L. D. (2005): Germany's International Relations of Climate Change. PhD thesis. University of Birmingham.

Katzenstein, P.J. (1987): Policy and Politics in West Germany: The Growth of a Semisovereign State. Philadelphia. Temple University Press.

Lees, C. (2005): Environmental Policy: The Law of Diminishing Returns? In: Green, S. & Paterson, W. E. (Eds): *Governance in Modern Germany.* Cambridge. Cambridge University Press.

Lees, C. (2002): Environmental Policy: The Law of Diminishing Returns? Paper presented at the University of Birmingham workshop 'Semisovereignty Revisited: Governance, Institutions and Policies in United Germany.' 26-28th April 2002.

Mayer, M. & Ely, J. (Eds) (1998): The German Greens: Paradox between movement and party. Philadelphia. Temple University Press.

Mewes, H. (1998): A Brief History of the German Green Party. In: Mayer, M. & Ely, J. (Eds): *The German Greens: Paradox between movement and party.* Philadelphia. Temple University Press.

Paterson, M. (2001): Principles of Justice in the Context of Global Climate Negotiations. In: Luterbacher, U. & Sprinz, D. (Eds): *International Relations and Global Climate Change.* Cambridge, MA. The MIT Press.

Representative of the UK's Department of Environment, Food, and Rural Affairs. Interview 12-09-03. London.

Representative of the Division for International Co-operation, Global Conventions, and International Climate Change. BMU. Interviews 21-02-03 and 08-04-03. Berlin.

Representative of the Environment Directorate General of the European Commission. Interview 24-02-04. Brussels.

Rowlands, I. (1995): *The Politics of Global Atmospheric Change.* Manchester. Manchester University Press.

Schelling, T.C. (1960): The Strategy of Conflict. Cambridge, MA. Harvard University.

Schleicher, U.: The New Direction of Water Protection Policy. In: *Environmental Policy and Law.* 1997. Vol.1, pp. 44-47.

Stokke, O. S. (1998): Understanding the Formation of International Environmental Regimes: The Discursive Challenge. In: Underdal, A. (Ed.): *The Politics of International Environmental Management.* Dordrecht. Kluwer Academic Publishers.

Weale, A. (1992): The New Politics of Pollution. Manchester. Manchester University Press.

Wurzel. R. (2002): Environmental Policy-making in Britain, Germany and the European Union: The Europeanisation of Air and Water Pollution Control. Manchester. Manchester University Press.

von Seht, H. & Ott, H. (2000): EU Environmental Principles: Implementation in Germany. Wuppertal. Wuppertal Institute for Climate, Environment and Energy.

von Weizsäcker, E. (1994): Earth Politics. London. Zed Books Ltd.