



From Expectation to Action

Distinguishing the Biden -from the No-Trump- Effect on the Environment

“Joe Biden’s victory has raised the hopes of climate and environmental defenders both in the United States and across the world as a crucial year for climate and biodiversity issues looms...”

Geneviève Pons and Paola Tanguy, 2020

Joe Biden and Kamala Harris’ victory has raised the hopes of climate and environmental activists both in the United States and across the world. First and foremost, it has come as [a major relief for Europeans](#) to see science and reason making a comeback in the White House. Throughout his campaign, Biden forged an ambitious climate change plan to put the United States back at the forefront of the international environmental agenda. Since his victory, the President-elect has made several suggestions in this direction, including a promise to re-join the Paris Agreement on the first day of his presidency,

as well as the appointment of former Secretary of State John Kerry as special envoy for climate within his Administration.

In view of these ambitions, and ahead of a crucial year for climate and biodiversity issues, the expectations of the international community – particularly for those on the other side of the Atlantic – are high. For the UN Climate COP26 in Glasgow, the UK is calling on many countries to increase their nationally determined contributions (NDCs) under the Paris Agreement. China, followed by

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Japan and South Korea, and later by South Africa and Canada, recently announced a commitment to follow the EU in its 2050 goal to achieve carbon neutrality, albeit by 2060 for China. The ongoing coronavirus pandemic will also require that the link between biodiversity loss and health issues be put at the forefront of the UN Biodiversity COP15 negotiations for a new global deal on nature, which will be hosted by China in 2021.

While Europeans are currently working on the implementation of a European Green Deal, the incoming United States Administration faces a difficult road ahead to first redo many of the rules undone in recent years. They will then have to catch up on the environmental backlog accumulated, and finally regain credibility with their rediscovered allies in the fight against climate change and environmental degradation.

The first hurdle in doing so for the president-elect is winning a majority in the Senate, for which the run-off elections of the State of Georgia –with [historically unfavorable results for the Democrats](#)– will be decisive. Without this majority, Biden’s envisaged greening of the United States will be tricky to achieve, but not impossible. In such a scenario, Biden’s room for maneuver would be more limited to presidential prerogatives, such as Executive orders and rulemaking through federal agencies. Another difficulty lies in the significant influence that several [large oil and gas states](#) have in the democratic electorate. Individual State and private sector action will thus be critical, but be more of a soft power exercise for the Biden team.

In this paper, we will delve into topics related to the environmental ambitions of the new Biden Administration, including internationally significant agreements on climate, biodiversity, the ocean, and trade. Our objective is to analyze the potential restructuring of EU-U.S. cooperation ahead of the major environmental negotiations to come.

01.

Re-joining the Paris Climate Agreement: A Commitment Requiring Ambition

Over the last four years, the Trump Administration has caught the world’s attention for rolling back a number of key environmental measures, in particular its rejection of the Paris Agreement, from which it finally managed to withdraw on 4 November 2020, the day following the presidential election. Believing it to be unfair and harmful to America’s economy and American jobs, President Trump announced that he would withdraw the United States from the agreement in 2017. This declaration was strongly criticized by European leaders, most notably by French President Emmanuel Macron and German Chancellor Angela Merkel.

During Trump’s mandate, rather than deserting the negotiating table, his Administration took on a strategy that took advantage of the climate COPs to defend the fossil fuel industry’s interests, a notable example being at [2018’s COP24 in Katowice](#). President Trump’s repeated attacks on climate science and its defenders have seriously weakened the credibility of the United States on these issues, particularly in the eyes of Europeans, for whom the importance of the environment has grown strong and steadily in recent years. The striking force of American diplomacy has also served as motive for other climate-sceptic governments such as Saudi Arabia, Kuwait and Russia to [hinder international climate negotiation efforts](#).

The Republican camp’s defeat in the 2020 presidential election should thus mark the end of the U.S. government’s efforts to undermine environmental issues, which commenced upon Trump’s appointment to power. Nations historically hostile to fossil fuel cuts such as Saudi

Arabia will no longer find American diplomacy a sounding board for their demands.

However, tackling the environmental and climate emergency requires urgent action and strong commitments that focus on meeting, as a bare minimum, the objectives of the Paris Agreement¹.

Although not as ambitious as the Green New Deal spearheaded by the Democrats' left wing, Biden's climate project is by far the strongest ever put forward by a U.S. President, and includes strong commitments on the domestic front: to achieve carbon neutrality by 2050, to reach 100% clean energy by 2050, and to eliminate federal subsidies to the oil industry.

Part of Biden's mission will be to convince the United States' international partners of the seriousness of its commitments and capacity to implement them. The President-elect had made the return of the United States to the Paris Agreement one of his campaign arguments. Biden's choice to appoint former Secretary of State John Kerry as Special Envoy for Climate is a strong indication of his commitment, given that Kerry was one of the architects and defenders of the Paris Agreement upon its signing in 2015.

The European Union is already keen to see Biden's commitment fulfilled, seeing his election as a renewed opportunity to "work together to protect our planet and prosperity". In a joint communication published in early December 2020, the European Commission and the EU High Representative for Foreign Affairs and Security, Josep Borrell, enthusiastically introduced the idea of a common transatlantic pledge to carbon neutrality by 2050. This joint commitment would establish a baseline objective for COP26 in Glasgow, urging the entire

¹ Article 2 of the Paris Agreement calls for "[h]olding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels" between now and 2100.

international community to revise its ambitions according to the 2050 objective. This would put particular pressure on China, whose carbon neutrality target is currently set for 2060.

Provided that the European Union maintains its ambitions and demonstrates an ability to translate policy into concrete measures – notably through the Green Deal – the EU will have the legitimacy to lead its partners towards stronger commitments. In this respect, the European Union must push for a review to increase the ambitions of medium-term commitments, notably its 2030 target. On 11 December 2020, EU leaders agreed to cut emissions by 55% by 2030. This hard-fought deal is still less than the recommended 60% objective that [the European Parliament voted on in October](#). In order for the EU's commitment to be compatible with the 1.5°C objective of the Paris Agreement, domestic emissions must be cut by between 58% and 70% based on 1990 levels, [according to the Climate Action Tracker](#). Working swiftly to align the goals of these transatlantic powers would not only underline the new Administration's climate commitment, but also reassert partnerships among its allies and put additional pressure on other key players such as China to raise their commitments.

02.

Re-establishing Ties With Biodiversity: Convergence of EU-U.S. Objectives

While the COP26 in Glasgow is a crucial step in the fight against climate change, it should not overshadow the importance of the COP15 on biodiversity to be held in Kunming, China, to transatlantic relations. At a time when the U.S. and Europe are just beginning to see the light at the end of the COVID-19 tunnel, the links between

environmental degradation and human health should see the protection of biodiversity move to the top of the political agenda. Human health, well-being, and planetary health are one and the same.

Although less developed compared to Biden's climate change agenda, the preservation of biodiversity nevertheless appears in his Plan for Climate Change and Environmental Justice. The President-elect has a certain amount of leeway on this subject, starting with the possibility of the U.S. finally joining the Convention on Biological Diversity², which is a gesture highly encouraged by the European Commission.

In his Plan, Biden has indeed shown interest in issues concerning biodiversity loss and preservation. His plan includes a commitment to protect 30% of American territory and waters by 2030 –the 30x30 objective currently being negotiated by the Convention on Biological Diversity (CBD) is set to protect at least 30% of land and seas by 2030³. This objective converges with that of the EU biodiversity strategy presented by the European Commission in May 2020. Based on this observation, the European Commission has called on the United States to work hand in hand to negotiate an ambitious agreement on biodiversity preservation.

A critical part of the US' re-entry as a responsible global environmental actor should include serious commitments on mobilizing financial resources for developing countries to implement these new and ambitious biodiversity and climate targets. Without such assurances, there is a real risk that reaching a science-based and ambitious global deal for nature at CBD COP 15 could fail. This is an issue

² The Convention on Biological Diversity is an international treaty adopted at 1992's Earth Summit in Rio. The United States has never ratified this treaty.

³ The Convention on Biological Diversity accompanies this objective of 30% by 2030 with a target of 10% of protected areas under "strict protection", wherein no human activity - particularly referring to fishing and agriculture, even if regulated - may take place. The Biden Plan does not mention this 10% strict protection objective.

of utmost importance given that the U.S. and EU working together could drive significant and lasting change, regardless of membership in international conventions. Such commitments to resource mobilization are of particular importance to the most vulnerable and Least Developed Countries, and represent the clearest indicator of real investment into strengthening global resilience and combatting the climate and biodiversity crises.

03.

Commitment to Ocean Protection: Renewed Ambitions on Plastics, the High Seas and Antarctica

It is in light of strengthened ambitions on biodiversity that the Commission has called on the U.S. to make a greater commitment to protecting the ocean – a point not explicitly mentioned in Biden's plan, but under consideration by Congress in the recently introduced 'Ocean-Based Climate Solutions Act.' In addition to proposing actions that would overhaul U.S. Federal ocean management to better account for climate change, the Act also proposes strengthening U.S. leadership in international ocean governance. The Commission hopes to establish a strong transatlantic ally in restoring the health of the Earth's aquatic ecosystems, notably through i) the fight against marine litter and plastic pollution, ii) the adoption of a robust new UN high seas treaty to protect marine biodiversity in international waters, and iii) increased marine protection. These issues are clearly identified by the EC's [Mission Starfish 2030](#) which aims to restore and protect Europe's oceans, seas, coastal and inland waters.

The EU has proposed to work together with the United States to draw up an international treaty on plastics ahead

of the next United Nations Environment Assembly, which will be held in February 2021.

The current negotiations underway for a new UN treaty to safeguard biodiversity in the two thirds of the ocean that lie beyond states' national jurisdictions offers an additional opportunity for the EU to closely cooperate with the U.S. The EU has been a strong supporter of this new treaty, and should work with the U.S. to champion a robust agreement that mandates fully protected areas in the high seas. It would additionally require that any human activity outside these protection zones be subject to prior environmental assessment and management procedures in order to efficiently prevent significant adverse effects.

While Biden showed interest in Arctic issues during his campaign – even venturing to promise the permanent protection of Alaska's Arctic National Wildlife Refuge⁴ – the South Pole will also demand his attention given the decisive role this region plays in climate regulation, the carbon cycle, and the marine food chain. John Kerry has remained a strong ambassador for the importance of protecting Antarctica's waters ever since his role in securing the world's largest marine reserve in the Ross Sea in 2016. The European Union thus hopes to see the United States expand on the groundwork laid by the Obama Administration. In particular, this refers to an activation of the U.S. diplomatic corps for the swift creation of new, large marine protected areas in the Antarctic, which have thus far failed to materialize due to vetoes by China and Russia.

The good relations that Joe Biden managed to maintain during his time in office with Chinese authorities, as well as his appointment of John Kerry, allude to a more favourable negotiating environment for the much-needed

⁴ On December 3, 2020, President Trump announced the sale of oil and gas concessions in the Refuge, a transaction that is expected to take place on January 6, 2021 - only 2 weeks before the inauguration of Joe Biden. Source: <https://www.nytimes.com/2020/12/03/climate/arctic-refuge-lease-sales.html>

expansion of marine protected areas in Antarctica⁵. This will support efforts by the European Union and the states behind the proposals, including France and Germany, but also an international coalition of NGOs and individuals committed to [Antarctica2020](#).

04.

Opportunities for Greening International Trade

Approved on 21 July by the European Council, Europe's Recovery Plan integrates the implementation of a carbon border adjustment mechanism (CBAM). While the Commission's detailed legislative proposal is expected by summer 2021, Joe Biden's election as President of the United States could give new impetus to international cooperation on this issue. Indeed, the economic programme that Joe Biden campaigned for in 2020 mentioned the possibility of establishing a similar mechanism to complement the redesigning of the U.S.' carbon tax system. While the Commission is steadfast in proposing an adjustment mechanism compatible with WTO rules and aimed primarily at tackling carbon leakage, a cooperative approach to carbon adjustment is likely to be a key element in the success of this endeavour⁶. A possible solution to which the U.S.' support would be crucial is the launch of WTO negotiations on a "code of conduct" for carbon border adjustment mechanisms⁷.

⁵ The proposed marine protected areas are located in East Antarctica, the Weddell Sea and the Antarctic Peninsula, safeguarding a total area of 7 million km².

⁶ Lamy, P., Pons, G., Leturcq, P., [A European Border Carbon Adjustment proposal](#), Policy Paper, Europe Jacques Delors, June 2020

⁷ Lamy, P., Pons, G., Leturcq, P., [How to "green" trade agreements?](#), Policy Paper, Europe Jacques Delors, November 2020

Nevertheless, many uncertainties remain concerning the Biden Administration's penchant to engage proactively with the WTO. The functioning of the WTO Appellate Body has been stalled for over a year due to the United States' failure to appoint its judges. While the Trump era was characterised by a particularly aggressive form of protectionism that breached WTO law, the U.S. strategy of obstructing the WTO was initiated under the Obama administration with the aim of i) preserving select trade defence instruments, ii) protecting its agricultural subsidies, and iii) calling into question the special treatment afforded to developing countries, including China. The statement by Ways and Means Committee Chairman Richard Neal on 11 December⁸ also confirmed the Biden administration's determination to strengthen transatlantic trade relations in order to better counter, together, China and its anti-competitive practices. Biden's appointment of Katherine Tai, a specialist in U.S.-China trade relations, to the position of U.S. Trade

Representative (USTR) is a strategic choice by the president-elect. It is a clear sign of his intention to make manoeuvring the ongoing trade war with China a top priority in his trade policy agenda.

The election of Joe Biden remains a sign of progress for the future of the multilateral trading system and gives hope for the realization of the EU's agenda to green trade policy. Be that as it may, the EU will need to remain vigilant and guard itself against naivete concerning a renewal of transatlantic relations and potential progress on the greening of international trade. The European Commission's proposal to launch a new "transatlantic green trade agenda" in the second half of 2021 is nevertheless a step in the right direction. •

⁸ US Ways and Means Committee, Press Release, [Neal applauds nomination of Katherine Tai to lead USTR, 11 December 2020](#)

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