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EU Human Rights Approach in Climate Change and Energy Transition – Call for Sustainable Development?

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Summary: European Union is considered as valuable actor in international surrounding. The principle of human rights as set in article 2 TEU is observed in its legislation and policies. The current development in area of sustainable development goals is also generating new challenges especially in relation to climate change. The EU as the signatory country of Paris agreement and observer to UN followed its obligations, and in contributing to climate change actions, focused its policy also to energy transition. The development in EU differ to universal development, due different political, legal and regional aspects. How the EU implement its obligation in sustainable development, climate change and energy transition with its human rights protection principle? The paper is focused on analysis, how the EU acts in concrete policy actions and whether there exists human rights and development nexus.

Keywords: human rights – human security – sustainable development – EU external action – EU energy policy – energy transition

1. Introduction

Human rights comprise a part of the globalized world as well as technologies, innovations and new security challenges including the climate change. The human rights protection and its implementation is embedded in different structures of international society.

In 2000 the UN had presented on the Millennium Summit a vision of the future and the areas that should be in the focus of the international community such as combating poverty, education in developed and developing countries, gender equality, effective development aid and, naturally, the pursuit of peace

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and security in the world based on the principle of human security. This program is known as the Millennium Development Goals and they were expected to be fulfilled by 2015. Instead of the objectives themselves, the initial concerns about their non-feasibility came true.

The path to the future sustainability of the next generations is seen in the later Sustainable Development Goals, focused on the universality of human rights and sustainable development. Within creation of global goals, the focus was also on natural challenges such as climate changes and non-renewable sources of energy, on economic growth and innovations, responsible production and consumerism, and last but not least on sustainable cities and communities. These Sustainable Development Goals has been set to meets its objectives till the 2030. They represent changed in development policy and change in international development regime.

One of the biggest challenges of the SDGs is in fact implementation at national level. In this regard, however, member states are not the only actors who are involved in the process of implementation of the SDGs which include – in addition to civil society, multinational corporations, but most of all also regional organization, in particular the European Union. The EU since the ratification of Lisbon Treaty has acquired legal personality, has strengthened its position in the economic market, and has also outlined plans for sustainable development, including fight against climate change and connected energy transition.

The sustainable development goals formed new development regime, which comprises of norms and principles common to other regimes as well (climate or human rights regime). SDGs regime is based foremost on the idea of human security and thus is up to certain level covered by the current EU activities. However, the coordination mechanism is missing that would secure the complex administration of these goals in the EU policies. The uniqueness of the EU functioning, its organizational structure, strong economic position worldwide and already existed basis of the SDG regime force the EU to pursue its own vision of the development regime rather that to accept the standard set by the UN.

The paper is focused on the SDG implementation in the EU policies, within the framework of human rights as one of the fundamental principles of the EU. We consider that the concrete EU policies should be interconnected mainly through the human rights principles and EU interests. The EU by joining the SDG should observe fulfilment of set goals in all its internal and external policies. According to the principle of human rights set in article 2 TEU is precondition of internal policies and as set in article 21 TEU in external policies, we focus on analysis how concretely the principle of human rights in connection

with development is observed and implemented in climate policy and energy transition. These two policies have both internal and external dimension and are directly connected with EU contribution to SDG. Selection of these two policies was also limited by the fact, that in comparison to others, these are initially of economic character and by its analysis we may evaluate shift or development of EU actions conform to SDG and human rights approach. The research question is: How is the human rights approach observed in climate change and energy transition policy of the European Union, as contribution to sustainable development?

2. EU external relations in the context of human rights and sustainable development

2.1. Human rights, human security and sustainable development

During its development it has created an idea of a European identity based on civil power (Duchene[1], Smith[2]), normative power (Manners[3],), or superpower (McCormick[4]). However, the ontological debate on defining the EU can keep forever, so the researchers also took deontological position and looked rather what the EU does in order to allow a comparison of statements and actions – words and deeds (Bindi[5]). In this respect, therefore, it is important to understand what are the main principles of the EU and how these are fulfilled by the EU not only in its internal policies but also in its external relations. On the basis of Art. 2 TEU, the EU is committed to the values of human dignity, freedom, democracy, the rule of law and respect for human rights, including minority rights. The Union has thus gradually established its role in of the international scenario[6]

[1] DUCHÊNE, F. The European Community and the Uncertainties of Interdependence. In: KOHNSTAMM, M, HAGER, W. *A Nation Writ Large? Foreign-Policy Problems before the European Community.* London: Macmillan, 1973, pp. 19–20.

[2] SMITH, K. E. *Beyond the civilian power EU debate* [online]. Available at: https://www.cairn.info/revue-politique-europeenne-2005-3-page-63.htm#

[3] MANNERS, I. Normative Power Europe: A Contradiction in Terms? *Journal of Common Market Studies,* 2002, vol. 40, no. 2, pp. 235–258.
MANNERS, I. Normative Ethics of the European Union. *International Affairs,* 2008, vol. 84, no. 1, pp. 45–60.

[4] McCORMICK, J. *The European Superpower*. Basingstoke: Palgrave Macmillan, 2007.

[5] BINDI, F. *The Foreign Policy of the European Union*. Washington: The Brookings Institution, 2010.

[6] ELGSTRÖM, O., SMITH, M. *The European Union's Role in International Politics. Concepts and Analysis.* New York: Routledge, 2006.

and present itself as the international actor in several areas, including human rights protection.[7]

The EU as an actor in international relations[8] has observation status at the United Nations and all EU Member States are UN members. According to this, the EU use to coordinate its external policies in communicating UN topics and obligations towards UN treaties, however it is often criticized for a lack of coherence and consistency in this field. EU external action includes a number of specific policies (e.g. international trade, development and humanitarian aid, security and defense policy, energy policy, diplomacy, migration, enlargement, neighbourhood, etc.) with different level of success or recognised international actor position.[9] The EU in its external relations rely not only on the decision of its Member States, but also general principles. Unlike the internal EU policies, where the Charter of Fundamental Rights (Art. 6 TEU), guarantees respect for human rights within the Union in external relations, there is no enforcement of these rights other than the above-mentioned Article. 2 TEU. The main tools within the EU scope are clauses on human rights, which are part of the political conditionality in international treaties. And although (inter)national interest and promotion of human rights are the dominant principle of international agreements and international regimes there exists between them and untouched area calling for a thorough analysis.

The broader human rights approach to achieve EU goals as set in treaties are relying on the human security approach, which defines the connection between concrete policies and the secure and sustainable environment. So-called security-development network (security – development nexus) is aware of the relationship between development and security. In this manner it is clear, that EU act accordingly to the universally set development agenda within the UN, however considering the security environment of the European region.

AGGESTAM, L. *A European Foreign Policy? Role Conceptions and the Politics of Identity in Britain, France and Germany.* Doctoral dissertation. Stockholm: University of Stockholm, 2004 [online] Available at: https://researchportal.bath.ac.uk/en/publications/a-european-foreign-policy-role-conceptions-and-the-politics-of-id

BREUNING, M. Role theory research in international relations. State of art and blind spots. In HARNISCH, Sebastian, FRANK, C., MAULL, H. W. (ed.). *Role Theory in International Relations. Approaches and Analyses.* London and New York: Routledge, 2011, pp. 16–33.

[7] See more: MOKRÁ, L., JANKOVÁ, K. EU as a human rights actor? *Bratislava law review*, 2018, vol. 2, no. 2, pp. 91–105.

[8] See also: BRETHERTON, CH., VOGLER, J. *The European Union as a Global Actor*. London: Routledge, 1999.

GINSBERG, R., H. *The European Union in International Politics*. *Baptism by Fire*. Boston, Rowman & Littlefield Publishers, 2001.

[9] See also MOKRÁ, L., JANKOVÁ, K. Humanitarian aid and crisis management: new EU challenges in relation to Doha summit. In: MODRZEJEWSKI, A. (ed.). *Challenges of today: Politics and Society*. Gdańsk: Research Institute for European Policy and Authors, 2015, pp. 196–215.

The EU use to refer in its declaration and policies to make a positive and constructive contribution to the development of the 2030 Agenda for Sustainable Development. The basis for further analysis on the actions of the EU in development regime will be the model of the EU behaviour in human rights regime. Despite the fact that the human rights regime can be defined as relatively powerful regime, the EU in this case has not downloaded the regime as such but created its own through Art. 2 TEU and Art. 6 TEU. Here opens the space for our research that examines how the EU approaches the development regime. How does the EU contribute to the creation and implementation the Sustainable Development Goals? Is the sustainable development regime (SDGs) implemented according to the structures and rules of the UN or the EU again issued its own way and its own rules and procedures similarly as in the case of human rights regime, and how it is conditioned?

2.2. Climate change as threat to human security(?)

"Climate change is a reality and can seriously harm the future development of our economies, societies and eco-systems worldwide", according to the 2007's scientific report from the UN's Intergovernmental Panel on Climate Change (IPCC)[10]. The human impact of climate change may be understand also in connection to universally recognized fundamental rights, mainly to the right to life, adequate housing, health, and water, however all these rights connections are not explicitly stated in universal documents and there are still several states not guaranteeing all of them (n.b. only 155 states recognised right healthy environment as fundamental right[11]).

Although the climate change affects the protection of human rights as recognised by the Universal Declaration of Human Rights and different regional treaties, there are still some regions and countries, where the human rights cannot be exercised properly due non-implementation and inefficiency. Sustainable development goals have been adopted as agenda, which should frame the world's community intention to prevent violation of human rights due instable environment, influenced by ongoing climate changes and connected with negative effects on environment and human beings.

The UN as the main leader in adoption climate change's agenda, constantly emerged about the situation in environment and non-sustainability of human

[10] OHCHR. *Climate change and human rights* [online]. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/Climate.aspx

[11] UN. *Human rights are at threat from climate change, but can also provide solutions* [online]. Available at: https://www.unenvironment.org/news-and-stories/story/human-rights-are-threat-climate-change-can-also-provide-solutions

beings' actions. In its 5th Assessment Report, the Intergovernmental Panel on Climate Change (IPCC) "unequivocally confirmed that climate change is real and that human-made greenhouse gas emissions are its primary cause. The report identified the increasing frequency of extreme weather events and natural disasters, rising sea-levels, floods, heat waves, droughts, desertification, water shortages, and the spread of tropical and vector-borne diseases as some of the adverse impacts of climate change. These phenomena directly and indirectly threaten the full and effective enjoyment of a range of human rights by people throughout the world, including the rights to life, water and sanitation, food, health, housing, self-determination, culture and development."[12]

The UN and IPCC work was supported also by the Office of High Commissioner for Human Rights, once he publicly declared, that "Climate change therefore should be addressed in a way that is fair and just, cognizant of the needs in the community or region and adherent to the principles of non-discrimination and equality. Any sustainable solution to climate change must take into account its human impact and the needs of all communities in all countries in a holistic manner."[13] The UN through this common attitude ask states and international organisations to effective contribution in fighting climate change, as it has uncountable impact to people and influence the level of human rights protection.

As to the latest, in the Climate Change and Human Rights report the UN had "set of specific recommendations related to protecting human rights from climate change impacts and responses, including:

- the inclusion in the Paris agreement of a schedule for assessing and revisiting country commitments with the aim of increasing, over time, the ambition of the climate targets set by countries,
- a reference in the Paris Agreement to the effects of climate change on the exercise of human rights and the need to respect, protect, promote and fulfil human rights in all climate-related activities,
- ensuring implementation of social safeguards in various climate funds to take into account human rights considerations." [14]

As mentioned, one way how to contribute to sustainable environment and eliminate climate change as possible, is to focus on more just, equitable society

[12] PAUCHARI, R., K., MEYER, L. (ed.). *UN IPCC 5th Assessment Report* [online]. Available at: https://www.ipcc.ch/site/assets/uploads/2018/02/SYR_AR5_FINAL_full.pdf

[13] OHCHR. *Climate change and human rights* [online]. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/Climate.aspx

[14] BURGER, M. (ed.). *Climate Change and Human Rights* [online]. Available at: https://wedocs.unep.org/bitstream/handle/20.500.11822/9530/-Climate_Change_and_Human_Rightshuman-rights-climate-change.pdf.pdf?sequence=2&amp%3BisAllowed=

and urge countries to meet their commitments under the Paris Agreement. This universal treaty was signed on 2016 by 175 contracting parties (174 states and the European Union) on the first date when it was open for signature. The Agreement entered into effect as of 4 November 2016. The European Union as the regional type of international organisation by its signature of Paris Agreement had double underlined the intention to be active actor in area of climate change and sustainable development connected to fulfilment of agreement objectives.

3. EU action in climate change and energy transition

In the previous section, we have established indisputable link between the human security and the climate change that poses a profound threat to (not only) humans. As formulated by the Working Group II of the Intergovernmental Panel on Climate Change (IPCC), the implications of the climate change on the human (in) security include 1) undermining the livelihood and human capital; 2) comprising the culture and identity; 3) increasing the involuntary migration; or 4) inability of states to provide conditions fostering the human security[15]. The European Union has been founded on the values and principles of peace, security, (but in the context of this article most importantly) sustainable development and human rights[16]. Moreover, these principles (should) guide also the EU external actions[17] and thus constitute the normative framework for the EU actorness[18]. Hence, the EU is accustomed to mainstreaming its principles and values into various policy areas (for example incorporation of human rights and gender into security and defence policy[19]). On that account and in the context of the climate change, in this part, we deliberate on the activities of the European Union on the nexus between the human security and energy policy.

[15] INTERGOVENRNMENTAL PANEL ON CLIMATE CHANGE. *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects.* Cambridge: Cambridge University Press, 2014, pp. 755–791.

[16] EU. *Treaty on European Union*. *Article 2.* OJ C 326, 26. 10. 2012, pp. 13–390.

[17] EU. *Treaty on European Union*. *Article 21.* OJ C 326, 26. 10. 2012, pp. 13–390.

[18] For more about the EU as normative power see MANNERS, Ian. Normative Power Europe: A Contradiction in Terms? *Journal of Common Market Studies,* 2002, vol. 40, no. 2, pp. 235–258.

[19] GENERAL SECRETARIAT OF THE COUNCIL OF THE EUROPEAN UNION. *Mainstreaming human rights and gender into European security and defence policy* [online]. Available at: https://op.europa.eu/en/publication-detail/-/publication/34de8812-1331-400b-bf78-c886aef81654/language-en

3.1. EU approach to combat climate change

The European Union has embraced its role as the leader in the fight against the climate change[20] as a reaction on the degradation of the climate situation (and subsequent implications) and to commit itself to the international obligations in this matter. In line with the United Nations' Sustainable Development Goals (SDGs) – primarily Goal 7 (Affordable and Clean Energy) and Goal 13 (Climate Action)[21] – and the commitment to the Paris Agreement[22], the lynchpin of the EU approach to (combat) the climate change is a low-emission economy transition with a view of climate neutrality by 2050. As the Paris Agreement emphasises, the reduction of the greenhouse gas (GHG) emissions is pivotal in attempts to mitigate the climate change impacts[23]. Whereas, the "energy-related emissions account[ed] for almost 80% of the EU's total greenhouse gas emissions,"[24] the EU has commenced ambitious and large-scale energy transition that triggers major changes for the EU energy policy and the very structure of the energy system. Within the European context, the energy policy has been approached primarily through the prism of state-centrism, assuming that the (member) states are the most important actors pursuing their energy policy goals on the basis of national interests (for example energy security)[25]. However, since the adoption of the Lisbon Treaty, the energy policy has become a shared competence between the EU and the member states[26], which enhanced the role of the EU in the energy policy framework and provided platform for more comprehensive action, specifically decarbonisation of the energy system. As Solorio pointed

[20] EUROPEAN COMMISSION. *The European Union continues to lead the global fight against climate change* [online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_19_5534

[21] UNITED NATIONS. *Transforming our world: the 2030 Agenda for Sustainable Development* [online]. Available at: https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf

[22] UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE. *The Paris Agreement* [online]. Available at: http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

[23] UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE. *The Paris Agreement* [online]. Available at: http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

[24] DIRECTORATE-GENERAL FOR ENERGY. *Energy 2020: A Strategy for Competitive, Sustainable and Secure Energy*. Luxembourg, Publications Office of the European Union, 2011.

[25] CHERP, A., VINICHENKO, V., JEWEL, J., BRUTSCHIN, E., SOVACOOL, B. Integrating techno-economic, socio-technical and political perspectives on national energy transitions: A meta-theoretical framework. *Energy Research & Social Science*, 2018, vol. 37, pp. 175–190.

[26] TEWS, K. Europeanization of Energy and Climate Policy: The Struggle Between Competing Ideas of Coordinating Energy Transitions. *The Journal of Environment & Development*, 2015, vol. 24, no. 3, pp. 267–291.

out, the post-Lisbon setting encouraged the "Europeanisation of energy policy governance" by incorporation of the environment/climate variable into energy policy framework[27]. Coupling the energy with the climate has created a truly 'European' energy policy paradigm, guiding the energy transition, by shifting the primary focus of the action from states to the people and sustainability of their environment. The anthropocentric perspective on the energy policy and energy transition underlines the consideration of the human security and penetration of EU values and principles into the policy areas not usually common for people-oriented action. Moreover, the adjustments of the EU energy policy and re-structuralisation of the energy system in order to combat the 'threat multiplier' to the human security (as climate change is referred to) uncovers the political motive of the EU behind the energy transition. Hence, we presume that the policies are the drivers of the energy transition in the EU rather than technological innovations or economic development/cost competitiveness[28]. In the following section, we examine the presence of the concept of anthropocentrism (primarily through human security) in the EU energy agenda that is overlapping in both domestic and external dimension of the EU action.

3.1.1. Domestic dimension

For a long time, the European Union has been side-lined from drastically influencing member states' energy policy as the member states opposed the idea of EU-wide energy policy due to the fact that they each have their own unique position regarding the (energy) resources, import-export or consumption patterns[29]. Thus, the EU has focused mainly on the business/economic aspect of the energy policy by building the common energy market. Adapting to the reality, the EU has pursued the liberalisation of the gas and electricity markets and setting the regulatory framework in three series of legislative packages (in time span 1996–2009) in order to ensure functioning market with fair competition and customers' protection. As mentioned earlier, the ratification of the Lisbon Treaty provided a legal basis for the energy policy being shared competence between the European Union and the member states. Arguably, it created a momentum for more assertive stance of EU in shaping the energy policy, which manifested in two ways.

[27] SOLORIO, I. Bridging the Gap between Environmental Policy Integration and the EU's Energy Policy: Mapping out the 'Green Europeanisation' of Energy Governance. *Journal of Contemporary European Research*, 2011, vol. 7, no. 3, pp. 396–415.

[28] BLAZQUEZ, J., FUENTES-BRACAMONTES, R., MANZANO, B. *A road map to navigate the energy transition*. Oxford: Oxford Institute for Energy Studies, 2019, pp. 1–18.

[29] HAALAND MATLÁRY, J. *Energy Policy in the European Union*. New York: St. Martin's Press, 1997.

Firstly, the European Union shifted its primary orientation from the economic to more anthropocentric by undergoing low-carbon energy transition to address the issue of the climate change and sustainability of the environment. Despite the fact that under the Article 194 of the Treaty on the Functioning of the European Union, member states have 'sovereignty' in exploiting its energy resource and choosing its energy mix (which may contradict the energy transition objectives); the EU has been able to impose obligations on the member states to comply with the new EU energy policy paradigm. In 2010, the European Commission communicated its ambition for EU to reduce its greenhouse gas emissions by 20 %, increase the share of renewable energy sources to 20 % (of consumption) and achieve 20 % improvement in energy efficiency[30]. Moreover, it was accompanied by the corresponding legislation, notably, the 'Renewable Energy Directive' that sets binding national targets for increasing the share of renewables in the energy consumption of the member states by 2020[31] or the 'Energy Efficiency Directive' under which the member states are required to set indicative national energy efficiency targets, as well as publish 3-year national energy efficiency action plans and subsequent annual progress reports[32]. Similarly, the EU has set the targets to deliver by 2030 – 40 % reduction of greenhouse gas emissions, 32.5 % of renewable energy sources in final consumption and 32.5% energy efficiency[33]. Nevertheless, the renewable energy and the energy efficiency have become paramount elements of the energy transition and achieving climate neutrality (net-zero greenhouse gas emissions) by 2050. Furthermore, the new (von der Leyen) Commission follow the path of the Juncker's Commission by the proposal of a European Green Deal, building on the transition as the (energy) policy paradigm.

Secondly, in line with the energy transition efforts, the EU managed to launch a platform to institutionalise the energy policy and its governance. In 2015, the European Commission introduced the Energy Union encompassing "five mutually-reinforcing and closely interrelated dimensions designed to bring greater energy security, sustainability and competitiveness," which are 1) energy

[30] EUROPEAN COMMISSION. *Energy 2020: A strategy for competitive, sustainable and secure energy (COM(2010) 639 final)* [online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0639&from=EN

[31] EU. *Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC*

[32] EU. *Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC*

[33] EUROPEAN COMMISSION. *Clean energy for all Europeans*. Luxembourg: Publications Office of the European Union, 2019.

security and solidarity; 2) fully integrated energy market; 3) energy efficiency; 4) decarbonisation of economy; and 5) research and innovation[34]. Such a holistic approach to the energy policy that the Energy Union represents aims to provide a framework for coherent EU energy policy with concrete results (safe, sustainable and affordable energy) and for EU to establish a synergy between the energy policy and its principles (in this case human security). Furthermore, the EU has set up a control and 'enforcement' mechanism on the compliance of the member states with the new energy policy paradigms in form of the 'Regulation on the Governance of the Energy Union'[35]. Under the regulation, the member states are obliged to draft national energy and climate plans (NECPs) for the period 2021 to 2030 and then every 10 years for the following 10-year periods, elaborating on the how the member states intent to deliver the 2030 energy and climate targets, and on the compliance with the commitment to the Paris Agreement and the GHG emissions reduction. Moreover, the regulation also contains a provision that establishes a consultation process between the European Commission and member states, and authorise the Commission to monitor and assess the progress of the member states towards the achievements and contributions to the Energy Union. This mechanism implies power relation between the Commission and the member states in the context of the energy transition.

Furthermore, the question of energy security has been also addressed by the liberalisation of the internal energy market and integration of the energy system[36], thus economy-oriented approach. Besides, reflecting on the geopolitical situation in energy area (high energy import dependence of the EU primarily on Russia and the Russian gas disruptions in 2006 or 2009), the Energy Union emphasises diversification of the energy supplies (sources, suppliers and routes)[37]. However,

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[34] EUROPEAN COMMISSION. *A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy* (COM(2015) 80 final) [online]. Available at: https://eur-lex.europa.eu/resource.html?uri=cellar:1bd46c90-bdd4-11e4-bbe1-01aa75ed71a1.0001.03/DOC_1&format=PDF

[35] EU. *Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council*

[36] LABELLE, M. C. Regulating for Consumers? The Agency for Cooperation of Energy Regulators. In: ANDERSEN, S. S., GOLDTHAU, A., SITTER, N. (eds.). *Energy Union: Europe's New Liberal Mercantilism?* London: Palgrave Macmillan, 2017, pp. 147–165.

[37] EUROPEAN COMMISSION. *A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy* (COM(2015) 80 final). [online]. Available at: https://eur-lex.europa.eu/resource.html?uri=cellar:1bd46c90-bdd4-11e4-bbe1-01aa75ed71a1.0001.03/DOC_1&format=PDF

the incorporation of the human (in)security concept into the energy policy via climate variable resulted in the rethinking of the EU perception of energy security. In the framework of the energy transition, the domestic renewable energy sources and energy efficiency has become a new benchmark for energy security[38]. Given the EU's approximate 55 % energy import dependency (in 2017)[39], the domestically produced renewable energy decreases the dependency on the external supplies/suppliers (and potential political pressure or price shocks) and the improvements in energy efficiency (and moderation of the demand) decrease the energy consumption. Thus, the shift away from the climate-harmful fossil fuels brings also pragmatic implications for the EU energy security and resilience of the energy system.

Although the access to energy is not explicitly enshrined in the human rights doctrine, the "interrelationship between energy and other socioeconomic rights of fundamental importance is evident"[40], as the energy (access) is often pre-requisite to other socio-economical processes. Another manifestation of the EU's actions to cultivate the human security in context of the energy transition and climate concerns is the latent (human) rights-based approach to address the energy poverty. Energy poverty denotes the inability of individuals or households to "adequately heat or provide other required energy services in their homes at affordable cost" and in EU almost 50 million people has encountered it[41]. In order to protect and empower (especially) vulnerable households, the key transition aspects (as we outlined previously) renewables and energy efficiency should help to address the structural causes of the energy poverty. As the empirical study suggests, the energy efficiency improvements contribute to reduction of household energy consumption (decrease in energy spending) and simultaneously decrease the energy poverty rates, thus, "showing the direct effect of energy efficiency in helping reduce energy-related economic vulnerability"[42]. Moreover, in attempts to alleviate the energy poverty, the renewables play a complementary role. The EU is encouraging decentralisation of the energy system by removing barriers

[38] EUROPEAN COMMISSION. *Clean energy for all Europeans*. Luxembourg: Publications Office of the European Union, 2019.

[39] EUROPEAN COMMISSION. *EU Energy in Figures: Statistical Pocketbook 2019*. Luxembourg: Publications Office of the European Union, 2019.

[40] BRADBROOK, A. J., GARDAM, J. G. Placing Access to Energy Services within a Human Rights Framework. *Human Rights Quarterly*, 2006, vol. 28, no. 2, pp. 389–415.

[41] THOMSON, H., BOUZAROVSKI, S. *Addressing Energy Poverty in the European Union: State of Play and Action* [online]. Available at: https://www.energypoverty.eu/sites/default/files/downloads/publications/18-08/paneureport2018_final_v3.pdf

[42] COUNCIL OF THE EUROPEAN DEVELOPMENT BANK. *Energy Poverty in Europe: How Energy Efficiency and Renewables Can Help* [online]. Available at: https://coebank.org/media/documents/CEB_Study_Energy_Poverty_in_Europe.pdf

(socio-technical, administrative, legislative) of self-production of the renewable energy that should empower the energy poor households. Additionally, the increased use of renewable energy should in long-term decrease the renewable energy prices[43] and combined with the improvement in the energy efficiency significantly contribute to combating the energy poverty in EU. Furthermore, supplemented by the EU legislation, the member states have to prioritize households in social housing and vulnerable households, monitor energy poverty and include the objectives on energy poverty in NECPs, and incorporate energy poverty in long-term renovation strategies – all with the assistance of the Energy Poverty Observatory initiative platform[44].

3.1.2. External dimension

Whereas the climate change is a global and trans-boundary issue the domestic action (in form of the energy transition), undertaken by the European Union, could be considered to have an external dimension as well. However, the EU 28 member states (including Great Britain) accounts only for approximately 10% of the global fossil CO_2 emissions[45]. Hence, in order to safeguard its principles and values (in this context human security and sustainable development), the EU must choose international approach and multilateral cooperation to address the climate change. It means that the EU has to incorporate the climate variable into its external actions and thus, according to the logic of intertwining climate with energy, the penetration of the energy agenda into the EU external action.

Traditionally, the EU external energy policy has been centred on the internal market and the regulatory power. Regarding the EU energy dependency on external suppliers and geopolitical dynamics, the regulatory power of the EU backed by the attractive (single) energy market has been used to achieve foreign policy objectives, mainly in the scope of energy security[46]. Especially in the case of state-owned enterprises (such as Gazprom) the regulatory power more or less disabled the 'divide and rule' politics based on the bilateral deals between the

[43] THOMSON, H., BOUZAROVSKI, S. *Addressing Energy Poverty in the European Union: State of Play and Action* [online]. Available at: https://www.energypoverty.eu/sites/default/files/downloads/publications/18-08/paneureport2018_final_v3.pdf

[44] EUROPEAN COMMISSION. *Clean energy for all Europeans*. Luxembourg: Publications Office of the European Union, 2019.

[45] MUNTEAN, M., GUIZZARDI, D., SCHAAF, E., CRIPPA, M., SOLAZZO, E., OLIVIER, J., VIGNATI, E. *Fossil CO2 emissions of all world countries: 2018 Report*. Luxembourg: Publications Office of the European Union, 2018.

[46] ANDERSEN, S. S., GOLDTHAU, A., SITTER, N. Introduction: Perspectives, Aims and Contributions. In: ANDERSEN, S. S., GOLDTHAU, A., SITTER, N. (eds.). *Energy Union: Europe's New Liberal Mercantilism?* London: Palgrave Macmillan, 2017, pp. 1–11.

member states and Russia. All in all, the external dimension of the energy policy has been focused on achieving internal energy-related objectives (primarily security). However, with the energy transition based on (as previously identified) human security principle, the EU external energy (and climate) agenda has arguably shifted from regulatory to normative. Consequently, the discursive practice of the EU (predominantly through European Commission) adjusted accordingly. The European Union has positioned itself in the roles of 'energy and climate action leader', 'promoter of clean energy', or 'leader in fight against the climate change' – all in the framework of global sustainable development and human security. Moreover, as European Commission asserted, "[EU] is committed to systematically including energy efficiency and renewable energy as a priority in all existing geopolitical, diplomatic and financial initiatives"[47]. Hence, unlike the regulatory approach to external dimension of the energy politics (where energy-related policies shall generate internal energy-related results), the normative approach to external (coupled) energy and climate policy aim to produce external energy-related outcomes, which are however prerequisite and subordinated to the (ultimate) human security agenda.

Committed to the normative agenda, in order to mainstream the climate sustainability and clean energy into national structures of the third countries (while implementing the Paris Agreement objective), EU contributes significant financial resources, especially to developing countries. European Union is not only the biggest donor of official development aid but also the biggest provider of public climate finance (giving more than 20 billion euro in 2018 alone)[48]. Dedicated to the global energy transition and eradication of the energy poverty, the EU activities the bolster the role of energy efficiency and renewables are notable mainly in Africa. The EU cooperation with the African Union is facilitated under the framework of Africa-EU Energy Partnership (AEEP) and launched numerous initiatives. For example, the Renewable Energy Cooperation Programme (RECP) or the EU-Africa High Level Platform on Sustainable Energy Investments (SEI Platform) seek to improve the access to energy, energy security and attract sustainable investments – all in the context of sustainable development, inclusive growth and energy transition in Africa. Therefore, true to the human security paradigm, the energy and climate has gained a prominent role in the area of international development and cooperation.

Furthermore, the European Union is in all aspects of the external actions committed to the principle of multilateralism. The climate change creates challenges

[47] EUROPEAN COMMISSION. *Clean energy for all Europeans*. Luxembourg: Publications Office of the European Union, 2019.

[48] EUROPEAN COMMISSION. *International climate finance* [online]. Available at: https://ec.europa.eu/clima/policies/international/finance_en

that EU cannot overcome alone but can promote a global multilateral coordination of actions. Thus, the EU engages in the 'energy/climate diplomacy'. Firstly, the effectiveness of the EU climate diplomacy is dependent on the credibility of the domestic action (on which we elaborated in the previous section) as the EU is dedicated to 'lead by example' in this area. Secondly, the EU builds on the robust diplomatic network, leadership in providing development aid and sizeable economy/trade opportunities in to order to (successfully) incorporate the energy and climate provision into the multilateral or bilateral (not only investment) agreements, particularly on the G20 forum (having global share of roughly 80% of GHG emissions). The responsibility of the EU to manage a multilateral response to climate change is substantially larger, since the United States under the President Trump abandoned the Paris Agreement.

4. Conclusion

The European Union within the implementation of the sustainable development agenda had modified the universal regime created within the UN, by reviewed its policies on human rights approach. This is reflecting the internal EU obligation to observe human rights principle as set in article 2 TEU.

In evaluation of the concrete types of action in relation to sustainable development – climate change and energy transition, we may see shift in how the EU act – in adopting legislation and implementing policies. The Union since adoption of Paris agreement has constantly developing its policies conform the principle of human rights, but also applies human rights approach.

The combination of human rights and sustainable development universal obligation led EU to implement human rights approach fully into its internal and external policies. A human rights approach is a "conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress."[49] As such, the human rights approach provides EU even normative framework for the anthropocentric attitude, when the human rights interest prevails economic orientation of the EU.

In this sense we may conclude, that EU use to elaborate not only its own development regime, but also human rights and development nexus. The contribution

[49] UNICEF. *Human Rights Based Approach* [online]. Available at: https://www.unicef.org/policy-analysis/rights/index_62012.html

of EU to sustainable development agenda in area of climate change is observing human rights principle, both in internal and external dimension.

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