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ANALYSIS OF THE EUROPEAN GREEN DEAL FROM THE THEORY OF REALISM

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DEDICATION

To my beloved parents, you have been the pillar in my life and the driving force behind my achievements. Your unwavering support and guidance have been instrumental in reaching this goal.

To my mother, whose unbreakable trust in me has been my greatest source of motivation. Thank you for your unconditional support and for being my strength and inspiration in the most challenging moments. Your words of encouragement have pushed me forward in moments of doubts.

To my father, who, with his tireless dedication and care, has provided me with all the tools necessary to grow as a person. Thank you for teaching me the value of effort and perseverance and for being my guide on this path to personal and professional development.

Without your love, your sacrifices and your unconditional dedication, this achievement would not have been possible. This thesis is the fruit of your hard work and proof that your dreams have been fulfilled through me. I hope you are proud of what we have achieved together.

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To Magister Gabriela Bonilla for her invaluable support and guidance during my thesis. Her patience and dedication have been crucial to the success of this project. I am deeply grateful for your unconditional support and your willingness to devote time and effort to helping me overcome the challenges that have arisen along the way. Her confidence in my skills motivated me to give the best of myself at every stage.

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Abstract

This thesis focuses on analyzing the European Green Deal from the theory of realism to determine whether the measures implemented by the EU to meet objective seven of the EGD have colonial connotations. The research is based on a literature review and Malaysia's case against the EU at the WTO. The EU claims to protect the environment but shows signs of green protectionism, favoring its economic interests over other producing countries, which can be seen as a neo-colonialist. In order to carry out the research, data from secondary sources were collected and analyzed to determine whether the measures implemented by the EU are neocolonial and thus answer the research question.

Keywords: European Green Deal, Malaysia, neo-colonialism, palm oil, realism.

Analysis of the European Green Deal from the Theory of Realism

1. Introduction

The European Union (EU) is one of the world's largest and strongest regional blocs. It is a reference and leader in integration, trade, diplomacy, politics, and economics. Recently, environmental care has become a topic that has gained much relevance owing to the obvious deterioration in critical areas such as biodiversity, food production, human and animal health, and air and water quality, among many others. In the face of this global reality, strategies have begun to be proposed for sustainable, environmentally-oriented growth. The European Union has established laws, policies, plans, and strategies that contribute to reducing environmental destruction. In 2019, the EU created the European Green Deal (EGD) as an instrument for climate neutrality by 2050. This Pact is structured around eight axes, which set targets for the most polluting industries within the Union, with this expected to create a significant change within the EU.

While many applaud and support these initiatives, others see them as two-way strategies. On the one hand, measures are designed to reduce pollution and over-exploitation of the planet's natural resources. However, these strategies could create greater inequality among countries by demanding measures that only the Global North countries can meet.

This study analyses Objective 7 of the EGD and the complementary measures implemented to ensure compliance. Specifically analyzed are the European Climate Act, Nature Restoration Act, EU Biodiversity Strategy by 2030, Objective 55, EU Forest Strategy for 2030, and Regulation (EU) 2023/1115. The analysis addresses the main objective: Determining whether the regulations resulting from Objective Seven, the preservation and restoration of ecosystems and biodiversity of the EGD, according to the Theory of Realism, can be seen as a neocolonialism strategy. First, it describes the objectives of the EGD, focusing on preserving and restoring ecosystems and biodiversity. Secondly, the arguments of the Theory of Realism about neocolonialism are analyzed to determine whether the legislation resulting from Objective Seven has reviews of neo-colonialism, using Malaysia's consultation with the WTO as an analysis case.

1.1 Objectives

1.1.1 General Objective

Determine whether the regulations resulting from the objective of preserving and restoring the ecosystems and biodiversity of the European Green Deal according to the Theory of Realism, can be seen as a neocolonialism strategy.

1.1.2 Specific Objectives

1. Describe the key areas of the European Green Deal with a focus on the objective of preserving and restoring ecosystems and biodiversity
2. Identify the arguments of the Theory of Realism in relation to neocolonialism
3. Analyze the regulations resulting from the objective of preservation and restoration of ecosystems and biodiversity of the European Green Deal on the products that contribute to deforestation from the conceptions that the Theory of Realism has about neocolonialism through a case study

1.2 Theoretical framework

According to Gonzalez (2002), the word environment is commonly used in reference to the "natural" environment, or the combination of all living and abiotic components surrounding an organism or group of organisms. The natural environment comprises physical elements, such as air, temperature, relief, soils, bodies of water, and living components, such as plants, animals, and microorganisms. In this way, it can be said that the environment brings together physical factors (such as climate and geology), biological factors (human population, flora, fauna, water), and socioeconomic factors (work activity, urbanization, social conflicts) (Obela, 2024). However, the development of society has started to end the environment we live in (España Ministerio de Medio Ambiente, 2001); population growth and industrialization have contributed to air pollution (Gutiérrez, 2007)and an increase in the rate of environmental degradation. Murga (2009) points out that the environmental damage caused by humans is evident in desertification and the extinction

of multiple species. The NGO World Wildlife Fund (WWF) uses the ecological footprint to measure environmental damage and determine the impact of human activities on nature. The (WWF) measures by estimating how much land area is needed to produce natural resources and absorb the impacts of these activities. Inadequate and irresponsible management of natural resources has caused that, in 2023, as shown by the WWF, humanity consumed an amount of natural resources equivalent to 1.75 planets, which indicates an overexploitation of natural resources, the same ones that the planet cannot regenerate. Artaraz (2002) explains how overexploitation occurs due to the traditional economic system of states, which causes an incompatibility between economic growth and ecological balance.

Around the world, activities that produce the highest economic income have been seen as development indicators. However, since the 1960s, studies on pollution levels and species extinction began to appear, which opened the doors to discussing this new problem (Gudynas, 2003). In the 1990s, the UN's Brundtland Commission categorized sustainable development as the proposal to reconcile the economy and ecology to seek economic growth that respects nature. In other words, sustainable development from the European perspective "perceives the relationship between human beings and the environment as the evolution and improvement of living conditions and the relationships between individuals, groups, and institutions that constitute the social fabric of a nation or region" (Madroñero & Guzmán, 2018). Several strategies have been proposed for sustainable development, including the green economy. The green economy is a system of economic activities that seeks to benefit the economy and employment through public and private investment while ensuring that they produce a pollution reduction (Ávila & Pinkus, 2018). Qualitative growth is also sought, using natural resources efficiently and promoting environmentally friendly investment and innovation.

To promote sustainable development, states have created environmental regulations that regulate and promote the conservation of the environment and the sustainable use of natural resources in harmony with the social interest (Ministerio del Ambiente, 2004). According to the United Nations Conference on Trade and Development (2003), environmental regulations include all official regulations, voluntary standards created by the private sector or by non-governmental organizations (NGOs), and associated conformity assessment systems, which seek to generate environmental improvement and improvement in both national and international markets. It should be noted that these are specific to each state since every state has different environmental problems. They also seek to promote innovation in industries through laws to combat pollution, always considering the social context and the business environment. Fisher (2017) points out that "the law is the most legitimate and stable means through which to foster and sustain collective responses to environmental problems" (p.19)

However, some may see these regulations as ineffective and problematic since, in some contexts, they can produce conflict within and between states (Lock, 2022) Porter (1990)suggests that environmental regulations can promote international competitiveness; this can occur if the exporting country can promote its competitiveness; the problem arises when the countries of the Global South do not have the necessary tools to adapt and evolve. In addition, these environmental regulations, while seeking a common good, can also be used to promote individual economic interests. Harris (2004) explains that on some occasions, there has been evidence of "green protectionism" which refers to trade barriers to protect the national industry from competition under the pretext of environmental regulation. The WTO, for its part, has also disagreed with some countries' decision to use trade measures to influence environmental policy outside their borders (World Trade Organization (WTO), 2024).

There are currently many debates arising from the need to analyze regulations, not only environmental but in all areas. The purpose of the debates is to know if they have another intention aside from the ones expressed and if they influence the results of internal or international interactions. In order to determine whether there are publicly expressed reasons behind some environmental regulations, an analysis can be made from one of the most influential theories of international relations, the theory of realism. It explains that the state is the leading actor in an anarchic world system that constantly seeks to satisfy its interests by using power to ensure its existence (Antunes & Camisão, 2017). For this reason, states align themselves in alliances or oppose other states to maintain a power that allows them to protect their security (Morgenthau, 1978). Realism also holds that the structure of the world system of states will not change no matter how much time passes. States will always seek their benefit and survival, which been achieved for a long time through historical practices of colonialism (J. G. Vargas, 2008).

Realists explain various current events in the world through the concept of neo-colonialism. According to the Royal Spanish Academy (RAE) "neocolonialism is the determining predominance and influence, especially in the field of economics, by former colonial powers, powerful nations and international companies on decolonized or developing countries" (Real Academia Española, 2024). There is also talk of environmental colonialism, which is based on creating new strategies of domination and

control, such as biopiracy, the massive purchase of agricultural land, and the carbon (CO2) market, among other contemporary practices that promote enrichment through the commodification and consumption of nature (Nixon, 2013).Some have also considered green protectionism a form of neocolonialism, as it is the use of power by one state over another to influence the latter's actions and obtain benefits for themselves. The Economic Commission for Latin America and the Caribbean (ECLAC) (2009)has stated that it is necessary to achieve a multilateral framework for the fight against climate change otherwise, "industrialized countries will increase the likelihood that they will introduce unilateral measures that negatively affect the access of the region's exports to their markets" (p. 11)

2. Literature Review

The European Union (EU) is a geopolitical entity that covers much of the European continent, precisely 27 countries (Ministerio de Asuntos Exteriores, 2024). It has a long history of cooperation in various areas, such as trade, foreign policy, security, and the environment (Comisión Europea, 2022). The UE uses strategies based on a green economy based on the principles of precaution, prevention, and pollution correction at its source (Parlamento Europeo, 2024). Therefore, it seeks local solutions that have a global impact through pacts between states. International compacts are based on a formal agreement between two or more states or international entities that seek to establish cooperation on issues of common interest.

The European Green Deal (EGD) stems from the European Union's commitment to the Paris Agreement, which entered into force on December 12, 2015 (Naciones Unidas, 2024). The Paris Agreement remains a milestone in environmental matters, having been adopted by 196 parties to the Conference of the Parties in Paris (COP21), and for legally committing all member countries to apply the principles of sustainable development and ensure that social, economic and environmental aspects are considered on an equal footing when addressing climate change (Garín, 2019). The Paris Agreement aims to prevent global warming exceeding 2ºC above pre-industrial levels. It encourages additional measures to ensure the temperature increase does not exceed 1.5ºC (Ministerio para la Transición Ecológica y el Reto Demográfico, 2024). Each country, through its national legislation and policies, must contribute to achieving the objectives proposed by the Paris Agreement (Ministerio para la Transición Ecológica y el Reto Demográfico, 2024). The EU proposes the European Green Deal on 11 December 2019 as a way to motivate and contribute to the achievement of the objectives of the Paris Agreement and thus achieve climate neutrality by 2050 (Gil, 2021). The European Green Deal (EGD) incorporates a set of initiatives and objectives:

Increasing the EUs Climate Ambition for 2030 and 2050

Supplying clean, affordable, and secure energy

Mobilizing industry for a clean and circular economy

Building and renovating in an energy and resource efficient way

Accelerating the shift to sustainable and smart mobility

Farm to Fork: A Fair, Healthy and Environmentally Friendly Food System

Preserving and restoring ecosystems and biodiversity

A zero-pollution ambition for a toxic-free environment (Comisión Europea, 2019a)

Each of these elements strengthens the main objective of the EGD by being closely interconnected and having different economic, environmental, and social objectives (Comisión Europea, 2019a). Through these objectives, the EGD aims to tackle the most critical environmental problems today, such as global warming, biodiversity loss, and water pollution. Sanahuja (2021) explains that the EGD seeks to promote economic growth by paying attention to sustainability through the coherent integration of economic, social, environmental, and foreign policies. Even though the Green Deal is European, its objectives require actions from places outside its geographical boundaries.

Larrea (2021) argues that the EGD promotes technical cooperation and modification in trade policy to ensure a global transition, which ensures that all countries contribute in one way or another to sustainable development. The EGD seeks to promote long-term structural change through the development of profoundly transformative policies, using a variety of policy instruments, including the European Climate Pact and the Just Transition Mechanism (JTM), which will ensure that the EGD is carried out inclusively and (Abdullah, 2021).

In addition to seeking sustainability, the EU seeks to create an image of unity in the face of the world through the EGD in order to see itself as a solid actor, which, through the development of land and sea measures, can create more ambitious commitments (Zambrano, 2020). However, these types of positions on the part of the EU throughout history have been seen by some, as explained by some (Rutazibwa, 2010), as objectives based on colonial and neocolonial motivations that see the Global South as a group of countries that, having deficient and climatically unambitious policies, need intervention to achieve the "capacity building" that allows them to reach sustainable development.

Youngs (2007) explains that the traditional development agenda of Western countries has been broadened to create a closer link between trade, security, and development, thus seeking to inject a sense of moral responsibility and ethical concern into all areas of international relations. This is a very positive, especially in environmental care, given that the worldwide objectives would be impossible without joint international work. On the other hand, and looking at it from another perspective, Táíwò & Bigger (2022) emphasize the importance of not ignoring the fact that the climate crisis, slavery, and colonialism are connected, resulting in different vulnerabilities and colonial power structures resulting from centuries of international politics and their ecological ramifications, recently exacerbated by the exploitative practices of multinationals in the North.

The European Green Deal represents a commitment by the participating states to take actions that improve environmental protection. However, for these commitments to have the desired results, it has been necessary to create several policies and legal instruments that establish the steps that will be followed to contribute to what has been agreed in this pact. One of the main objectives of the EGD is to preserve and restore ecosystems and biodiversity. As a result, in May 2020, the EU proposed the EU Biodiversity Strategy 2030, which is about avoiding and replenishing the damage caused to the planet's biodiversity (Comisión Europea, 2020b). The strategy helps the environment and society but "also seeks to prepare the EU to take a leading role in the upcoming international negotiations on a new global framework aimed at halting biodiversity loss" (Comisión Europea, 2020, p.1)

In addition, to comply with this commitment, some regulatory instruments have been created; one of them is Regulation (EU) 2023/1115, which regulates the marketing of products on the EU market and those exported from the Union associated with deforestation and forest degradation. According to Diario Oficial de la Unión Europea (2023) "deforestation and forest degradation are, in turn, important factors of global warming and loss of biodiversity in the world, the two most important environmental problems of our time" (p.1). From this premise arises the need to implement this regulatory measure since it is forecast that by 2030, the consumption and production of these six raw materials (cattle, cocoa, coffee, oil palm, soybeans, and wood and their derivatives) that cause deforestation for their production will increase each year by approximately 248,000 hectares (Diario Oficial de la Unión Europea, 2023).

The EGD has been applauded by many as it is an initiative that motivates the modification of polluting activities and the creation of others that contribute to a cleaner and healthier environment. However, the achievement of the objectives, for example, that of preserving and restoring ecosystems through regulations such as (EU) 2023/1115 will be possible, not only with the actions of the countries party to the pact but also with the modification of activities carried out by countries not members of the pact, which in order to market specific products in the European market will be forced to comply with new and stricter requirements. Pigrau (2023) emphasizes how this Regulation will affect the six commodities above. Operators and traders must submit a declaration of diligence with new requirements before entering, marketing, or exporting products to the European Union. This declaration must certify that the products are deforestation-free and have been produced in compliance with the legislation of the country of origin.

The Regulation has been criticized for failing to consider the limited progress in some countries that needed to adapt their production activities to prevent them from causing deforestation. According to Vela et al., (2023), the science and technology proposed in the EGD are essential for the success of the EU. However, it has a colonial design that maintains and reinforces capitalist development based on patriarchy and white supremacy. However, in the face of these criticisms, the EU has expressed its willingness to promote renewable technologies and be willing to help developing countries in the adoption of these new technologies, as long as they "are aligned with ambitious climate neutrality, and support international efforts to reduce environmental impact and greenhouse gases" (Council of the European Union, 2021).

One of the commodities whose marketing is affected by Regulation (EU) 2023/1115 is oil palm and its derivatives, as this oil is mainly acquired from activities that lead to the felling of trees. Between 1972 and 2015, Indonesia and Malaysia, the world's two largest palm oil producers "lost 16% and 47% of their forests, respectively, to this crop" (Ong, 2023). For this reason, the EU has seen the need to include this multipurpose oil among the products regulated in the Regulation. It should be noted that palm oil represents

one of the most important productive sectors of Malaysia and Indonesia's economy. Its production is vital for rural areas' survival, and any action taken by importers of such oil can be seen as an “imperialist and discriminatory” strategy (Ruiz & Handoko, 2023). The measures taken by the EU related to sustainability and the environment, especially the use of palm oil in biofuels, caused Malaysia in 2021 to file a petition with the World Trade Organization (WTO) about palm oil, alleging that “almost 90% of its palm oil production is grown under the “Malaysian Sustainable Palm Oil” certification scheme. Therefore, it considers that the EU's claims regarding the environmental impact of this crop would not be admissible” (Ministerio de Agricultura, 2021a). This petition was filed after the EU alleged that palm oil production causes a significant environmental impact as it causes deforestation of tropical areas, but the petition was not resolved.

3. Methology

This research used the Desk–based research methodology, also known as desktop research. Gallegos et al. (2017) explain how this is the collection and analysis of information from secondary sources, such as articles in digital repositories and libraries, official agency websites, and other documents from reliable sources. The desk research methodology was used to gather information on the European Green Pact, its creation, macro-objectives, and supporting strategies and instruments that have been modified or created for its implementation; the theory of realism in international relations; and the consultation submitted by Malaysia to the World Trade Organization (WTO) on measures that, according to its arguments, are discriminatory.

First, the research topic was identified: an analysis of the European Green Deal from the Theory of Realism. The second step was to identify the research sources, which in this case were the official websites of the European Commission, the Official Journal of the European Union, and the European Parliament, among other official documents, as well as scientific articles and relevant publications on the topic. The third step consisted of gathering relevant information to meet the proposed objectives. In the fourth step, data on the arguments on neocolonialism from the theory of international relations and the case of the Malaysian consultation before the WTO were combined. Finally, in the fifth step of the research, an analysis of the information obtained was carried out using two approaches: deductive analysis, which, as described by Dávila (2006), serves to establish a connection between theory and practice, allowing the phenomena analyzed to be inferred from theory; and the inductive method, which consists of inferring general conclusions from specific observations (Suárez, 2024).

Figure 1
Methology process

Note: Adapted from Business Innovations in the New Mobility Market during the COVID-19 with the Possibility of Open Business Model Innovation, Turoń & Kubik, 2021, Journal of Open Innovation: Technology, Market, and Complexity, 7(3).

4. Results

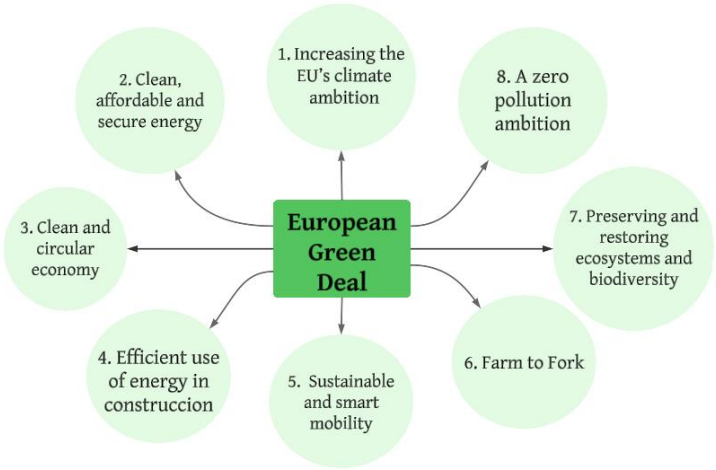
The European Green Deal

The European Green Deal (EGD) is a roadmap to achieve climate neutrality by 2050. However, the EGD seeks climate neutrality and the complete transformation of the EU towards a prosperous and competitive society based on equity and resource-efficient modernity (Comisión Europea, 2019a). The EGD seeks to create a clean and circular economy through the efficient use of natural resources with the goal of reducing pollution and restoring biodiversity. All industries are included in the EGD, but especially the most polluting ones, such as transport, energy, agriculture, construction, the textile and chemical sectors (García, 2021). Adapting these sectors is being considered in order to accelerate the process towards climate neutrality.

Significant funding is needed to ensure the EGD's success, estimated to be approximately 260,000 million EUR or the equivalent of 1.5% of the Union's GDP (Comisión Europea, 2019a). This investment aims to achieve the environmental objectives proposed by the EU within which the EGD is located. The

EU also formed a strategy of at least €1 trillion of public and private investment to finance the EGD over the next decade (Comisión Europea, 2019a). However, the EU recognizes that more funding is needed. The European Commission (2019b) presented the Investment Plan for a Sustainable Europe to address this, which will also help secure additional funding.

Figure 2
Macro objectives of the European Green Deal



Note. Adapted from *The European Green Deal*, by European Commission, 2019, European Commission (https://eur-lex.europa.eu/resource.html?uri=cellar:b828d165-1c22-11ea-8c1f-01aa75ed71a1.0004.02/DOC_1&format=PDF)

To understand the EGD, we must analyze each of the eight elements:

1. Increasing the EU's climate ambition for 2030 and 2050

This element commits the EU to create targets that combat climate change and contribute to long-term climate neutrality. In 2021, the European Commission and Parliament adopted the European Climate Law to meet these targets. This law purpose is for the objectives of the EGD to become legal obligations, providing security and confidence to investors, companies, citizens, and especially the international community (Lasheras, 2021).

The UE has also implemented initiatives such as ReFuelEU Aviation, FuelEU Maritime, and infrastructure improvements for adaptation to alternative fuels have been implemented. The functioning of the Renewable Energy Directive and the Energy Efficiency Directive have also been reviewed, in addition to the approval of a package of measures related to hydrogen and decarbonated gas markets (Comisión Europea, 2024), among other actions. Revising and adapting standards is a key strategy to achieve a higher level of climate ambition for 2030 and 2050.

2. Supplying clean, affordable and secure energy.

Linked to the previous element, the supply of clean, affordable, and secure energy is essential to reducing greenhouse gas (GHG) emissions, which account for 75% of total emissions (Comisión Europea, 2019a). This is because the sectors of energy production and use are significant. The EU seeks to prioritize energy efficiency and replace carbon with renewable sources through this objective. As a strategy, the Commission proposes to focus on benefiting consumers through renovating infrastructure and decarbonization at a minimum cost so that it does not significantly affect the population. This will be done through the increase in offshore wind energy production.

3. Mobilizing industry for a clean and circular economy:

In this area, the EU seeks a complete change in the productive industry since "more than 90% of biodiversity loss and water stress is due to the extraction of resources and the transformation of materials, fuels, and food" (Comisión Europea, 2019, p. 8). However, for this change to occur, it takes at least 25 years (Lasheras, 2021); climate change, being an immediate problem, requires action in the next five years if climate neutrality is to be achieved by 2050.

With this axis, the EU also aims to address the problem of recycling since only 12% of the materials used by industry are recycled. As a solution, the aim is to ensure that all packaging can be recycled or reused and to take measures on single-use plastics (Federación Española de Industrias de Alimentación y Bebidas, 2021); in this way, it is intended to promote the circular economy that consumers can choose durable products.

4. Building and renovating in an energy and resource-efficient way

The EU is working to reduce this percentage because buildings account for 40% of energy consumption in Europe (Comisión Europea, 2019a). To achieve this objective, it seeks to promote the renovation of buildings to improve their energy efficiency. This includes reducing emissions and energy consumption in public and private buildings. To achieve this goal, the EU is launching a "renovation wave" of public and private buildings, which promotes adopting renewable energy in buildings, such as solar thermal, photovoltaic, and other clean technologies. This initiative covers constructing new buildings with these characteristics and adapting existing buildings to take advantage of sustainable energy sources (Group Ocean, 2023). The renovation of structures aims to reduce energy consumption and reduce energy poverty, which manifests itself when the high costs of energy supplies affect the ability to cover other expenses, forcing a reduction in energy consumption in the home (European Commission, 2024).

5. Accelerating the shift to sustainable and smart mobility

Transport is one of the most significant contributors to pollution, responsible for about a quarter of greenhouse gas emissions in the European Union (Comisión Europea, 2019a). Therefore, it is crucial to reduce these emissions by 90% by 2050, covering all modes of transport: roads, railways, air and maritime transport. In order to achieve this goal, it is necessary to provide people with more sustainable and affordable transport options and to adjust the price of transport to reflect changes in the system. Since much of the transport in the EU is carried out by road due to its extensive land network, it is essential to promote intermodal transport. New regulations require that 75% of freight transport, previously carried out by road, is now carried out by rail or inland waterways (Gatta, 2020).

The production of alternative and sustainable fuels should be considered to address the transition to zero-emission vehicles. One million public charging and refueling points will need to be installed to ensure adequate infrastructure. The Commission also intends to take measures for maritime transport, such as restricting the access of the most polluting ships to EU ports and promoting the use of electricity instead of heavy fuel oil, a derivative of the residue from the distillation of crude oil (Organización Marítima Internacional (OMI), 2020), on ships while in port.

6. From "Farm to Fork": designing a fair, healthy and environmentally-friendly food system

The food chain is a fundamental pillar of the European economy, although its environmental impact is considerable. The European Union recognizes the importance of modifying this system to align with sustainable and environmentally friendly practices. This involves not only the production and distribution of food but also all processes related to the food chain, from cultivation to reaching the final consumer, which is why it seeks to promote more environmentally friendly agricultural methods, improve efficiency in transport and logistics, as well as promote a healthier and more sustainable diet for consumers. In 2020, the Council of the EU proposed a strategy to achieve a sustainable food chain, including ensuring enough food for the population without neglecting climate neutrality by 2050, contributing to the fair incomes of primary producers, and boosting the competitiveness of European agriculture at a global level (Consejo Europeo, 2024a). These measures aim to encourage sustainable practices such as organic farming and agroforestry, among others, and to create stricter standards on animals and pesticides (Comisión Europea, 2019a).

7. Preserving and restoring ecosystems and biodiversity

More than half of the world's GDP depends on ecosystems (Comisión Europea, 2020b), so there is an urgent need to protect and restore ecosystems and biodiversity. The EU understands that the solution cannot come from one side of the world alone, which is why it has called on global partners to halt the loss of biodiversity and, as a result, prevent future financial crises and natural disasters. In 2020, the Commission published the EU Biodiversity Strategy for 2030 in which it states that:

> The EU stands ready to demonstrate ambition to reverse biodiversity loss, take global leadership by leading by example and action, and aim to contribute to agreeing and adopting a transformative post-2020 global framework at the fifteenth Conference of the Parties to the Convention on Biological Diversity. (p. 3)

This strategy will be implemented through the package "Fit for 55". This strategy contains specific measures to expand protected areas to at least 30% of the EU's land and sea area and restore ecosystems through tree planting and pesticide reduction (Consejo Europeo, 2023). The solution is the promotion of sustainable afforestation and reforestation practices, as well as the restoration of degraded forests since trees have the potential to increase the absorption of carbon dioxide (CO2), strengthen the resilience of ecosystems, and foster the bioeconomy.

In line with the 2030 Biodiversity Strategy, the European Commission is developing a New Forest Strategy that covers all stages of the forest cycle and promotes the various services offered by forests (Comisión Europea, 2019a). This initiative gives rise to the New EU Strategy for Forests for 2030. Which seeks reforestation and the conservation of forests so that they contribute to carbon absorption, which includes what is required by the Climate Law. This pro-forest strategy seeks to promote the circular economy and protect biodiversity, encompassing social, economic, and environmental aspects. These strategic plans incentivize foresters to have forestry practices that preserve and manage forests sustainably.

Producers who do not implement these measures will not be able to enter the European market, as the Commission has adopted legislative measures to prevent or minimize the introduction of products associated with deforestation or forest degradation (Comisión Europea, 2019b). This encourages producers in other regions of the world to be more respectful of forests, leading to greater cooperation between countries. In May 2023, the European Parliament and Council drafted Regulation (EU) 2023/1115 on raw materials and products associated with deforestation and forest degradation (Diario Oficial de la Unión Europea, 2023).

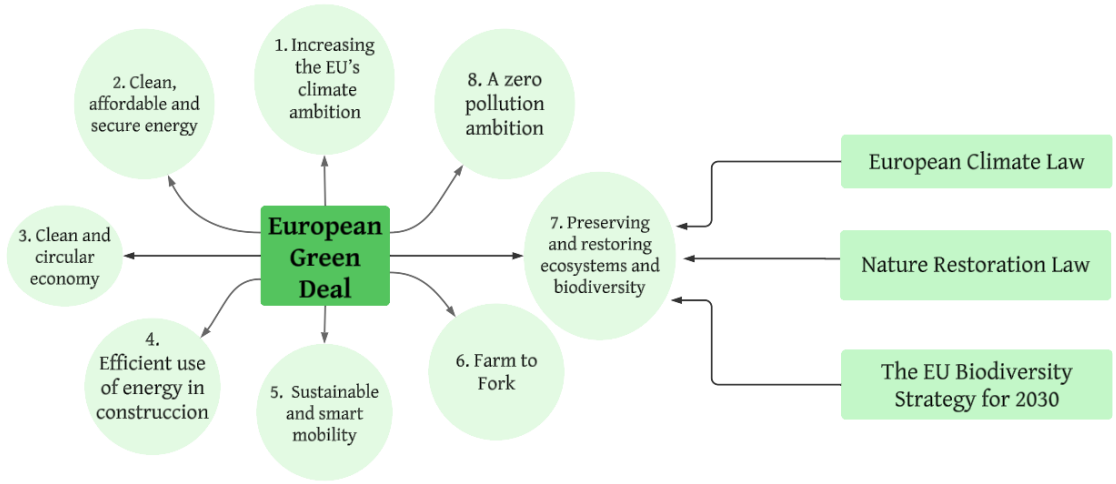
8. A zero-pollution ambition for a toxic-free environment

The monitoring and mitigation of toxic substances have become essential for the health of citizens and the preservation of ecosystems. In this context, the Commission adopted in 2021 a zero-pollution action plan for air, water, and soil, aiming to monitor, prevent, and adequately address pollution in all its forms. The Commission created this plan in response to current levels of pollution that harm both human health and ecosystems. Within the plan, the main objectives are to reduce premature deaths from air pollution by more than 55%, reduce 30% of the population suffering from transport noise, reduce by 25% the EU ecosystems that are affected by pollution, halve nutrient loss, use and risks of chemical pesticides, plastic waste from the sea (Comisión Europea, 2021b). Concerning air quality, the Commission will strengthen the provisions on the monitoring of plans and the revision of air quality standards in line with the recommendations of the World Health Organization (Gatta, 2020).

These are the eight objectives proposed by the PVE. However, these can only be achieved by creating several instruments that guide and monitor the actions of citizens, companies, and institutions and ensure changes that lead to their fulfillment. This research will review some of the instruments and strategies designed to support the fulfillment of the seventh element, which focuses on preserving ecosystems and biodiversity. Among the most relevant initiatives are the European Climate Law, the Nature Restoration Law, and the European Union Biodiversity Strategy for 2030. These instruments and strategies have been established to address environmental challenges and promote nature and biodiversity conservation in the European Union. These instruments and strategies have been established to address environmental challenges and promote nature and biodiversity conservation in the European Union. Revising these policies will provide a better understanding of the scope, effectiveness, and contribution of environmental protection objectives and promoting sustainability in the European Union.

Figure 3

Supporting Instruments and Strategies for the Seventh Element



European Climate Law

The European Climate Law was presented in March 2020 and approved in June 2021 to create a legal framework to ensure compliance with the PVE's main objective, climate neutrality, by 2050 (Ministerio para la Transición Ecológica y el Reto Demográfico, 2024). Among the objectives of the European Climate Law is that all EU policies contribute to the collective goal of climate neutrality. It also emphasizes the importance of regularly assessing progress towards the target and taking necessary measures if progress is insufficient; this is intended to ensure that the transition to climate neutrality is irreversible (Comisión Europea, 2024), these targets also offer security to investors and individuals.

Under the European Climate Law, the European Commission has the power to issue recommendations to countries whose policies are not on par with the goal of climate neutrality, which is how the European Climate Law becomes binding by making it mandatory for all EU member states to reduce greenhouse gas emissions by at least 55% from 1990 levels (Ministerio para la Transición Ecológica y el Reto Demográfico, 2024). In 2023, the Commission assessed the progress of the targets in the European Climate Law. It concluded that the progress so far needs to be improved as the sectors with the highest greenhouse gas emissions still need to reduce their emissions drastically.

Nature Restoration Law

The European Commission adopted the Nature Restoration Law on June 22, 2022 as a critical element for the EGD and as part of the biodiversity objective, which aims to address the decline of biodiversity and ecosystems within the European Union by setting specific targets for the restoration of 80% of habitats and the creation of new green spaces (European Commission, 2023). This legislation highlights the importance of restoring and protecting nature for the well-being of humans and the environment. By promoting ecosystem restoration, the EU seeks to improve biodiversity, mitigate climate change, reduce food security risks, and promote sustainable development; it also emphasizes the need for the participation of local communities and farmers by recognizing the importance of their knowledge.

Cesar Luena (2023a), a Spanish Prime Minister, stated that farmers and fishermen would benefit from the Law since habitats will be habitable and therefore producible since the Law helps biodiversity and producers. The Law also emphasizes protecting and restoring forests, swamps, and grasslands. However, it also extends beyond terrestrial areas and includes maritime areas since all ecosystems are essential in the fight against climate change (European Commission, 2023).

Renaturation, reforestation, the integration of nature into urban areas and infrastructures, and pollution mitigation will be the practices used for environmental restoration, and these practices will have specific compliance deadlines (European Commission, 2023). In addition, the Law mandates the mapping of ecosystems in need of restoration and the development of restoration action plans to guide implementation efforts toward areas that require additional attention or intervention. Studies have shown that nature restoration can lead to increased biodiversity, improved ecosystem services, and greater resilience to climate change. By focusing on restoring natural habitats and promoting sustainable land-use practices, the EU Nature Restoration Act also aims to create a more harmonious relationship between humans and nature, which will benefit both biodiversity and human well-being (Jackson, 2018).

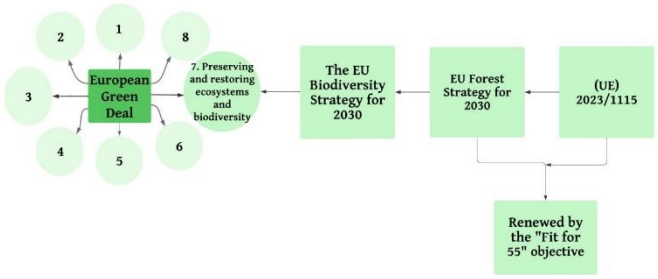
Biodiversity strategy for 2030

The Biodiversity Strategy is a comprehensive plan to safeguard biodiversity in Europe, which was created in May 2020 and is to be implemented by 2030. To ensure the success of the strategy until 2030, the European Union has set three main targets: to legally conserve at least 30% of the EU's maritime and terrestrial areas, with at least 10% under strict protection, as set out in the Parlamento Europeo (2023b); incorporate ecological corridors into the Trans-European Network of Natural Areas to provide strict protection for at least one-third of the EU's protected areas, including all primary and old-growth forests that still exist on its territory; and finally, to manage all protected areas effectively, establishing clear conservation measures and objectives, with appropriate monitoring, as indicated by the Comisión Europea (2020b). The current network of legally protected areas and strict protection measures need to be more extensive to ensure the preservation of biodiversity. Therefore, the EU sees the need to create a Trans-European Network of Natural Areas that is coherent and effective in protecting and restoring nature (Comisión Europea, 2020b).

This strategy follows the evaluation of the EU Biodiversity Strategy for 2020, which aims to halt biodiversity loss and restore it as soon as possible by 2020 (Comisión Europea, 2011). However, this goal still needs to be met, resulting in the creating of the EU Biodiversity Strategy for 2030. With this new strategy, the EU shows its commitment to the fight against biodiversity loss. It aspires to lead by example and action to engage the international community, give back to nature more than it consumes, and prevent species extinction (Comisión Europea, 2020b). However, by adopting such ambitious targets, the EU has drawn the attention of the Committee on International Trade, which calls on the Committee on the Environment, Public Health and Food Safety to take into account the risk of the relocation of specific productive sectors to countries with more lax legislation (Parlamento Europeo & Bricmont, 2021). The EU also recognizes that more than legislation is required to address biodiversity loss. A complex governance framework must be established to strengthen existing gaps (Comisión Europea, 2020b). To properly implement this strategy, which is very broad and includes many sectors and activities, it has been necessary to create or modify several instruments that regulate specific sectors and activities. These include the EU Forest Strategy for 2030.

Figure 4

Support tools and strategies for the Biodiversity Strategy



Fit for 55

In order to facilitate the implementation of the EGD and achieve the objective established in the European Climate Law to reduce greenhouse gas emissions, the European Commission presented in 2021 a set of measures known as “Fit for 55” (Confederación Española de Organizaciones Empresariales, 2022). It proposes a review of existing EU legislation, such as the Emissions Trading System and the Renewable Energy Directive, as well as the introduction of new initiatives, such as the Carbon Border Adjustment Mechanism, to ensure that regulations are aligned and contribute to the significant re-education of greenhouse gas emissions and the transition towards a more sustainable energy system (Confederación Española de Organizaciones Empresariales, 2022).

Fit for 55 seeks to strengthen eight established laws and proposes five new initiatives in various policy areas and economic sectors, such as climate, energy, transport, construction, land management, and forestry. Through these changes, the legislation promotes a more sustainable and carbon-neutral economy by incentivizing investments in renewable energy sources like wind, solar, and hydropower. This shift towards cleaner energy sources is expected to create new employment opportunities and stimulate economic growth in the renewable energy sector (Confederación Española de Organizaciones Empresariales, 2022). It also seeks to promote change in the social and political sphere, specifically to assist vulnerable populations and sectors that depend on fossil fuels to ensure a just transition for all members of

society. Within Fit for 55, legislation is intended to be underpinned by continuous research, innovation, and collaboration between governments, industries, and stakeholders; only this will ensure its effectiveness in the long term.

Among the instruments already modified by Fit for 55 is the New Forest Strategy for 2030, which replaces the 2013 Forest Strategy intending to address and overcome the current challenges facing forests. The main objectives of this strategy are to establish legally binding restoration targets and additionally plant three billion trees in the EU by 2030 (Confederación Española de Organizaciones Empresariales, 2022). To ensure environmentally responsible management, the bioeconomy industry is suggested to adopt sustainable practices.

EU Forest Strategy for 2030

As a complement to the EU Biodiversity Strategy for 2030, in July 2021, the European Commission approved a new EU Forest Strategy for 2030, also called the New EU Strategy for Forests for 2030 (Ministerio Para La Transición Ecológica Y El Reto Demográfico, 2022). This strategy has been considered within the Fit for 55 goal and is part of the EGD and the EU Biodiversity Strategy until 2030. This recognizes the importance and multifunctionality of forests since 43.5% of the EU's surface area is covered by forests and other wooded areas (Ministerio Para La Transición Ecológica Y El Reto Demográfico, 2022). The new EU Forest Strategy has replaced the EU Forest Strategy adopted in 2013 and evaluated in 2018. This strategy addresses ecological problems through forest protection to support the sustainable forest bioeconomy (Comisión Europea, 2021a). The strategy also seeks the reforestation and sustainable afforestation of 3,000 million trees in the EU by 2030 (Comisión Europea, 2021a); it should be noted that the measures taken by the EU are not only national but seek the collaboration of its international partners in the protection, restoration and sustainable management of forests, through an ambitious global framework for biodiversity.

In the same way, one of the essential points of the strategy is that it proposes laws to ensure that products, whether from the European Union or third countries, that are marketed on the European market do not contribute to global deforestation (Comisión Europea, 2021a). These ambitious forest targets are aligned with the EU's efforts to lead the climate agenda. Although the protection of biodiversity is essential for the EU and the planet, in 2020, the European Parliament carried out an analysis of how biodiversity directly affects trade, where it was found that, by seeking more excellent protection for European biodiversity, deforestation can lead to deforestation in other countries, especially in countries with more lax regulations. (Vellora et al., 2020).

Regulation (EU) 2023/1115, which has also been updated and amended as part of Fit for 55, is one of the instruments to support the correct implementation of the EU Forest Strategy for 2030.

Regulation (EU) 2023/1115

As part of the Fit for 55, all the regulations within the Forest Strategy have also been reformed. Regulation (EU) 2023/1115 is among the most important concerning biodiversity. This Regulation repeals Regulation (EU) 995/2010 and seeks to control the "marketing and export from the Union of certain raw materials and products associated with deforestation and forest degradation" (Diario Oficial de la Unión Europea, 2023, p.1). Regulation (EU) 995/2010 only referred to illegal logging and the requirements necessary to market timber within the EU since in 2010 the EU did not identify products other than timber as responsible for deforestation. Therefore, the application of this Regulation faced imbalances**.** The reason for the repeal was to identify other commodities, such as coffee, cocoa, cattle, palm oil, soybeans, and timber, among others, as responsible for deforestation. After more than a decade and with the creation of the EGD, the EU started to take concrete action on deforestation, including the EU Biodiversity Strategy for 2030 and the EU Forest Strategy for 2030. Within the framework of the "Biodiversity Strategy 2030", the Commission launched, finally in 2021, a proposal for a regulation on deforestation-free products" (Buenaventura et al., 2023). Which on May 2023 became "Regulation (EU) 2023/1115 on the placing on the Union market and the export from the Union of certain raw materials and products associated with deforestation and forest degradation, and repealing Regulation (EU) 995/2010" (Diario Oficial de la Unión Europea, 2023, p.1).

This becomes an essential tool to address the EU's role in preventing deforestation and forest degradation at the global level. Without adequate Regulation, the consumption and production in the Union of the commodities mentioned above could lead to an increase of approximately 248,000 additional hectares of deforestation per year until 2030 (Diario Oficial de la Unión Europea, 2023). It is essential to mention

that the EU with the new measures implemented has decreased its share associated with deforestation. However, more measures are needed to mitigate the impact of consuming raw materials and products that cause deforestation and forest degradation. The EU should continue to implement additional measures as sustainable models of production and consumption both within the Union and internationally. To achieve global change, international collaboration is needed. The global market must be influenced through regulations in free trade agreements with producer and consumer countries (Diario Oficial de la Unión Europea, 2023).

The collaboration seeks to promote the commercialization of deforestation-free products and avoid the entry of products linked to forest degradation. As part of the collaboration, the Union should promote using digital technologies, geospatial information, and capacity building to support affordable transactions for all producers (Diario Oficial de la Unión Europea, 2023). The Regulation also seeks to work with producer countries to address the root causes of deforestation, such as weak governance, ineffective enforcement, and corruption (Diario Oficial de la Unión Europea, 2023). Working with producing countries is essential since deforestation varies significantly between countries and continents. In Latin America, cattle meat accounts for 60% of deforestation, while in Asia-Pacific, palm oil and other forest products account for a third of deforestation; in the same way, in Africa, cattle meat and oilseeds account for a large part of deforestation (Pedrell et al., 2019).

The Commission, having the responsibility of examining the risk of deforestation and forest degradation in each country, created an assessment system in Article 29 of the Regulation where three levels are established “high risk,” “low risk,” and “standard risk”, the level of risk will be based on the indices of deforestation and forest degradation. Index of agricultural land associated with relevant raw materials and production trends of relevant raw materials and products (Diario Oficial de la Unión Europea, 2023). As of 29 June 2023, all countries were classified as “standard risk” on 30 December 2024, the classification will be updated, and countries with a high-risk level will be subject to constant controls while low-risk countries will have simplified processes (Diario Oficial de la Unión Europea, 2023). Article 25 of the Regulation addresses the penalties for operators or traders who do not comply with the Regulation. The penalties will be calculated in proportion to the environmental damage and the value of the raw materials. In the case of recidivism, the economic fines will increase gradually in order not to benefit the offenders economically; in the case of companies, the minimum fine will be 4% of their annual income in the European Union; this percentage may increase if necessary (Diario Oficial de la Unión Europea, 2023).

There are already specific cases in which the use of particular environmental strategies, requirements, and regulations by the EU has been claimed, which are presented as environmental protection measures but which, on the other hand, also seem to be protectionist and discriminatory trade measures with which they seek to gain a commercial and productive advantage for the EU over other countries in the world. Among these specific cases is Malaysia's complaint to the WTO regarding new regulations on palm oil imports into the EU.

Malaysia and Palm Oil

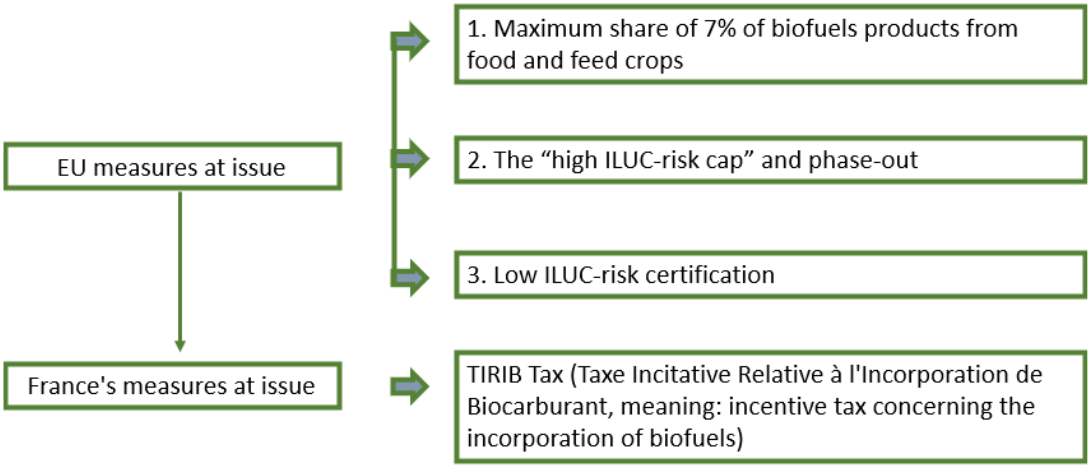
With the enforcement of the Deforestation-Free Products Regulation, a significant number of commodities, including palm oil, were impacted. The European Commission, citing the high risk of indirect land-use change (ILUC), particularly in the production of biofuels, has set stringent regulations. This has led to the phasing out of palm oil, a major commodity, due to its association with (Organización Mundial del Comercio, 2024c, p.34). Due to these new objectives, the palm oil will be eliminated.

Thus, on 15 January 2021, Malaysia filed a complaint with the Dispute Settlement Body (DSB) of the OTW arguing that specific measures imposed by the EU and its member states on palm oil and palm oil-derived biofuels are inconsistent with the obligations set out in the General Agreement on Tariffs and Trade 1994 (GATT 1994), the Agreement on Technical Barriers to Trade (TBT Agreement) and the Agreement on Subsidies and Countervailing Measures (SCM Agreement) (Organización Mundial del Comercio, 2021a). Malaysia is the world's second-largest palm oil producer, accounting for 26% of global production in 2020, with exports to the EU of about 1.94 million metric tons that year (Ministerio de Agricultura, 2021b). The palm oil industry in Malaysia has been instrumental in reducing poverty to less than 5% as it employs more than 3 million people (Organización Mundial del Comercio, 2021b).

Malaysia's claim against the EU is based on three measures that are alleged to be discriminatory (figure 5). One of them is the one established by the RED II, which has a short-term objective that, in public transport, only 7% of the fuels used are derived from food crops, and as a long-term objective, the complete elimination of this type of fuel by 2030, unless they can go through processes that allow them to be certified

as low risk by ILUC (Organización Mundial del Comercio, 2024c). The measures of RED II are seen as problematic, which, according to Delegated Regulation 2019/807, seek to determine which raw materials can cause ILUC and establish a maximum limit as a requirement to be introduced into the market. This measure stems from the decision of Directive (EU) 2018/2001 of the European Parliament and of the Council (NDR II). It is considered highly unfair as Malaysia argues that within the group of products from oilseed plants, only palm oil is considered at high risk of ILUC. There is also disagreement with the procedures to obtain mandatory certification of biofuels, bioliquids, and biomass fuels derived from palm oil as products with a low risk of causing ILUC. This requirement is only for palm oil as it is the only biofuel categorized as high-risk by ILUC (Organización Mundial del Comercio, 2024b). In addition to the EU, Malaysia's claim targets French measures specifically, alleging that France, in the application alleges that they exclude palm oil used in biofuels from a tax exemption (Organización Mundial del Comercio, 2024b).

Figure 5
Measures in dispute



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Note: This figure shows the measures in dispute that Malaysia alleges are used by the EU and France to discriminate against palm oil.

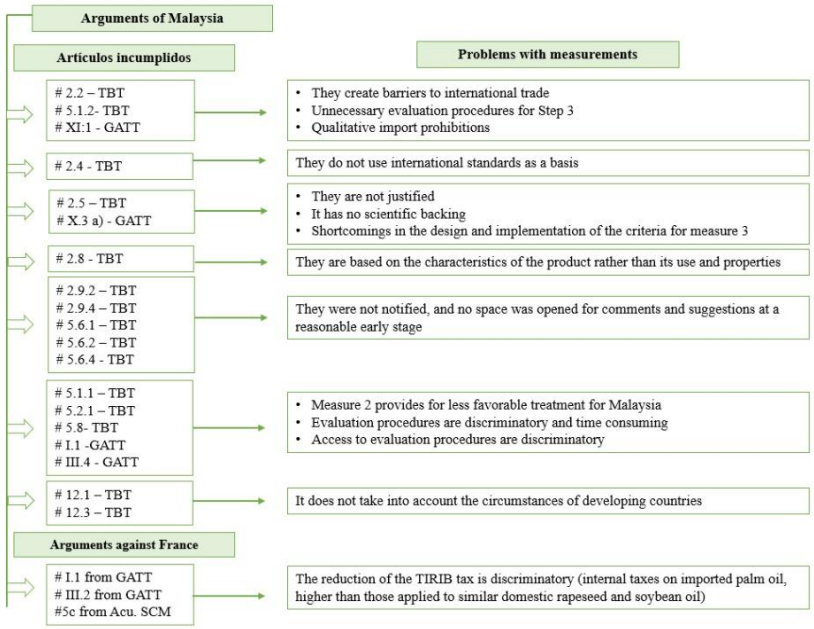
Based on these premises, Malaysia argues that the measures introduced by the EU and France on biofuels based on oil crops, such as palm oil, affect market competition in favor of biofuels produced in the EU, such as rapeseed or sunflower oil, which, according to Malaysia violates the principle of National Treatment and Most-Favored-Nation of the WTO (Organización Mundial del Comercio, 2024b) (figure 6). Malaysia argues that it has proven to be a responsible producer that recognizes the importance of taking care of the environment. That is why about 90% of palm oil cultivation in Malaysia in 2020 was certified as sustainable. Malaysia has exceeded its commitment to conserve at least 50% of its land as forests and wooded areas, achieving 55.3% of its area covered by forests in 2018 (Organización Mundial del Comercio, 2021b). This is how Malaysia justifies that the measures taken by the EU are discriminatory.

France, on the other hand, through a mechanism called Taxe Incitative Relative à l'Incorporation de Biocarburants, which means Incentive Tax related to the Incorporation of Biofuels (TIRIB), reduces taxes on fuels containing a certain amount of biofuel to promote their (Organización Mundial del Comercio, 2024b). However, since 2020, palm oil-based biofuels have been excluded from this benefit "regardless of their mode of production" (Organización Mundial del Comercio, 2024c, p. 51). Thus, Malaysia argues that excluding palm oil from the TIRIB benefits other imported biofuels, which goes against the Most-Favoured-Nation principle (Organización Mundial del Comercio, 2024b).

[1] ILUC: Indirect Land Use Change
[2] TIRIB: Incentive Tax Concerning the Incorporation of Biofuels

Figure 6

Malaysia's claims with respect to the EU measures [3] [4] [5]

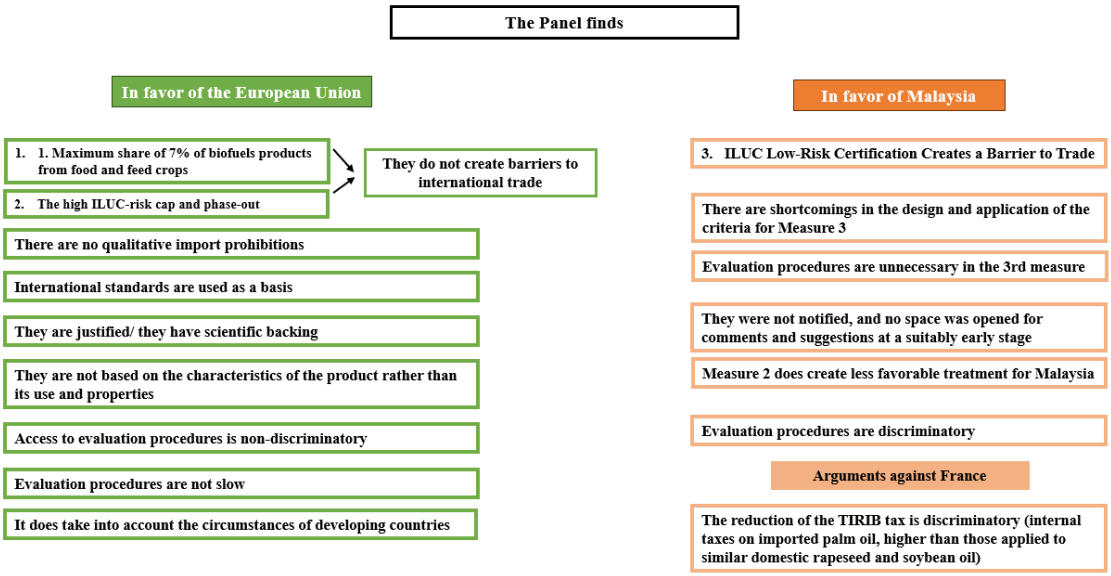


Note: This figure shows Malaysia's arguments on the EU and French measures on oil-based biofuels and how they violate the above-mentioned articles.

According to the Panel's conclusions, of the 16 measures that Malaysia disputes, the Panel determines that only seven are proven and therefore the EU must bring its measures into line with the obligations of the TBT Agreement and the GATT 1994 (Organización Mundial del Comercio, 2024c) (Figure 7). One of the most critical measures in this litigation is the low-risk certification of ILUC, which was determined by the Panel to be a certification that does not have the proper design or establishment of the criteria to determine which oils have a low ILUC risk, which creates an unnecessary barrier to international trade. Malaysia also emphasizes that the EU's real motive is to benefit the production and marketing of rapeseed and sunflower oils that are produced in the EU, with the justification that they are not produced in tropical areas and therefore have no risk of ILUC and claiming that they are "more sustainable alternatives for the production of biofuels" (Organización Mundial del Comercio, 2024c, p.141). For Malaysia, the elimination of only palm oil is discriminatory since its oil is not treated in the same way as oils from the EU, and they are also eliminated only because they are from tropical areas, which is unfair. This measure implemented by the EU shows arbitrary and unfair discrimination against palm oil from Malaysia, resulting in less favorable treatment than oils of national origin or from a third country.

[3] GATT: The General Agreement on Tariffs and Trade
[4] TBT Agreement: Agreement on Technical Barriers to Trade
[5] SCM: Agreement On Subsidies and Countervailing Measures

Figure 7
Report of the Panel of the WTO Dispute Settlement Body



Note: This figure shows that the Panel determined that only seven of the 16 measures challenged by Malaysia against the EU have merits, and that the EU will need to adjust them to comply with international agreements.

5. Discussion

While the instruments examined so far have objectives that seek to improve environmental protection not only within the EU but also globally, the strategies proposed for them have been criticized by arguing that they come from a Eurocentric vision based on the capacities and interests of the EU, ignoring the different realities in the world and the very likely inability of many producers outside the EU to adapt their processes to new requirements. It is even argued that EGD, support instruments and environmental protection are designed to benefit the EU's productive and commercial sectors. According to (Vela et al., 2023), the EU uses "greening" to secure its interests through EGD, which makes invisible the historical legacy of imperialism and colonial oppression that contributed to its global power without rivalry, colonial legacy, and debates on climate/environmental debt and historical reparations are appropriately silenced, which continues to contribute to unequal development among nations.

Realism is a theory of international relations that suggests that States are the only actors in an anarchic world system, constantly seeking to use power to satisfy their interests and ensure their survival (Antunes & Camisão, 2017). In this regard, Machiavelli (2008), one of the most influential authors in this field, argues that states, due to their selfish nature and the need to survive, do everything possible to maintain themselves, which has caused the separation between morality and politics. Therefore, in the case discussed in this research, it is necessary to question the real intentions that mainly influence the management of environmental problems, the distribution of natural resources, and the responsibilities of the actors directly and indirectly involved. Regarding neocolonialism, realists also argue that neocolonialism is a mechanism for securing access to resources and markets that are essential to the security and power of the state. In this context, states seek to transfer values and resources to "large transnational corporations that seek greater efficiency in their economies of scale" (J. G. Vargas, 2005). Through neocolonialism, states seek not only to secure additional resources but also to protect their national resources.

As suggested by Harris (2004) states use "green protectionism" to protect domestic industries and implement environmental regulations that directly affect third countries while benefiting themselves. A clear example of this can be seen in the discriminatory EU regulations that benefit rapeseed and sunflower oil, which are produced simultaneously in Europe. Strategie Grains, an agro-economic research and analysis company specializing in European and world grain and oilseed markets, estimates that sunflower production in the EU will increase to 10. 7 million tons in 2014, compared to 9.9 million tons in 2023 (Reuters, 2023), while rye oil production is mainly concentrated in Germany (51%) and 80% of rye oil is supplied from Europe to the world (Ecologistas en Acción, 2021). On the other hand, the discrimination

created by the reduction of the French tax on palm oil has caused the production of sunflower oil in the country to increase to an area of almost 868,000 ha. against 855,000 in 2022 (Revista Agricultura, 2023)

However, the EU argues that the measures taken are necessary to combat the climate crisis and at the same time reduce the negative impact on biodiversity, thereby promoting the responsible use of renewable energy as a way of contributing to the Union's environmental (Organización Mundial del Comercio, 2024b). The EU also argues that the measures implemented do not affect or restrict Malaysia's trade and, on the contrary, there has been an increase in exports to India and China because "the gradual elimination of high-risk CITs has increased imports of conventional biofuels from other WTO Members" (Organización Mundial del Comercio, 2024c, p. 155). From the EU's perspective, the creation of the EGD is a crucial step in improving environmental protection (Bogoslov et al., 2022). Since environmental care cannot be addressed by one part of the world alone, the EU has sought to influence within and outside the EU to promote radical changes in environmental protection and sustainable development (E. Vargas, 2019). However, the EU and other Global North countries inadvertently forget that most of the ecological destruction was caused by colonialism. Today, green colonialism means that colonial powers continue to "destroy nature and extract all the wealth they can, but at the same time build conservationist policies and discourses" (Bringel et al., 2023, p.15).

States exercise their influence through monetary means (Nkrumah, 1965), avoiding the use of military means as in ancient times. For example, the EU, to exert its influence, has felt obliged to "civilize" the barbarians who are destroying nature and wildlife, since climate improvement is essential for the colony (Siiskonen, 2015). From this perspective, the countries of the Global North use these tools to promote their interests without considering the damage they may cause to developing countries. A clear example of the use of these tools is seen when the countries of the Global North use their economic and political power to reverse and regulate the activities, rules, and policies of the countries of the Global South with the intention that they serve the interests of the state and the capitalist class in order to maintain the hegemonic control of the imperialist system (Petras, 2002; J. G. Vargas, 2005). In Malaysia's complaint, there are two points of view; on the one hand, Malaysia argues that the certifications required by the EU for palm oil imports create an unjustified obstacle to trade, as Malaysia has had RSPO certification for several years. On the other hand, the EU argues that additional certifications are introduced to promote sustainable environmental practices and to prevent additional environmental damage, such as deforestation. However, the EU's commitment to protecting the world's environment has caused trade problems for other countries. The WTO panel confirms that there are irregularities in the certification processes required by the EU, which raises the question of whether this certification seeks cooperation in environmental protection or whether the EU is protecting its domestic production through environmental measures.

The EU argues that RED II limits the production of biofuels from crops caused by CIUT to combat climate change and protect biodiversity. It is also argued that CIUT is given globally as agricultural production is given to meet the needs of world markets (Organización Mundial del Comercio, 2024c). Regarding Malaysia's complaint about the EU methodology used to identify that raw materials are considered to be high-risk CITS, the EU argues that the criteria are based on "a set of scientific data, which, when applied, results in the classification of palm oil as a CITs high-risk crop due to expansion to high-carbon-reserve lands" (Organización Mundial del Comercio, 2024a, p.52), and that no other crop presents the same degree of risk. However, Malaysia claims that rape and soybean oils are similar and should therefore be categorized in the same way, for which the EU claims there is no evidence to support Malaysia's argument. The EU also argues that consumer tastes and preferences affect palm oil consumption, as consumers are in favor of the gradual and eventually complete elimination of palm oil, "the widespread public concern about deforestation associated with palm-oil production and the impact of these concerns on fuel supplier decisions" (Organización Mundial del Comercio, 2024c, p. 183).

Malaysia agrees with the EU on sustainable palm oil production. A large percentage of the palm grown in Malaysia has sustainability certification (Organización Mundial del Comercio, 2021b). Therefore, the measures taken to protect the environment create unjustified trade protection. Dr. Werner Langen, a former member of the European Parliament, made his view clear by arguing that sustainably produced palm oil should not have a high-risk classification of CIUT, expressing that these measures are "purely protectionist and hypocritical" (Ministry of Foreign Affairs Republic of Indonesia, 2019). Malaysia has RSPO Sustainable Palm Oil Round Table certification, which is a requirement for exporting palm oil to the EU and the United States (Tey et al., 2020). However, although RSPO certification helps the end consumer feel that palm oil products are sustainable, this certification has resulted in a loss of RM758 million for Malaysian producers; moreover, the travel and activities required to audit producers have been counterproductive as they have created an additional carbon footprint (Maretna et al., 2021). This shows that meeting new requirements, although expected to bring many benefits in the long run, is not easy. On

the contrary, it involves high costs and lengthy processes that in one way or another affect production and marketing, especially in countries that do not have the resources to adapt quickly to these new requirements. On the other hand, from the point of view of the EGD, they are necessary, especially when it comes to issues that can only be tackled through a global effort, such as environmental protection.

It is also considered that EU-driven green policies "are an extension of racial capitalism recently characterized as green growth that seeks to trap global South countries in contracts that increase their debt and rely on Global North countries to provide ongoing aid." (Equinox, 2021, p.15). Similarly, by implementing rigorous environmental protection policies through the EGD, the EU promotes a Eurocentric vision in the new round of geopolitical power directly and indirectly linked to the global ecological collapse (Vela et al., 2023). Most environmental policies are unilaterally created by the countries leading the movement towards a greener planet, which usually belongs to the Global North. This creates a significant gap as the rest of the countries must comply with these measures without being notified in advance. For this reason, Malaysia claims to the WTO that the EU has not respected the rules established by the TBT agreement to go through the prior approval and implementation of the proposal to create new measures and requirements that may affect third parties within a reasonable time allowing for the issuance of comments and alternatives by the other WTO members (Equinox, 2021). This leaves no room for international voices to participate in developing measures that are just and beneficial to all international actors.

From the perspective of Malaysia and other countries in the global South, the measures implemented by the EU can be perceived as neo-colonial. This is because the main objective of the EGD, a 55% reduction in greenhouse gas emissions, will only be partially achieved. The contribution of forest conservation and sustainable forest management to this goal is insignificant so strict conservation becomes a trade barrier rather than an environmental protection. These measures hinder trade and benefit other oils used for biofuels based on oilseeds grown in the EU (Organización Mundial del Comercio, 2024c).

According to Morgenthau (1978), the EU has become one of the most powerful political-economic blocs. The success of the EU is because the European states prioritize interstate alliances to maintain power and protect their security. Similarly, Botero (1589) emphasizes how states and their rulers make decisions based on the interests of the state without considering morality and ethics because the priority of the state will always be to ensure its power and security.

6. Conclusions

The present investigation focused on examining Objective 7 of the EGD, analyzing the additional instruments that have helped to achieve the objective, and determining whether the measures implemented by the EU can be seen as neocolonial. After a thorough analysis of the literature and the collection of relevant information, the research question raised has been answered, demonstrating that the measures implemented by the EU for environmental care do have neocolonial reviews. The case of Malaysia shows that EU measures on palm oil raise doubts about the real reason for implementation from the realism theory. The report of the WTO Special Panel determined that some of the EU's measures on palm oil are compatible with the obligations set out in international treaties. However, it also identified several measures that create unnecessary obstacles to trade and unjustified discrimination against Malaysian Palm Oil.

First, based on the arguments of realism theory, EU environmental policies seek to promote sustainability and environmental protection. However, they can also be interpreted as neo-colonial measures designed to benefit the EU's economic and commercial interests at the expense of the producing countries, usually in the global South. In the specific case of Malaysia against the EU, the measures implemented are considered discriminatory because they indirectly benefit oil crops produced in the EU, such as rapeseed and sunflower oil. Although the EU created the EGD to address environmental and climate challenges, it also uses its power and influence to protect its national interests and maintain an edge in the global market.

Secondly, CIUT's low-risk certification was determined by the Panel as unfair, as the design demonstrates flaws in lacking solid scientific evidence, creating biases, and promoting neocolonial practices. The measures implemented must be fair, transparent, and based on scientific evidence so they do not become neocolonial or protectionist measures. Furthermore, the discrimination against palm oil from the French TIRIB tax benefit shows less favorable treatment than other biofuels, which violates the principles of non-discrimination in international trade. It was determined that EU measures seek to protect the environment and show a form of green protectionism and neocolonial practices. However, it should be stressed that the EU does have specific valid arguments in defense of its policies, such as that the measures do not create trade barriers. The EU assures that the measures implemented are not aimed at limiting Malaysia's trade but to promote sustainable practices in producing biofuels. Environmental protection is a

shared global responsibility and should not be used to implement trade barriers or promote particular economic interests.

In conclusion, the results of this research support the assertion that the measures implemented by the EU can be seen as neocolonial from the theory of realism. The low-risk certification of CIUT does create a barrier to trade and has design shortcomings that lead to discrimination and less favorable treatment.

7. References

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