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SOVEREIGNTY

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"The Earth is one but the world is not" begins the Brundtland Report of the World Commission on Environment and Development (WCED) (1987: 27). Indeed, states are divided whereas the biosphere exists as a unit. This fact makes environmental politics an interesting case of reflection for the principle of sovereignty.

In the 1960s, during the decolonization process, developing countries insisted upon controlling their natural resources. Many were suspicious of Western environmental intentions, fearing a form of neocolonialism (see **Critical political economy**). In 1962, they strongly advocated for the adoption of the United Nations Resolution 1803 on the *Permanent Sovereignty Over Natural Resources*, recognizing "the inalienable right of all states freely to dispose of their natural wealth and resources in accordance with their national interests." Still today, developing countries frequently

refer to this principle and make sure that negotiated texts explicitly recall it (Conca 1994; Hochstetler et al. 2000).

Some environmentalists see the biosphere as one entity and fear that a full, exclusive, and supreme state sovereignty impedes environmental protection. Under this line of reasoning, two options are frequently mentioned as means to limit sovereignty and favor environmental protection. The first consists in extending the **common heritage of humanity**. This would allow, for example, for the establishment of a global system of inspection and **taxation** for resources traditionally under state sovereignty. The second route for a post-Westphalian order is to increase the rights of non-state actors: **nongovernmental organizations, business and corporations, epistemic communities, or indigenous peoples and local communities** (Shadian 2010).

However, the supremacy of state sovereignty is not universally accepted as an impediment to environmental protection. International law already includes principles that limit sovereignty. Following the **pre-ventive action principle**, for example, a state cannot use its territory in a way that damages the environment of another state. It was politically endorsed in the Stockholm (1972) and the Rio (1992) Declarations (see **Summit diplomacy**), and legally recognized by the International Court of Justice (ICJ) (Sands 1995).

Moreover, international treaties qualify sovereignty rights by assigning specific obligations to states (Schrijver 1997). The **Law of the Sea Convention**, for example, extends sovereignty rights to 200 nautical miles from the coasts but provides for environmental duties. This led some legal experts to affirm that sovereign rights “over certain environmental resources are not proprietary, but fiduciary” (Sand 2004: 48). Here, sovereignty can be seen as a form of public trusteeship granted to states with specific obligations and limitations.

Other requirements also create conditions that push states toward cooperation and joint action. For instance, several environmental treaties prohibit trade with non-parties. The Montreal Protocol (see **Ozone regime**) bans imports, even from non-parties, of products containing substances that are harmful to the ozone layer. The **hazardous wastes regime** bans imports and exports of toxic wastes with non-parties. Consequently, a country whose firms produce sprays or process toxic wastes has a high incentive to respect these treaties (DeSombre 2005). Global interdependence prevents regulatory autarky.

With time, it appeared that sovereign rights could even consolidate environmental cooperation. As the **tragedy of the commons** suggests, a clear definition of rights can provide incentives for the **conservation and preservation** of natural resources. For example, the 1992 **biodiversity regime** and its 2010 Nagoya Protocol placed genetic resources under national sovereignty, rejecting the common heritage principle that was formerly found in the 1983 FAO International Undertaking on Plant Genetic Resources. Through their sovereign rights, states can now control access to their biodiversity and ask biotechnology **business and corporations** to compensate for the use of their national genetic resources.

Arguably, concerning **effectiveness**, states are often the best actors to enforce and control environmental measures. Not only are they able to impose regulations, levy taxes, offer subsidies, and define education programs, they also have the political and legal capacity to challenge actors that damage their natural resources. Fish stocks are unsustainably fished and extra-atmospheric space hazardously over-polluted partly because of the lack of national sovereignty over these resources.

The debates between sovereignty as an obstacle or as a means for environmental protection could be somewhat resolved by breaking down the concept. Karen Litfin (1997) divides sovereignty into authority, control, and legitimacy. She argues that states engage in “sovereignty bargains” along these dimensions. For instance, tying emission targets to domestic ownership of green technology could increase autonomy but reduce legitimacy, while delegating emission targets to an internationally recognized scientific body (see **Boundary organizations**) could increase legitimacy but decrease autonomy. Here, sovereignty is not understood as an absolute attribute but as a multidimensional concept in constant flux, and in constant social redefinition (Conca 1994; Chayes and Chayes 1998; Hochstetler et al. 2000).

To further understand the complex interaction between the principle of sovereignty and environmental protection, it might be useful to differentiate environmental problems. The quality of scientific knowledge (see **Science**), the level of ecological interdependence, the availability of international institutions, and the type of natural resources might affect the desirability for a strong sovereignty norm and the bargains settled between sovereignty dimensions. One hypothesis is that the protection of local resources benefits from the direct involvement of transnational and supranational actors, whereas transboundary resources are better protected when states guard their sovereign rights.

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STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

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Adopted in 2001, the Stockholm Convention on Persistent Organic Pollutants (POPs) is a legally binding global agreement designed to protect human health and the environment from exposure to certain hazardous, transboundary chemical pollutants. POPs fall into three categories: pesticides, such as DDT (dichloro-diphenyl-trichloroethane);