

Minority Self-Government in Europe and the Middle East

From Theory to Practice

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Autonomous Communities and Environmental Law: The Basque Case

Daniele Conversi and Xabier Ezeizabarrena

I Introduction

Nationalism and environmentalism have proved to be historically at odds with each other. The traditional emphasis on territory, land and soil, the rhetorical celebration of landscape and natural beauty and, at least in some countries, the idealisation of peasants as prototypes of national purity, have been contrasted and contradicted by megaprojects informed by patriotic grandeur and competitive state-building. The latter have often contributed to the destruction of both the environment and the rural economy. Characteristically, the centralising state has opened up national folklore museums while encouraging urbanisation and accepting rural displacement, thus contributing to the destruction of traditional lifestyles. Concurrently, modern states have created national parks and nature reserves, while contemplating the consequences of their accelerated development plans and unrestrained abuse of the environment. Finally, when war comes, nationalism provides additional fuel to state builders engaged in sweeping infrastructure building and war machine expansion to annihilate both the environment and the human species.

In recent years, however, a new wave of evidence seems to suggest that at least some regional governments run by nationalist parties have been, and are still, more effective in tackling the environmental crisis of our time, enacting more vigorous eco-friendly legislation than their respective central governments. The key question here is: Do regional governments controlled by sub-state nationalist parties have a better record in implementing robust environmental policies and effective sustainable development than their central governments?

This chapter explores the case of the Basque Autonomous Community (BAC) in Spain, with occasional reference to the broader national territory envisioned by Basque nationalists (thus including Navarre) and other meso-level institutions such as the provinces and municipalities. Our analysis illustrates how at least some regions administered by sub-state nationalist parties (SSNPs) have a better record of environmental protection than their respective central states.

Ever since the approval of the 1978 Constitution, and the regional autonomy statutes that followed, Spain has been divided into 17 autonomous communities, resulting in a largely asymmetric distribution of power; that is, with some communities having more autonomy than others. The BAC and Navarre are autonomous communities that currently (2019) enjoy the highest level of autonomy in Spain, including the unique capacity to levy their own taxes through the *conciertos económicos* (economic agreements) and the *fueros* (local charters). It is within this framework that we aim to uncover the development of environmental legislation at the regional level, particularly compared to the central government, and the contemporary challenges it is intended to tackle.

II Basque Autonomy and the Environment

Since 1978, the protection of the environment in Spain and the Basque Country was directly assumed by means of Article 45 of the Constitution. This was accompanied by a complex distribution of duties between the Spanish and Basque governments through Articles 148 and 149 and the 1979 Basque Statute of Autonomy. Later on, as Spain became a member state of the EC (later EU), European bodies enacted the main environmental policies, mostly through directives and regulations.

Focussing on the implementation of EU environmental law in Spain, we need to begin in September 1997. While negotiating the Treaty of Amsterdam (signed in October 1997), the Spanish government avoided signing an annex statement proposed by Germany, Austria and Belgium that would have incorporated the participation of sub-state entities within EU institutions. The political and legal consequences for environmental policies are thus substantial in European decentralised structures, among which the enforcement of the principle of subsidiarity should prevail. Subsidiarity remains a key principle of this multi-level framework for exercising environmental competencies, either at the EU- or the state-level, or sharing them among these and sub-national entities such as the Basque Country.¹

1 See Daniele Conversi, 'Between the Hammer of Globalization and the Anvil of Nationalism: Is Europe's Complex Diversity under Threat?' (2014) 14(1) *Ethnicities* 25–49; John Loughlin, 'The Regional Question, Subsidiarity and the Future of Europe', in Stephen Weatherill and Ulf Bernitz (eds), *The Role of Regions and Sub-National Actors in Europe* (Hart 2005); *Whose Europe?: National Models and the Constitution of the European Union*, Kalypso Nicolaidis and Stephen Weatherill (eds), (OUP 2003); Joxerramon Bengoetxea, 'The Participation of

Spain is not, however, a signatory of the above-mentioned statement to foster regional or sub-national participation within the EU. This could have been avoided earlier on by including at least one representative of each of Spain's autonomous communities as part of the state delegation negotiating the treaty – considering that EU bodies enact most of the environmental legislation in the regions. This contrasts with Germany, Austria and Belgium, where regional or *Länder* delegates can take part in various EU bodies.² The Spanish state, however, seems determined to avoid sub-national participation in the EU Council of Ministers.³ As most environmental legislation is the result of direct or indirect implementation of EU law, Basque institutions have faced substantial difficulties in developing effective environmental policies in recent years.

On the other hand, the Basque parliament has enacted positive practical legislation to foster more sustainable activities, including a General Law for the Protection of the Environment (*Ley 3/1998, General de Protección del Medio Ambiente del País Vasco*) as a general framework for environmental protection. This relies upon a rights and duties based approach which was considered to be trend-setting in Spain in the late 1990s, as compared with the requirements of Article 45 of the Spanish Constitution that entailed a formal legislative development for each environmental policy.

Thus, the Basque Provinces and Navarre lack direct representation within the EU when dealing with environmental issues. As for their 'locus standi' before the European Court of Justice, they can only act through the indirect route available for legal persons, because sub-state bodies do not have the necessary direct legitimacy. In this sense, the field for effective political action at the European level has been reduced by the lack of political will of recent Spanish governments, in particular the neo-conservative Popular Party (PP).

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- Infra-State Entities in European Union Affairs in Spain: the Basque Case', in Stephen Weatherill and Ulf Bernitz (eds), *The Role of Regions and Sub-National Actors in Europe* (Hart 2005).
- 2 Enrique Lucas Murillo de la Cueva, 'Comunidades Autónomas y políticas europea', Civitas-Ivap, Madrid, (*Comunidades Autónomas y política europea* (Civitas IVAP-Civitas 2000) 143 also adds the most recent case of the United Kingdom.
 - 3 A. Mangas Martín also refers to this question; see Araceli Mangas Martín, 'La participación directa de las Comunidades Autónomas en la actuación comunitaria: fase preparatoria', in Pablo Pérez Tremps (ed), *La participación europea y la acción exterior de las Comunidades Autónomas* (Institut d'Estudis Autònoms 1999).

II.A *Politics: Locality and the Global Fight against Climate Change*

Climate change has increasingly been recognised as the greatest threat to humankind and to the very existence of life on earth.⁴ The threat is so all-pervasive that the very lives of our children and grandchildren will necessarily need to be drastically different from ours. After the modest 1997 Kyoto protocol, the 2015 Paris Agreement set the basis for a first comprehensive and unanimous, although belated, effort to coordinate the coming transition. Yet, it is now clearer than ever that there exists no global matrix capable of finding solutions to a problem that is so eminently complex and universal.⁵

The fight against climate change can only be successful if policies can be coordinated throughout all levels of governance and can range comprehensively from individual or personal lifestyle choices to global governance, from destabilising current patterns of mass consumption to the circular economy, from the transition to renewable energies to the search for either a *steady state economy*,⁶ or *degrowth*.⁷ In all these areas, sub-state governments are called

4 Zimmerman Jr (ed), *Climate Change and Genocide: Environmental Violence in the 21st Century*. (Routledge 2015); Levene M and Conversi D., 'Subsistence Societies, Globalisation, Climate Change and Genocide: Discourses of Vulnerability and Resilience' (2014) 18(3) *The International Journal of Human Rights* 281–297.

5 Luis Moreno and Daniele Conversi, 'Cambio climático y modelo de bienestar en la era del antropoceno', in Germán Jaraíz Arroyo (ed), *Bienestar Social y Políticas Públicas. Retos para Pactar el Futuro* (Los Libros de la Catarata 2018).

6 As above, economic research on the possibilities and promise of a *steady state economy* has been developing swiftly. Daniel W. O'Neill, 'Measuring Progress in the Degrowth Transition to a Steady State Economy' (2012) 84 *Ecological Economics* 221–231; Hubert Buch-Hansen, 'Capitalist Diversity and Degrowth Trajectories to Steady-State Economies' (2014) 106 *op. cit.* 167–173; Frederik Berend Blauwhof, 'Overcoming Accumulation: Is a Capitalist Steady-State Economy Possible?' (2012) 84 *op. cit.* 254–261.

7 There is a rapidly expanding literature on *degrowth*: Leandro Vergara-Camus, 'Capitalism, Democracy, and the Degrowth Horizon' (2017) *Capitalism Nature Socialism* 1–17; Damir Tomic, 'The Economic and Financial Dimensions of Degrowth' (2012) 84 *Ecological Economics* 49–56; Onofrio Romano, 'How to Rebuild Democracy, Re-Thinking Degrowth' (2012) 44(6) *Futures* 582–589; Barbara Muraca, 'Towards a Fair Degrowth-Society: Justice and the Right to a "Good Life" Beyond Growth' (2012) 44(6) *op. cit.* 535–545; Kent A. Klitgaard and Lisi Krall, 'Ecological Economics, Degrowth, and Institutional Change' (2012) 84 *Ecological Economics* 84, 247–253; Ernest Garcia, 'Degrowth, the Past, the Future, and the Human Nature' (2012) 44(6) *Futures* 546–552; Marco Deriu, 'Democracies with a Future: Degrowth and the Democratic Tradition' (2012) 44(6) *op. cit.* 553–561; Claudio Cattaneo et al., 'Degrowth Futures and Democracy' (2012) 44(6) *op. cit.* 515–523; Sébastien Boillat, Julien-François Gerber, and Fernando R. Funes-Monzote, 'What Economic Democracy for Degrowth? Some Comments on the Contribution of Socialist Models and Cuban Agroecology' (2012) 44(6) *op. cit.* 600–607; Carlos Taibo, *Decrecimiento, Crisis, Capitalismo*, Colección de estudios internacionales, no. 5 (Servicio Editorial de la Universidad del País Vasco – Euskal Herriko Unibertsitateko Argitalpen Zerbitzua 2010).

upon to put into practice a wide range of policy measures, from expanding public transport infrastructure to limiting the use of private cars, from tackling many types of pollution to allowing citizens space for the development of urban farming.⁸

In respect of climate change, efforts at the sub-state level elsewhere include the trend-setting 'Climate Change Strategy' in Wales and Scotland and a law recently approved by the Catalan Parliament, *Ley 16/2017, del cambio climático*.⁹ In the BAC, a proposal pending since 2012 has not yet materialised in the Basque parliament. Besides these efforts, there remain gaps between environmental law and its enforcement throughout Spain.

The Basque government approved a 'General Basque Strategy on Climate Change 2050', in preparation for 'the decisive event', the 2015 United Nations Climate Change Conference (COP 21) held in Paris from 30 November to 12 December 2015.¹⁰ The planning effort focused mainly on the requirements issued during recent decades at the UN and EU levels.

II.B *Basque Autonomy and the Environment: A Legal Panorama*

One of the areas commonly addressed when discussing climate change mitigation is the so-called *circular* or *regenerative economy* promoted by the EU with the goal of minimising emissions, and energy waste. In the Basque Country, a 'Plan for Prevention and Waste Management' was approved in 2015,¹¹ even though the main obligations fall upon the *Juntas Generales* (provincial

8 Luis Moreno and Daniele Conversi, 'Modelo social y límites al crecimiento en el antropoceno' (2017) 12 *Eunomía. Revista en Cultura de la Legalidad* 310–314; Moreno and Conversi, 'Cambio climático y modelo de bienestar en la era del antropoceno'.

9 Elin Royles and Nicola McEwen, 'Empowered for Action? Capacities and Constraints in Sub-State Government Climate Action in Scotland and Wales' (2015) 24(6) *Environmental Politics* 1034–54; *Diario Oficial de la Generalitat de Catalunya* No. 7426, 3-8-2017.

10 EuskoJauriaritza, *Climate change strategy of the Basque Country to 2050/Stratégie du Pays Basque sur le changement climatique à l'horizon 2050* (Eusko Jauriaritzaren Argitalpen Zerbitzu Nagusia/Servicio Central de Publicaciones del Gobierno Vasco 2015). Estrategia de Cambio Climático 2050 del País Vasco, <http://www.ingurumena.ejgv.euskadi.eus/contenidos/informacion/klima_2050/en_def/adjuntos/KLIMA2050_en.pdf>.

11 EuskoJauriaritza, *Plan de Prevención y gestión de residuos de la Comunidad Autónoma del País Vasco: hacia una economía circular (2020)* (Eusko Jauriaritzaren Argitalpen Zerbitzu Nagusia/Servicio Central de Publicaciones del Gobierno Vasco 2015), <<http://www.euskadi.eus/informacion/plan-de-prevencion-y-gestion-de-residuos-2020/web01-szing/es/>>.

parliaments), the *Diputaciones Forales* (provincial governments) and the town councils.¹²

The Basque Parliament has approved two important environmental measures in the last five years. The first concerns ‘fracking’, the practice of injecting, under high pressure, ‘millions of water, dangerous chemicals, and sand deep into the earth, fracturing hard rock to release oil and gas for shale gas development.’¹³ The Basque regulation of fracking was enshrined in Act 6/2015 (additional protection measures), but different criteria were adopted by the regional parliament and the regional government. Attempts at regulating fracking clashed with ongoing exploratory practices in some Basque regions, mainly in Araba (Alava). The law avoids adopting a general ban on fracking, while tending to establish specific measures to regulate it locally,¹⁴ with restrictive measures for soil protection – forbidding the use of the technique in specific protected areas and encouraging the requirement of strategic environmental assessments for any ‘fracking’ project. Thus, although far from comprehensive, this regulation is a step forward in comparison to the pro-fracking policies adopted by the PP-led central government. Both the PP-led governments and the Constitutional Court considered fracking to be an area linked to the economic and energy spheres, thereby within the exclusive competence of the central government. The PP government has remained notoriously aligned with the US ‘*frackopoly*’ industry, just as this has become increasingly contested by a global anti-fracking movement,¹⁵ resulting in policy gaps with those communities that advocate sustainability.¹⁶ In many countries where shale gas development has been considered, permit applications have proliferated from the private sector to use enormous amounts of public water for hydraulic fracturing even in areas where water is a scarcely available resource. Despite its negative effects on both the environment and human health, the rapid growth

12 *Plan de Prevención y gestión de residuos de la Comunidad Autónoma del País Vasco: hacia una economía circular* (2015), <<http://www.euskadi.eus/informacion/plan-de-prevencion-y-gestion-de-residuos-2020/web01-szing/es/>>.

13 Wenonah Hauter, *Frackopoly: The Battle for the Future of Energy and the Environment* (The New Press 2016). ‘Ley 6/2015, de 30 de junio, de medidas adicionales de protección medioambiental para la extracción de hidrocarburos no convencionales y la fractura hidráulica o “fracking”’. Boletín Oficial del País Vasco, 9-7-2015, <<https://www.boe.es/buscar/doc.php?id=BOE-A-2015-8274>>.

14 Fernando López Ramón, *Observatorio de políticas ambientales: 2016* (CIEMAT 2016).

15 Hauter, *op. cit.* See also: <<https://www.youtube.com/watch?v=BeGmMhfJJ4E>> accessed 2 February 2019.

16 Qingmin Meng, ‘Fracking Equity: A Spatial Justice Analysis Prototype’ (2018) 70 *Land Use Policy* (no. Supplement C) 10–15.

of fracking is linked to an overall lack of international ecological directives. This lack of global environmental regulation is notoriously the flip-side of the *deregulation* championed by neo-liberals. It is precisely for this reason that citizens have taken up autonomous initiatives concerning ‘environmental monitoring’.¹⁷ Yet, research on the consequences of fracking often lacks a comprehensive approach capable of integrating environmental concerns with economic and energy considerations.

The second measure is Act 4/2015 for the prevention of soil pollution – particularly relevant for the general restoration and management of former industrial zones.¹⁸ This Act is significant considering the post-industrial nature of many areas like Bilbao and its environs, as it focuses on the obligation of companies to restore neglected areas or abandoned industrial structures in collaboration with local public administrations.

In environmental law, one of the main administrative tools is the ‘environmental impact assessment’.¹⁹ Here, the responsibility for efficient law enforcement applies similarly to the Basque Country and to Spain, as both parliaments are entitled to make laws in this area. In both Spain and the Basque Country, conflicts of interest are rife, as the administrative level responsible for issuing the Environmental Impact Declaration (EID) is typically the respective environmental ministry or department – members of the same government which formally promotes the environmental project being assessed.²⁰ Conflicts of interest thus emerge nearly every time a project with a potentially negative environmental impact is considered.²¹ This suggests that economic criteria are

17 Jennifer Gabrys, ‘Citizen Sensing, Air Pollution and Fracking: From “Caring About your Air” to Speculative Practices of Evidencing Harm’ (2017) 65(2) *The Sociological Review* (suppl) 172–192.

18 ‘Ley 4/2015, para la prevención y corrección de la contaminación del suelo’. Boletín Oficial del País Vasco de 2-7-2015.

19 See ‘Ley 21/2013, de Evaluación Ambiental’ and ‘Ley 3/1998, General de Protección del Medio Ambiente del País Vasco’ EuskoJaurlaritza, *Ley 3/1998, de 27 de febrero, general de protección del medio ambiente del País Vasco/3/1998 legea, otsailaren 27koa, Euskal Herriko ingurugiroa babesteko lege orokorra* (Departamento de Medio Ambiente y Acción Territorial [Separata de: B.O.P.V. No. 59, viernes 27 de marzo de 1998]).

20 Eventually, some environmental criteria were introduced under the jurisdiction. See, for example, the recent Judgment of the Spanish Supreme Court: Sentencia del Tribunal Supremo 1298/2017, 18-7-2017 on Environmental Impact Assessment for a project developed in Madrid.

21 At the same time, in none of the aforementioned governments is the environmental ministry or department the one with real political weight.

still accorded absolute priority over environmental criteria in both public and private projects.²²

The common cause of this environmental conundrum is linked to the failure to comply with the EU's principle of integrating environmental protection within general policies. This principle is clearly spelled out in Articles 4.2(e) and 11 of the Functioning Treaty of the EU, establishing the requirement for integration of environmental protection in all public policies. Of course, the 2008–2016 economic recession and the goodwill of incumbent governments have also been important factors impacting on a broader assessment of existing environmental measures, both worldwide and at the domestic level.

II.C Food Sovereignty

Amongst the range of options available to sub-state governments, a key area is the possibility of implementing practices of food sovereignty (FS) at regional and local levels. As a well-tested empowerment dynamic, FS can be defined as 'the right of peoples to define their own food and agriculture; to protect and regulate domestic agricultural production and trade in order to achieve sustainable development objectives; to determine the extent to which they want to be self reliant; to restrict the dumping of products in their markets; and to provide local fisheries-based communities the priority in managing the use of and the rights to aquatic resources'.²³

Are regional governments run by sub-state nationalist parties more likely to implement FS practices? Again, the answer is not straightforward. On the one hand, the very existence of an FS social movement, along with left-wing nationalist parties in some regions, is likely to put pressure on incumbent regional governments, irrespective of their political colour. For instance, calls to 'food sovereignty' tend to unite civil society organisations in the pursuit of a national food policy agenda, as occurred in Canada.²⁴ In the Basque case, the 'patriotic left' coalition EH Bildu and *Podemos Euskadi* have included FS in their political programmes and electoral platforms, but other parties have so far failed to respond to the challenge and incorporate it in their programmes.

22 Xabier Ezeizabarrena, *El principio constitucional de participación ante la evaluación de impacto ambiental de las grandes infraestructuras* (Instituto Vasco de Administración Pública 2006).

23 Statement on peoples' food sovereignty, *Peoples Food Sovereignty Network 2002*, Patel 2009 cited in Raj Patel, 'Food Sovereignty' (2009) 36(3) *The Journal of Peasant Studies* 663–706.

24 Sarah J. Martin and Peter Andrée, 'Putting Food Sovereignty to Work: Civil Society Governmentalities and Canada's People's Food Policy Project (2008–2011)' (2017) 13(4) *Journal of Civil Society* 374–391.

On the other hand, FS per se is hardly implementable top down without the full participation of grassroots movements. Even in countries where FS is constitutionally enshrined, like in Ecuador or Bolivia, its principles cannot be simply implemented from above. Moreover, state governments often directly deal with international corporations, including the fossil fuels industry, bypassing popular consultations and the very right of local communities to be informed. In the words of Raj Patel, ‘the modern food system has been architected by a handful of privileged people. Food sovereignty insists that this is illegitimate, because the design of our social system is not the privilege of the few, but the right of all. By summoning this language, food sovereignty ... offers a way of fencing off particular entitlements, by setting up systems of duty and obligation.’²⁵

It is in this respect that local communities, including stateless nations and indigenous peoples, seem to offer new channels of participation. A growing global trend among producers and consumers pushes towards the implementation of local food policies at the regional level irrespective of state policies – like the Declaration of Nyéléni (27 February 2007) held at the Forum for Food Sovereignty in Sélingué, Mali, and signed by about 500 delegates representing over 80 countries. This type of declaration of intent can be enforced more easily at a local rather than at a state level. Even though the number of states which have adopted FS in their constitutions has increased in the global South,²⁶ the regional level of interest resonates also, indeed prevalently, amongst indigenous peoples, as with the People’s Food Policy Project (PFPP) in Canada.²⁷

Broader ‘food security’ debates are also moving nearer to a FS agenda through issues of delimitation of scale, with demands that people be allowed to participate fully in key decisions about the distribution of goods – with an extended awareness of and concern about the need to defend consumers against the import of unhealthy ‘junk’ foods.²⁸ Notions of food security thus relate to justice claims among stateless nations, including economic, socio-cultural and political dimensions of justice. The debate on food practice is intimately related to the broader debate about regional sustainability. The latter is, in turn, strictly related to debates on the social model adopted at either the

25 Patel *op.cit.*

26 Daniele Conversi, ‘Sovereignty in a Changing World: From Westphalia to Food Sovereignty’ (2016) 13(4) *Globalizations* 484–498.

27 Martin and Andrée, *op. cit.*

28 Ana Moragues-Faus, ‘Problematising Justice Definitions in Public Food Security Debates: Towards Global and Participative Food Justices’ (2017) 84 *Geoforum* 95–106.

regional or the state level. This directly affects the current scenario of impending climate change meltdown.²⁹

II.D *Current Limitations*

The decentralised structure of the Spanish legal system consists of a mixture of federal and unitary powers divided among the 17 autonomous communities.³⁰ Both BAC's and Navarre's autonomous governments have a number of important legislative environmental powers.³¹ Yet norms and rules may overlap due to the cession of Spanish sovereignty since Spain became a member of the European Community – and, later, the EU. During this process, Spain's autonomous communities have often been taken aback by the measures adopted by subsequent central governments, particularly under mono-coloured PP cabinets. The latter's weak and corporate-friendly environmental policies have prioritised a short-termist approach based solely on economic growth criteria.

The widespread use of the notion of sustainability did provide an initial common framework for action in policy making. The watershed Brundtland Commission report defined 'sustainable development' as 'the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs'.³² Since this modest definition was adopted globally in the 1980s, it has increasingly become an out-dated tool, incapable of addressing the vastly complex and vital challenges emerging, with global climate and ecological cataclysm rapidly looming.

However, even on this limited scale, it is critical to assess sustainable development's relationship with political autonomy. In general, sustainable development cannot be achieved by agencies acting randomly and autonomously; rather, a strenuous concerted effort is needed to reach action across all sectors. The role of Basque institutions should thus be contextualised within the broader development and enforcement of EU law, which currently remains the main

29 Moreno and Conversi, 'Cambio climático y modelo de bienestar en la era del antropoceno'.

30 Luis Moreno, *The Federalization of Spain* (F. Cass 2001). Daniele Conversi, 'Autonomous Communities and the Ethnic Settlement in Spain' in Ghai Y (ed), *Autonomy and Ethnicity. Negotiating Competing Claims in Multi-Ethnic States* (Cambridge University Press 2000).

31 See, for example, Article 148 of the Spanish Constitution together with the Statute of the Basque AC and the Statute of Navarre (LORAFNA, or Ley Orgánica de Reintegración y Amejoramiento del Régimen Foral de Navarra; or '*Amejoramiento del Fuero*', Organic Law on Reintegration and Improvement of the Regional Regime of Navarre, also *Fuero Improvement*).

32 Gro Harlem Brundtland, *Our Common Future* (OUP 1987). Also known as: *The Brundtland report* (World Commission on Environment and Development 1987) 5, 11 and 16.

source of environmental law and nature protection in Europe.³³ Like other sub-state bodies, Basque and Navarrese institutions face legal and institutional challenges the moment they participate in the EU decision-making process.³⁴

The EU has gradually been assuming more competencies in environmental policy, thus influencing the legislative itinerary and executive powers of Spain's autonomous communities.³⁵ Yet the margins of legal manoeuvre in all of the 17 autonomous communities have been considerably reduced in recent years.³⁶

It may be irrelevant to know which entity is responsible for the implementation of EU law as long as it is properly enforced. In cases of non-compliance, insufficient compliance or incorrect implementation, EU law would consider the member state directly responsible, regardless of its respective domestic regulations. But, while many environmental policies lie within the competencies of the autonomous communities, the basic laws enforced by the state often reinterpret the constitutional system in favour, not merely of the central government, but of the ruling party with its majoritarian political agenda and predisposition.³⁷

During the last decade, it has become harder to distinguish Basque environmental policies from those directly implemented by the state and the EU, since all policies tend to be enforced within a context of 'shared sovereignty'.³⁸

III Pioneers of Sustainable Governance? The Environmental Record of Nationally Based Autonomous Regions

Because the impact of climate change is primarily felt at the local and regional level, sub-state governments are becoming key actors, often possessing the competencies to implement policy actions needed for both adaptation and

33 José Manuel Castells Arteché, 'Europa-Euskal Herria' (1999).

34 Gurutz Jáuregui, 'La actividad internacional de la Comunidad Autónoma del País Vasco. La implicación europea', (1999) 36 *Euskonews & Media*, <<http://www.euskonews.com/0036zbbk/frgaia.htm>>.

35 The shared 'foral' root of the Basque Country and Navarre are clearly stated in the First Additional Clause of the Constitution, as well as in its developed legal approaches afterwards. Article 2.1 of the 1979 Basque Statute states: 'Álava, Guipúzcoa and Vizcaya, as well as Navarra, have the right to form part of the Autonomous Community of the Basque Country'.

36 Murillo de la Cueva, *Comunidades Autónomas y política europea* 60–61 and 63–65.

37 Daniele Conversi, 'Majoritarian Democracy and Globalization Versus Ethnic Diversity?' (2012) 19(4) *Democratization* 789–811.

38 The enforcement of international law is a distinct issue worth separate analysis per se.

mitigation.³⁹ Sustainable development can be identified as an ‘outside-in’ policy, that is, one that finds its way into the domestic policy agenda as a consequence of international pressures.⁴⁰ Global decision-making can have specific differential effects on more centralised policies than consociational, federal or con-federal polities; it can spur intergovernmental co-operation between central and sub-national levels of government.

It has in fact been argued that sub-national governments in federal countries acted as pioneers of sustainable development. However, others have contested this claim, suggesting it consists of little more than ‘symbolic politics, devoid of political significance and not moving beyond cosmetic, rhetorical engagement’.⁴¹

III.A *Nationalism and Ecologism*

Parallels and connections can be made between the discourses of nationalism and those of environmentalism. However, this relationship is fraught with contradictions. While environmentalism can ‘appeal to land and emotions, to soil and soul and thus to latent nationalist sentiment’, nationalism has historically not reciprocated, but rather ‘scavenged environmental discourses’ to enhance its legitimacy and broaden its electoral base.⁴² If we apply the classical distinction between *ethnic* and *civic* nationalism,⁴³ civic values and goals are fully assumable within those of contemporary environmentalism, while the goals of ethnic nationalism are ultimately ‘incompatible with those of Green political actors’.⁴⁴

To cite an example of the thorny relationship between nationalism and environmentalism, an alliance was established in 1991 between the Green Party of England and Wales and the main Welsh nationalist political party, *Plaid Cymru* (Party of Wales), with a social-democratic orientation and a pro-independence agenda. This resulted in the election of Cynog Dafis as MP for Ceredigion and

39 Ibon Galarraga, Gonzalez-Eguino Mikel and Markandya Anil, ‘The Role of Regional Governments in Climate Change Policy’ (2011) 21(3) *EET Environmental Policy and Governance* 164–182.

40 Karoline Van den Brande, ‘Intergovernmental Co-operation for International Decision making in Federal States: The Case of Sustainable Development in Belgium’ (2012) 22(4) *Regional & Federal Studies* 407–433.

41 Sander Happaerts, ‘Sustainable development in Quebec and Flanders: Institutionalizing symbolic politics?’ (2012) 55(4) *Canadian Public Administration* 553–573.

42 P. Hamilton, ‘The Greening of Nationalism: Nationalising Nature in Europe’ (2002) 11(2) *Environmental Politics* 27–48.

43 Anthony D. Smith, *Nationalism and Modernism: A Critical Survey of Recent Theories of Nations and Nationalism* (Routledge 1998), 125–127 and 210–212.

44 Hamilton, *op. cit.*

Pembroke North in the 1992 general election, By 1995 the relationship had become strained and the alliance ended.⁴⁵ But the alliance remained at the European level, where Plaid joined Cornwall's *Mebyon Kernow*, the Scottish National Party and several other regionalist, autonomist and pro-independence parties within the European Free Alliance (EFA).⁴⁶ This alliance has for many years suggested the possibility of a situational cooperation, variable by locality, region, state and the EU, favouring a shared understanding and common interests between European environmentalism and sub-state nationalism. The election of Cynog Dafis as MP for Ceredigion and Pembroke North was a historic event both for Welsh nationalism and the Green Party. However, the subsequent, acrimonious break-up of the alliance suggests that relationships between environmentalism and nationalism are situationally contingent.⁴⁷

Other historical cases also cast doubt on the shifting nature of these alliances. The experience of the former Soviet Union seems to indicate that, once independence has been achieved, some former stateless nations have been quick to join the ranks of mega-polluters and environmental offenders. A study of pre-1990 eco-nationalist movements in the Baltic republics, Russia and Ukraine shows that anti-nuclear activism was instantly dropped once independence had been gained, as attention became entirely focussed on consolidating the newly achieved institution of statehood.⁴⁸

Therefore, there is no guarantee that 'stateless nations' as aspiring 'nation-states' can be permanent allies in environmental transitional policies, just as indigenous peoples are not unavoidably 'eco-warriors'. Yet, at the same time, the overall record is one of increasing cooperation and collaboration, including participation in 'inter-subnational' networks, as the next section explains.

45 Carwyn Fowler and Rhys Jones, 'Can Environmentalism and Nationalism be Reconciled? The Plaid Cymru/Green Party Alliance, 1991–95' (2006) 16(3) *Regional & Federal Studies* 315–331.

46 All were represented in the European Parliament within the broader *Greens–European Free Alliance* (Greens/EFA), which includes the European Green Party formed by the major national Green parties.

47 Fowler and Jones, 'Can Environmentalism and Nationalism be Reconciled? The Plaid Cymru/Green Party Alliance, 1991–95'.

48 Jane I. Dawson, *Eco-nationalism: Anti-Nuclear Activism and National Identity in Russia, Lithuania, and Ukraine* (Duke University Press 1996); see also Tove H. Malloy, 'Minority Environmentalism and Eco-nationalism in the Baltics: Green Citizenship in the making?' (2009) 40(3) *Journal of Baltic Studies* 375–395.

IV The Network of Regional Governments for Sustainable Development (nrg4SD)

The publication of the Brundtland Report inspired governments to bring sustainable development into public policy.⁴⁹ This also affected local administrations and autonomous regions. Sub-state institutions in stateless nations have played an increasingly active role in the search for ‘sustainability transitions’,⁵⁰ gradually exerting more agency in multilateral decision-making. Since sub-state entities are often unrecognised players in multilateral institutions, ‘they use several extra-state mechanisms to gain representation’.⁵¹

A lack of representation and operative space led to the foundation in 2002 of the Network of Regional Governments for Sustainable Development (nrg4SD), to address the United Nations (UN) and other multilateral organisations. Launched at the World Summit on Sustainable Development (WSSD) or ‘Earth Summit 2002’ in Johannesburg, South Africa, nrg4SD convened ten years after the first Rio de Janeiro Earth Summit in 1992.⁵² This was followed by the Saint-Malo Declaration in October 2008 which set the foundations for the network.⁵³ nrg4SD works simultaneously as an extra-state route to multilateral decision-making and to encourage bilateral co-operation between regions through knowhow transfer. The network provides a relevant example of international activity dedicated to environmental protection at the international level by means of bilateral or multilateral international agreements signed and developed by various sub-state level governments concerned about global environmental problems.⁵⁴

49 Brundtland, *op. cit.*

50 Sander Happaerts, Karoline Van den Brande and Hans Bruyninckx, ‘Governance for Sustainable Development at the Inter-subnational Level: The Case of the Network of Regional Governments for Sustainable Development (nrg4SD)’, (2010) 20(1) *Regional & Federal Studies* 127–149; Hans Bruyninckx, Sander Happaerts and Karoline van den Brande (eds), *Sustainable Development and Subnational Governments: Policy-Making and Multi-Level Interactions* (Palgrave Macmillan 2012); Ibon Galarraga, Mikel Gonzalez-Eguino and Anil Markandya, ‘The Role of Regional Governments in Climate Change Policy’ (2011) 21(3) *Environmental Policy and Governance* 164–182.

51 Happaerts, Van den Brande and Bruyninckx, *op. cit.*

52 See <<http://www.nrg4sd.org>>. The BAC is a member, see <<http://www.nrg4sd.org/basque-country-spain/>>.

53 Not to be confused with the previous Saint-Malo Declaration signed in 1998 by the British Prime Minister Tony Blair and the French President Jacques Chirac in response to the Kosovo conflict. See <<http://www.bcn.cat/climatechange/en/saint-malo.html>>.

54 Bruyninckx, Happaerts and van den Brande (eds), *op. cit.*; Sander Happaerts, Karoline Van den Brande and Hans Bruyninckx, ‘Subnational Governments in Transnational

During one of the side events of the wSSD Preparatory Committee (PrepCom) meetings held in Bali in 2001, a number of sub-state governments expressed concerns that there was no institution representing their general views. Indeed, some of the UN activities in the run up to the Johannesburg Earth Summit were focused on the city and town level, rather than at the sub-state government level. There was a long, informal discussion that included a number of sub-state government representatives who were present in Bali.⁵⁵ About six weeks before the wSSD, the representatives decided to formally establish the nrg4SD.⁵⁶ Wales took the lead in consolidating the network.⁵⁷ Yet, regions such as Flanders, the Basque Country and North Rhine-Westphalia retained 'diverging views on nrg4SD and its functioning'.⁵⁸ Due to these differences, the Network went through a period of stagnation, becoming

Networks for Sustainable Development' (2011) 11(4) *International Environmental Agreements: Politics, Law and Economics* 321–339; Happaerts, Van den Brande and Bruyninckx, 'Governance for Sustainable Development at the Inter-subnational Level: The Case of the Network of Regional Governments for Sustainable Development (nrg4SD)'; Andrea Collins et al., 'Assessing the Environmental Consequences of Major Sporting Events: The 2003/04 FA Cup Final' (2007) 44(3) *Urban Studies* 457–476; Bruyninckx, Happaerts and van den Brande, *op. cit.*; Francesca Dickson, 'The Internationalisation of Regions: Paradiplomacy or Multi-level Governance?' (2014) 8(10) *Geography Compass* 689–700; Fernando Rei, Kamyla Borges Cunha and Natalia Vera Pérez, 'La paradiplomacia medioambiental global y el papel de las comunidades autónomas españolas' (2013) 53(2) *Foro Internacional* 337–362; Sander Happaerts, 'Are you Talking to us? How Subnational Governments Respond to Global Sustainable Development Governance' (2012) 22(2) *Environmental Policy and Governance* 127–142.

55 These included Flanders; see Karoline Van den Brande, Sander Happaerts and Hans Bruyninckx, 'Multi-Level Interactions in a Sustainable Development Context: Different Routes for Flanders to Decision-Making in the UN Commission on Sustainable Development' (2011) 21(1) *op. cit.* 70–82; Luc Bas, 'Flemish Activity and Perspective at the EU and the UN' (2008) 3 *Revista Internacional de los Estudios Vascos (RIEV)* 151–164; Catalonia, the Basque Country – Galarraga, Gonzalez-Eguino and Markandya, 'The Role of Regional Governments in Climate Change Policy'; Wales – Elin Royles, 'A "Responsibility" to Act Globally: Investigating the Welsh Assembly Government's Engagement in nrg4SD', in Hans Bruyninckx, Sander Happaerts and Karoline Van den Brande (eds), *Sustainable Development and Subnational Governments: Policy-Making and Multi-Level Interactions* (Palgrave Macmillan UK 2012); Western Australia and Quebec – Happaerts, 'Sustainable development in Quebec and Flanders: Institutionalizing symbolic politics?.'

56 <<http://www.nrg4sd.org>>.

57 Paul Williams, 'The Governance of Sustainable Development in Wales' (2006) 11(3) *Local Environment* 253–267.

58 Happaerts, Van den Brande and Bruyninckx, 'Governance for Sustainable Development at the Inter-subnational Level: The Case of the Network of Regional Governments for Sustainable Development (nrg4SD)', *op. cit.*

the target of criticism because of its relative ineffectiveness, as merely adding another bureaucratic layer unable to tackle global problems.

The Network's first declaration highlighted, among its key political aims, the necessity to include the sub-state level within the United Nations framework. According to the Gauteng Declaration, signed in Johannesburg by representatives of 22 regional governments (RGs) in August 2002, 'The defining feature of the emerging group of governments participating in the new RG network for sustainable development is that they govern territories that are the largest and first level of political subdivision within individual nation states represented at the United Nations.'⁵⁹

A proposal on the creation of a Sustainable Development Knowledge Platform was the outcome of the Rio+20 Summit in 2012, regulated by UN General Assembly Resolution 67/290 (2013) which, among other matters, defines its purpose as providing political leadership, guidance and recommendations for sustainable development.⁶⁰

Other initiatives followed, both inside and outside Europe, such as the 'Declaration of Local and Subnational Leaders of Africa' released at the Climate Change Conference in Agadir, Morocco (11–13 September 2017) on the heels of the Paris Agreement.⁶¹ These are often described, sometimes critically, as examples of a more limited, less global, *Territorial Approach to Climate Change* (TACC), following the Saint-Malo Declaration.⁶²

It seems, therefore, that sub-state governments are concerned about sustainable development and include it within their political agendas. There are a number of factors that can explain the relative success of these new policies: the close relationship between sub-state governments and their respective

59 The Gauteng Declaration – <<http://www.nrg4sd.org/wp-content/uploads/2015/06/gauteng-en.pdf>>. These Regional Governments may include a variegated rainbow-like array of distinctive entities such as regions, provinces, states, prefectures, autonomous communities, communes, departments, districts, divisions, emirates, federations, governorates *vilayats*, nations, *oblastey*, *welayatlar* and zones.

60 <http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/288&referer=/english/&Lang=E>.

61 'Declaration of Local and Subnational Leaders of Africa Fighting against Climate Change in Africa Together', <<http://www.climate-chance.org/dev.climate-chance.org/wp-content/uploads/2017/09/D%C3%A9claration-des-%C3%A9lus-locaux-et-r%C3%A9gionaux-dAfrique-ENG.pdf>>.

62 See 'Territorial Approach to Climate Change (TACC)', <<http://www.adaptation-undp.org/territorial-approach-climate-change-tacc>>.

societies, the perspective and approach of these governments regarding environmental protection and the more proactive role of the United Nations Commission for Sustainable Development (CSD) concerning the new Network.

There is growing concern in Basque politics regarding the environment, and there may be some positive approaches, even in the international arena. The next section explores the Basque role in providing a potential model to tackle current environmental challenges.⁶³

V Can Stateless Nations and Autonomous Regions Provide a Model for Contemporary Environmental Challenges? The Basque Case

The Spanish parliament and government have tended to define most Spanish environmental law as 'basic'. This means that environmental law enacted by the Spanish parliament cannot be amended or developed by Basque representative institutions. This is in line with Article 149.1.23 of the Constitution on the territorial organisation of the state, which also enshrines the autonomous communities' entitlement 'to establish additional protection standards'. Thus, misuse of this definition may limit the Basque parliament's room for manoeuvre in relation to legislation on environmental protection, or even to enact new laws with more binding levels of protection.

A legal structure with powers and duties at the Basque and Navarrese government and parliament levels is balanced by competencies attributed to the historical territories (Araba, Bizkaia and Gipuzkoa) and, at the municipal level, with town planning and local environmental policies with regard to waste management and public transport. In respect of the latter, the Basque parliament has recently enacted general legislation on the regulation of local institutions.⁶⁴

The Basque legal framework inspired the creation of an efficient 'Basque economic sphere', with a notable industrial presence (particularly in Bizkaia

63 For more general opinions by Basque authors, see Demetrio Loperena Rota, *Desarrollo sostenible y globalización* (Thomson-Aranzadi 2003); Itziar Eizagirre and Amaia Lizarralde, *Garapen iraunkorra: garatzeko bizi ala bizitzeko garatu* (Alberdania 2005); Xabier Ezeizabarrena, *Río+20 (1992–2012): el reto del desarrollo sostenible* (Universidad de Deusto [Cuadernos Deusto de Derechos Humanos, 70], 2013).

64 'Ley 2/2016, de Instituciones locales de Euskadi'. Boletín Oficial del País Vasco No. 70, 14-4-2016, <<https://www.euskadi.eus/y22-bopv/es/bopv2/datos/2016/04/1601544a.shtml>>.

and Gipuzkoa) in a proactive economy, with the highest rate of GDP and the lowest rate of unemployment in Spain.⁶⁵

Therefore, in the Basque context, the principle ‘Think globally, act locally’ can be seen as an all-encompassing approach to enforcing international environmental covenants and agreements, adapting them to the regional reality of every Basque territory, and aspiring to improve the protection standards already recognised in Spanish legislation.

With regard to the enforcement of Basque environmental policies, the tasks and goals are summarised in the IV Main Environmental Programme 2015–2020, produced by the Basque government’s Department of the Environment, Territorial Planning and Housing (*Departamento de Medio Ambiente, Planificación Territorial y Vivienda*).⁶⁶ This document contains the main environmental objectives of the BAC together with the funding programme. It is an ambitious programme that needs to be coordinated with other crucial tasks – above all, a sturdier climate change strategy. The two main Basque instruments of environmental law might thus need to be amended: the General Law on Environmental Protection⁶⁷ and the Statute of Autonomy.⁶⁸

Moreover, it may be more difficult to link environmental protection with the establishment of nationalist mono-coloured governments (from 1980 to 1986 the Basque National Party, PNV, ruled without any other party). However, the ‘Foral’ *Diputaciones* (provincial governments) and most of the local authorities are governed by coalition governments led by the PNV, with the support of other parties, mostly the Socialist Party (PSE).⁶⁹ In general, Basque environmental protection is enforced with tools similar to those used at the state

65 In 2017, the unemployment rate in the Basque country was 12 per cent compared with 22 per cent in Spain; 8.8 per cent in the case of Gipuzkoa with the lowest rate across the whole of Spain. <http://en.eustat.eus/elementos/ele0008400/ti_Almost_half_the_population_of_the_Basque_Country_was_in_work_in_2010/noto008486_i.html>.

66 IV Programa Marco Ambiental del País Vasco 2015–2020, <<http://www.ingurumena.ejgv.euskadi.eus/informacion/programa-marco-ambiental-2020/r49-5832/es/>>.

67 Ley 3/1998, General de Protección del Medio Ambiente del País Vasco.

68 The latter was sternly resisted by the Spanish state and most other autonomous communities. The project for a new statute encompasses a system of relations with Spain and the EU that includes key challenges in relation to sustainable development. The basis for drafting a new Statute of Autonomy is *Ley Orgánica 3/1979, del Estatuto de Autonomía para el País Vasco* (Organic Law 3/1979 of the Statute of Autonomy for the Basque Country). Such a new statute could in principle clarify the position of Basque institutions in relation to the EU and Spain, establishing new goals concerning sustainable development after 40 years of democracy.

69 The Basque government is currently a coalition between the PNV (Basque National Party) and the PSOE-PSE (Socialist Party). The same coalition has operated in the three provinces of Araba, Gipuzkoa and Bizkaia together with the capital cities of Vitoria, Donostia

level. Important international efforts taken by the Basque government include participation in the UN Commission for Sustainable Development and in the constitution of the nrg4SD, whereas domestic efforts still require a higher degree of political will.

Environmental protection is a complex task identifiable as 'horizontal' and, therefore, directly connected with sectional economic interests, social disputes and territorial solidarity. Because concern about environmental issues is growing, these often tend to become incorporated into the usual face-saving green marketing policies, sometimes identified as 'greenwash'.⁷⁰ Public debate still remains entrenched and fossilised around the opposition between the two pillars of classic short-termism: economy vs. ecology. Public policies need to overcome this dichotomy and prove the economic benefits of ecological investments within long-term environmental analysis and protection of natural resources. The common *eco-* suffix can provide the basis for a shared understanding between proponents of sustainable policy agendas.

VI Conclusion

While this chapter cannot offer a systematic and comprehensive international comparison, it can help to confirm some emerging trends, particularly in Europe. Here, several regional governments often associated with 'sub-state nations' have implemented a variety of relatively advanced policies in relation to sustainable development, the circular economy, environmental protection, cleaner production and the fight against climate change. We have explored the case of the Basque Country, with occasional references to other cases.

However, two major stumbling blocks lie ahead. First, these steps are often the hostages of parties and policies shaped by less collaborative central governments intent on appeasing big capital and large multinational corporations. The PP-dominated Spanish government (2012–2018), in particular, has long enjoyed a mediocre reputation in terms of environmental protection. According to the (rather triumphalist) *Environmental Performance Index* (EPI), Spain performed worse than many European countries in terms of various variables in the 2014 ranking.⁷¹

and Bilbao since 2015. The situation in Navarre is more complex with a coalition government formed by four groups: *Geroa Bai*, *EH Bildu*, *Podemos Navarre* and a far-left coalition.

70 Guy Pearce, *Greenwash: Big Brands and Carbon Scams* (Schwartz Publishing 2012); Eveline Lubbers (ed), *Battling Big Business: Countering Greenwash, Infiltration, and Other Forms of Corporate Bullying* (Common Courage Press 2002).

71 For Spain's EPI ranking, see <<http://archive.epi.yale.edu/epi/country-profile/spain>>.

Spain has particularly loose regulation concerning soil use with a traditional stress on cementification and an over-reliance on the building sector, a legacy of decades of *desarrollismo* (developmentalism) initiated under the Franco dictatorship. These economic, political and ideological obstacles also impinge on the capacity of local and regional autonomous governments to enact and act on more advanced environmental policies. This, in turn, is related to economic performance. Economic recession in Spain has been closely associated with a failed, yet persisting, model of economic and urban growth heavily based on the building industry.⁷² The Spanish crisis was shaped by the negative interaction between globalising forces and Spain's specific path-dependent structures of economic incentives, internal regulations, corporate corruption in the building sector and other policies at the root of the housing bubble.⁷³

The second problem is that none of these instruments and policies are sufficient to tackle the impending environmental catastrophe caused by a spiralling accumulation of factors such as climate change and overconsumption. The possibility of public policy shaping a 'degrowth' agenda or a 'steady state economy' is still not contemplated in official circles, where investment in infrastructure, regardless of sustainability, remains a priority – even though the latter may often appear not to be informed by sustainable development goals.

In the Basque case, some important initiatives have been tempered by a central government dominated, until recently, by a neoconservative party (the PP) in the thrall of state-wide and international corporate power.⁷⁴ Sturdier initiatives often come from even lower levels of the multilevel perspective. For instance, the above-mentioned practice of *food sovereignty* has become an important component of local struggles.⁷⁵ In general, the sluggishness of these steps can hardly match the urgency of the challenge posed by impending climate devastation, which requires unprecedented coordination and cooperation across every single level of local, regional, national, state-wide, European and global actors.

72 Marisol García, 'The Breakdown of the Spanish Urban Growth Model: Social and Territorial Effects of the Global Crisis' (2010) 34(4) *International Journal of Urban and Regional Research* 967–980.

73 An important aspect is the peculiar way *modernity* has been experienced throughout Spain since the years of *desarrollismo*. See *ibid.* See also Daniele Conversi, 'Modernity, Globalization and Nationalism: The Age of Frenzied Boundary-Building', in J. Jackson and L. Molokotos-Liederman (eds), *Nationalism, Ethnicity and Boundaries: Conceptualising and Understanding Identity through Boundary Approaches* (Routledge 2014).

74 Led nowadays by the Socialist Party (PSOE) thanks to the impeachment approved recently in the Spanish Parliament.

75 Conversi, 'Sovereignty in a Changing World: From Westphalia to Food Sovereignty'.

Overall, the Basque case, along with a few other cases, shows an example of how local and regional governments led by sub-state nationalist parties (SSNPs) are, or could be, able to articulate environmental policies more effectively than the respective central governments run by state-wide parties – or independently from them, if allowed. This lesson can easily be extrapolated from our assessment of the Basque case, but there is a broader argument for ‘national sustainabilities’ encompassing other stateless nations to which this chapter is linked.⁷⁶ Although we cannot provide a broader explanation for these contrasting records, we can assume that autonomous regions run by regional nationalist parties are more dependent than central governments on long-term investments, while offering a better record of transparency, reliability and political legitimacy. Further studies are needed to explore the reasons and motives behind the healthier environmental record of sub-state nationalist parties.

Bibliography

- Bas, Luc, ‘Flemish Activity and Perspective at the Eu and the Un’, (2008) 3 *Revista Internacional de los Estudios Vascos (RIEV)* 151–164.
- Bengoetxea, Joxerramon, ‘The Participation of Infra-State Entities in European Union Affairs in Spain: The Basque Case,’ in Stephen Weatherill and Ulf Bernitz (eds), *The Role of Regions and Sub-National Actors in Europe* (Hart 2005) 47–66.
- Blauwhof, Frederik Berend, ‘Overcoming Accumulation: Is a Capitalist Steady-State Economy Possible?’, (2012) 84 *Ecological Economics* 254–261.
- Boillat, Sébastien, Julien-François Gerber and Fernando R. Funes-Monzote, ‘What Economic Democracy for Degrowth? Some Comments on the Contribution of Socialist Models and Cuban Agroecology’, (2012) 44(6) *Futures* 600–607.
- Brundtland, Gro Harlem, *Our Common Future* (OUP 1987). Also known as: *The Brundtland Report* (World Commission on Environment and Development 1987).
- Bruyninckx, Hans, Sander Happaerts and Karoline van den Brande (eds), *Sustainable Development and Subnational Governments: Policy-Making and Multi-Level Interactions*, (Palgrave Macmillan 2012).
- Buch-Hansen, Hubert, ‘Capitalist Diversity and De-Growth Trajectories to Steady-State Economies’, (2014) 106 *Ecological Economics* 167–173.
- Castells Arteché, José Manuel, ‘Europa-Euskal Herria’, (1999).
- Cattaneo, Claudio, Giacomo D’Alisa, Giorgos Kallis and Christos Zografos, ‘Degrowth Futures and Democracy’, (2012) 44(6) *Futures* 515–523.

⁷⁶ Jones R and Ross A., ‘National Sustainabilities’ (2016) 51 *Political Geography* 53–62.

- Collins, Andrea, Andrew Flynn, Max Munday and Annette Roberts, 'Assessing the Environmental Consequences of Major Sporting Events: The 2003/04 FA Cup Final', (2007) 44(3) *Urban Studies* 457–476.
- Conversi, Daniele, 'Majoritarian Democracy and Globalization Versus Ethnic Diversity?', (2012) 19(4) *Democratization* 789–811.
- Conversi, Daniele, 'Between the Hammer of Globalization and the Anvil of Nationalism: Is Europe's Complex Diversity under Threat?', (2014) 14(1) *Ethnicities* 25–49.
- Conversi, Daniele, 'Sovereignty in a Changing World: From Westphalia to Food Sovereignty', (2016) 13(4) *Globalizations* 484–498.
- D'Alisa, Giacomo, Federico Demaria and Giorgios Kallis (eds), *Degrowth: A Vocabulary for a New Era* (Routledge 2014).
- Dawson, Jane I., *Eco-Nationalism: Anti-Nuclear Activism and National Identity in Russia, Lithuania, and Ukraine* (Duke University Press 1996).
- Deriu, Marco, 'Democracies with a Future: Degrowth and the Democratic Tradition', (2012) 44(6) *Futures* 553–561.
- Dickson, Francesca, 'The Internationalisation of Regions: Paradiplomacy or Multi-Level Governance?', (2014) 8(10) *Geography Compass* 689–700.
- Eizagirre, Itziar and Amaia Lizarralde, *Garapen Iraunkorra: Garatzeko Bizi Ala Bizitzeko Garatu* (Irun 2005).
- Eusko Jaurlaritzak, *Climate Change Strategy of the Basque Country to 2050/Stratégie Du Pays Basque Sur Le Changement Climatique à L'horizon 2050* (Vitoria-Gasteiz: Eusko Jaurlaritzaren Argitalpen Zerbitzu Nagusia/Servicio Central de Publicaciones del Gobierno Vasco 2015).
- Eusko Jaurlaritzak, *Ley 3/1998, De 27 De Febrero, General De Protección Del Medio Ambiente Del País Vasco/3/1998 Legea, Otsailaren 27koa, Euskal Herriko Ingurugiroa Babesteko Lege Orokorra* (Departamento de Medio Ambiente y Acción Territorial [Separata de: B.O.P.V. No. 59, viernes 27 de marzo de 1998]).
- Eusko Jaurlaritzak, *Plan De Prevención Y Gestión De Residuos De La Comunidad Autónoma Del País Vasco: Hacia Una Economía Circular (2020)* (Eusko Jaurlaritzaren Argitalpen Zerbitzu Nagusia/Servicio Central de Publicaciones del Gobierno Vasco 2015).
- Ezeizabarrena, Xabier, *El principio constitucional de participación ante la evaluación de impacto ambiental de las grandes infraestructuras* (Instituto Vasco de Administración Pública 2006).
- Ezeizabarrena, Xabier, *Río+20 (1992–2012): El reto del desarrollo Sostenible*. Bilbao: Universidad de Deusto (Cuadernos de Derechos Humanos, 70) (2013).
- Fowler, Carwyn and Rhys Jones, 'Can Environmentalism and Nationalism Be Reconciled? The Plaid Cymru/Green Party Alliance, 1991–95', (2006) 16(3) *Regional & Federal Studies* 315–331.
- Gabrys, Jennifer, 'Citizen Sensing, Air Pollution and Fracking: From "Caring About Your Air" to Speculative Practices of Evidencing Harm', (2017) 65(2) *The Sociological Review* 172–192.

- Galarraga, Ibon, Mikel Gonzalez-Eguino and Anil Markandya, 'The Role of Regional Governments in Climate Change Policy', (2011) 21(3) *Environmental Policy and Governance* 164–182.
- Garcia, Ernest, 'Degrowth, the Past, the Future, and the Human Nature', (2012) 44(6) *Futures* 546–552.
- García, Marisol, 'The Breakdown of the Spanish Urban Growth Model: Social and Territorial Effects of the Global Crisis', (2010) 34(4) *International Journal of Urban and Regional Research* 967–980.
- Hamilton, P, 'The Greening of Nationalism: Nationalising Nature in Europe', (2002) 11(2) *Environmental Politics* 27–48.
- Happaerts, Sander, 'Are You Talking to Us? How Subnational Governments Respond to Global Sustainable Development Governance', (2012) 22(2) *Environmental Policy and Governance* 127–142.
- Happaerts, Sander, 'Sustainable Development in Quebec and Flanders: Institutionalizing Symbolic Politics?', (2012) 55(4) *Canadian Public Administration* 553–573.
- Happaerts, Sander, Karoline Van den Brande and Hans Bruyninckx, 'Governance for Sustainable Development at the Inter-Subnational Level: The Case of the Network of Regional Governments for Sustainable Development (Nrg4sd)', (2010) 20(1) *Regional & Federal Studies* 127–149.
- Happaerts, Sander, Karoline Van den Brande and Hans Bruyninckx, 'Subnational Governments in Transnational Networks for Sustainable Development', (2011) 11(4) *International Environmental Agreements: Politics, Law and Economics* 321–339.
- Hauter, Wenonah, *Frackopoly: The Battle for the Future of Energy and the Environment* (The New Press 2016).
- Jáuregui, Gurutz, 'La Actividad Internacional De La Comunidad Autónoma Del País Vasco. La Implicación Europea', (1999) 36 *Euskonews & Media*. <<http://www.euskonews.com/0036zbnk/frgaia.htm>>.
- Klitgaard, Kent A and Lisi Krall, 'Ecological Economics, Degrowth, and Institutional Change', (2012) 84 *Ecological Economics* 247–253.
- Krämer, Ludwig (ed), *European Environmental Law. A Comparative Perspective* (Routledge 2003).
- Loperena Rota, Demetrio, *Desarrollo Sostenible y Globalización* (Thomson-Aranzadi, 2003).
- López Ramón, Fernando (ed), *Observatorio De Políticas Ambientales: 2010* (Thomson Reuters-Aranzadi: Centro de Publicaciones, Ministerio de Medio Ambiente y Medio Rural y Marino 2010).
- López Ramón, Fernando, *Observatorio De Políticas Ambientales: 2016* (CIEMAT 2016).
- Loughlin, John, 'The Regional Question, Subsidiarity and the Future of Europe', in Stephen Weatherill and Ulf Bernitz (ed), *The Role of Regions and Sub-National Actors in Europe* (Hart 2005) 157–170.

- Lubbers, Eveline (ed), *Battling Big Business: Countering Greenwash, Infiltration, and Other Forms of Corporate Bullying* (Common Courage Press 2002).
- Malloy, Tove H, 'Minority Environmentalism and Eco-Nationalism in the Baltics: Green Citizenship in the Making?', (2009) 40(3) *Journal of Baltic Studies* 375–395.
- Martin, Sarah J and Peter André, 'Putting Food Sovereignty to Work: Civil Society Governmentalities and Canada's People's Food Policy Project (2008–2011)', (2017) 13(4) *Journal of Civil Society* 374–391.
- Meng, Qingmin, 'Fracking Equity: A Spatial Justice Analysis Prototype', (2018) 70 *Land Use Policy* Supplement C 10–15.
- Moragues-Faus, Ana, 'Problematising Justice Definitions in Public Food Security Debates: Towards Global and Participative Food Justices', (2017) 84 *Geoforum* 95–106.
- Moreno, Luis, *The Federalization of Spain*, The Cass Series in Regional and Federal Studies (F. Cass 2001).
- Moreno, Luis and Daniele Conversi, 'Modelo Social Y Límites Al Crecimiento En El Antropoceno', (2017) 12 *Eunomía. Revista en Cultura de la Legalidad* 310–314.
- Moreno, Luis and Daniele Conversi, 'Cambio Climático Y Modelo De Bienestar En La Era Del Antropoceno', in Germán Jaraíz Arroyo (ed), *Bienestar Social Y Políticas Públicas. Retos Para Pactar El Futuro* (Los Libros de la Catarata 2018).
- Muraca, Barbara, 'Towards a Fair Degrowth-Society: Justice and the Right to a "Good Life" Beyond Growth', (2012) 44(6) *Futures* 535–545.
- Murillo de la Cueva, Enrique Lucas, *Comunidades Autónomas y política europea* (Civitas IVAP-Civitas 2000).
- Nicolaidis, Kalypso and Stephen Weatherill (eds), *Whose Europe?: National Models and the Constitution of the European Union* (OUP 2003).
- O'Neill, Daniel W, 'Measuring Progress in the Degrowth Transition to a Steady State Economy', (2012) 84 *Ecological Economics* 221–231.
- Patel, Raj, 'Food Sovereignty', (2009) 36(3) *The Journal of Peasant Studies* 663–706.
- Pearse, Guy, *Greenwash: Big Brands and Carbon Scams* (Schwartz Publishing 2012).
- Pérez Tremps, Pablo (ed), *La participación europea y la acción exterior de las Comunidades Autónomas*, (Institut d'Estudis Autonòmics 1999).
- Rei, Fernando, Kamyla Borges Cunha and Natalia Vera Pérez, 'La Paradiplomacia Medioambiental Global Y El Papel De Las Comunidades Autónomas Españolas', (2013) 53(2) *Foro Internacional* 337–362.
- Romano, Onofrio, 'How to Rebuild Democracy, Re-Thinking Degrowth', (2012) 44(6) *Futures* 582–589.
- Royles, Elin, 'A "Responsibility" to Act Globally: Investigating the Welsh Assembly Government's Engagement in Nrg4SD', in Hans Bruyninckx, Sander Happaerts and Karoline Van den Brande (eds), *Sustainable Development and Subnational Governments: Policy-Making and Multi-Level Interactions* (Palgrave Macmillan UK 2012) 160–179.

- Royles, Elin and Nicola McEwen, 'Empowered for Action? Capacities and Constraints in Sub-State Government Climate Action in Scotland and Wales', (2015) 24(6) *Environmental Politics* 1034–1054.
- Smith, Anthony D, *Nationalism and Modernism: A Critical Survey of Recent Theories of Nations and Nationalism* (Routledge 1998).
- Taibo, Carlos, *Decrecimiento, Crisis, Capitalismo*, Colección De Estudios Internacionales, No. 5 (Servicio Editorial de la Universidad del País Vasco – Euskal Herriko Unibertsitateko Argitalpen Zerbitzua 2010).
- Tokic, Damir, 'The Economic and Financial Dimensions of Degrowth', (2012) 84 *Ecological Economics* 49–56.
- Van den Brande, Karoline, 'Intergovernmental Co-operation for International Decision Making in Federal States: The Case of Sustainable Development in Belgium', (2012) 22(4) *Regional & Federal Studies* 407–433.
- Van den Brande, Karoline, Sander Happaerts and Hans Bruyninckx, 'Multi-Level Interactions in a Sustainable Development Context: Different Routes for Flanders to Decision-Making in the UN Commission on Sustainable Development', (2011) 21(1) *Environmental Policy and Governance* 70–82.
- Vergara-Camus, Leandro, 'Capitalism, Democracy, and the Degrowth Horizon', *Capitalism Nature Socialism* (2017), 1–17. doi: 10.1080/10455752.2017.1344868.
- Williams, Paul, 'The Governance of Sustainable Development in Wales', (2006) 11(3) *Local Environment* 253–267.