

# SOVEREIGNTY AND ENVIRONMENT PROTECTION

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## Introduction

**E**nvironmental problems cannot be solved solely by achieving technical developments: innovations in the social structure are strongly needed as well. The nature of these social changes required and the integration still present the subject of prolonged debates<sup>1</sup>. The majority of environmentalists disagree of globalization and integration<sup>2</sup>. However, in my article I would like to argue in the favour of such an integration, as only this process and the formation of an attached sovereignty can level out the pernicious effects of globalization.

## 1. The development of the territorial state sovereignty

In the Europe of the Middle Ages the concept of an omnipotent God had already been endowed with all the qualities that were later on concentrated into the notion of sovereignty<sup>3</sup>. Secular potentates were meant to fulfil divine will, monarchs could rule only by the grace of God. The power of the Church was equal to that of secular authorities – as it was implicitly defined in the theology of Augustinus and explicitly expressed in the theory of the two swords. However, the 13th century commenced the erosion of this political structure. The strives for investiture, the struggle between the institution of the empire and that of the papacy, the Renaissance and most of all the Reformation strongly contributed to disintegrate this structure. In the Europe of the 16–17<sup>th</sup> century the ancient form of sovereignty could not function any more, but there existed no new form to replace it. When Bodin, Grotius and Hobbes founded the theory of sovereignty, their countries were engaged in civil and religious wars<sup>4</sup>. In this period Europe got closer to the situation presently called „the state of nature”.

## 2. „The state of nature”

In the contract theory-tradition the term „state of nature” refers to a fictitious state of affairs. In this case, the most important question is what kind of common state can be achieved by the individuals who pursue exclusively their own self-interest. According to game theory, the „state of nature” may generate endless debates at its best or lead to civil wars at its worst. Besides, it involves the Pareto-inferior situation and the exploitation of common goods as well<sup>5</sup>. The above-mentioned collective failures may easily occur in the following cases:

- if the agents have intense relationships with each other,
- if their interactions depend upon many agents,
- if the common goods are unrestrictedly exploited or
- if the agents perform a defective behaviour.

In case that these conditions are fulfilled, the agents must accept a higher sovereignty at rule and accordingly develop an integration functioning as a complete whole. According to the concept of contract theory, the agents in this „state of nature” may be both the individuals who form the state and the national states constituting the integration with a supra-states sovereignty.

## 3. Sovereignty in the vestphalian system

The social philosophy and practice of the 16–17<sup>th</sup> century found the person of the dynastic monarch who possessed an absolutistic authority, to be the solution for civil and religious wars<sup>6</sup>. The concept of a new-type secular sovereignty emerged as the result of the Peace of Westphalia (1648). According to the classical paradigm, it displays the following characteristics: every territorial state forms a homogenous political system and it exerts exclusive control over a precisely defined territory and population. The authority concentrated in the hands of one single person is absolutist, total and unrestricted. Hobbes was the first theoretician to define this sort of supremacy, while Louis the 14<sup>th</sup> was the first monarch to introduce it into political practice. In the international politics based on territorial sovereignty there is a sharp difference between the internal affairs going on within the bounds of the national state territory and the affairs exterior to this space. Anything going on within state borders is considered to be an internal affair and it is the monarch who takes the final decision in these matters, which are completely beyond the competence of any other sovereign state. Due to these practically impenetrable borders, events exterior to this national territory theoretically represent no danger or harm for the country itself. With this differentiation, we can reduce the possible conflicts among the various state interests. States are independent of each other, they are not subordinate

to any higher authority. States are the basic units of action in the system of international relationships which can thus be defined with the concept of the „state of nature”.

## **4. Interior and exterior changes to the Westphalian system**

The new-type sovereignty emerging with the Peace of Westphalia had suffered plenty of changes throughout the centuries. Key issues to the interior transformation were fairness, democracy and national self-determination, while in the case of exterior relationships co-operation is gaining ever more ground alongside with confrontation. However, the international system organised on a territorial basis originally poses two main problems, despite all the reforms introduced. These problems became explicit with the technical development and the emergence of mutual dependence. The first problem is that the interior peace of a country is constructed on the expense of a potential state of war among the countries. The second issue is that the biosphere, being made ever more fragile by the enormous human intervention, cannot be exposed to the arbitrary behaviour of almost one hundred and fifty sovereign national states. The solution for these problems – as I will later argue – can be a brand new type of political system: integration over national states.

### **4.1 Democratization**

Power can be obviously shared among the different political agents. Democracy supports the institution of sovereignty: every issue is handled over to one and only one authority – a person or community – entitled to take the final decision. These authorities differ from each other. Sovereignty can be shared in various ways and democratic societies may differ as well. Moreover, cultural and moral differences make the universalization of a democratic model unnecessary. The democratization of the authority is welcome until the process does not threaten the power structure.

The concept borrowed from neo-classical economics, suggesting that the agents follow their self-interest always and everywhere, is mistaken. On the contrary, in lack of sovereignty we can't speak of the good influence of the „invisible hand” in economy itself. The reason for this is that the competitors want to win at any cost – playing by the rule if they can or against the law if their interest demands the violation of these rules. This kind of behaviour may emerge in a large variety of forms, ranging from unfair rule-changing favouring only one competitor, through corruption and even up to violence against the rivals. Only a fair competition can serve the purposes of effectiveness and only a sovereign authority can guarantee this fairness. It is another side of the problem that we can take advantage of power.

## 4.2. National self-determination

The French Revolution was the first movement to establish a national state replacing the dynastic state. The state is not anymore the exclusive property of the monarch: the nation wants to take its share of ruling. The nation and the state became identical and this process implied obvious development.

However, the concept of national self-determination does not mean that it can be realised in exclusivity within the confines of a homogenous national state. What's more, the different nations and ethnicities intermingle to such an extent that the establishment of such a homogenous national state becomes impossible to be carried out because this aim can easily engender civil or ethnic wars<sup>7</sup>.

## 4.3. Conquest and Confrontation

The exterior relationships of the territorial states changed considerably throughout the centuries. At the beginning, the contact among the states was occasional and their relationships built upon territorial sovereignty was satisfactory. If they engaged into wars, the fights concerned only a limited territory and population. The omnipotent dynastic rulers intended to obtain new territories via marriage, inheritance or conquest. Their rank (*gloire*) in the international system was defined by the seize of the territory they controlled. In the case of national states the establishment of a national unity played a considerable role in these conflicts. With economy and industry coming into the limelight, the acquirement of new resources grew to a great importance. The attempts of a sovereign authority at obtaining new territories in a world covered by equally sovereign states can be only and inevitably carried out at the expense of other countries. Any such intention to conquer will almost unavoidably lead to wars – so is the case of the First and the Second World War. However, the emergence of nuclear weapons and the possibility of an atomic war made it obvious that the Vestfalian system is not valid any longer. The state of nature that had already existed among the territorial countries – meaning a potential state of war – led to collisions of an even more unacceptable nature and seize and finally created a situation threatening with the extinction of the human kind. The system seems to have reproduced its own origins – anarchy, only at a higher level.

## 4.4. Environmental problems in the Westphalian system

The international system based on national states became questioned from the environmental point of view as well. On the other hand, the national states which tried to secure the resources needed for themselves, engaged into merciless competition for these resources. The very fact that the biosphere is coherent and finite does not in itself constitute a restrictive factor for state or non-state agents.

On the contrary, it inspires the agents of the globalizing world to engage even more into the fight for resources. The natural goods offered by the biosphere and the ecological services can be more effectively applied if the self-interest of the agents is restricted and the emerging competition is regulated. Integration should develop parallel to globalization as the regulation over global actors can be successfully carried out only in integrational rates. This way the competition for the resources could be continued on the basis of proper rules. If supremacy is transferred from the national state to the integrational units, this also means that the emphasis is shifted from the struggle for natural resources on to the protection and regulated application of these resources. Only the integral units are able to transmit – both symbolically and in practice – the coherence and finitude of the biosphere to the global actors.

On the other hand, states equipped with modern technology can do harm to other states in a way that hurts no territorial integrity. Let's consider here the contamination or possible diversion of rivers, the harnessing of migrating animals, the pollution of subsoil water and other resources, the floods caused by deforesting in countries situated at a lower level, the pollution of the air by factories of weak effectivity, acid rains and other global effects such as the ozone shield becoming ever thinner, global warming, etc.

If a state builds a nuclear power station on its territory, let's say in a frontier town, the neighbouring countries have no interference with this fact. This fact relies on the traditional preconception that state borders demarcate the countries hermetically and a possible nuclear accident in this power station would not effect the other countries in any way. However, in reality this is not the case: a nuclear catastrophe would cause serious damage in the neighbouring countries, so the security and the high technological level of the power station is of common interest.

The concept that countries are completely separated from each other by state borders cannot be sustained within the conditions of production and nature-transformation. These transformations cause regional, continental and global damages to our environment. The mutual interdependence in environmental issues has grown to such an extent that the strict separation of a state's internal and external affairs became completely senseless.

#### **4.5. Multinational corporations and integration**

The various trans- and multinational corporations play a more and more powerful role, beginning with the 1970s. These organisations are effective participants of the world engaged into a globalizational process. They are important for the purposes of environment protection as well, however, the competitiveness of these multinational corporations is partly due to the fact that their economic superiority enables them to burden the local communities and the biosphere with the major part of their expenses. They can do it easily, partly because they are able to affect

the economic laws and taxes through their enormous influence, partly because they are not under the surveillance of any authority, so they may practically function „out of law”. These corporations are theoretically bound to obey the law of the country on the territory of which they function. In fact there is no national state that could exercise a total legal control over them. There has been a considerable increase in the number of both state and non-state agents and the competition among them is becoming decisive as well. Nowadays the relationship between the global participants has been also becoming so intense that it can no longer be co-ordinated by simple mutual agreements. The international relying on the sovereignty of the national state is suffering a national crisis. The mutual interdependence has reached a level, where the assertion of the interest pursued by the actors can be levelled out only in larger integrational units. These units are reliable to restrict legitimately the behaviour required by integration or to force it out of the agents if it is necessary. If these conditions are not fulfilled, globalization is sure to lead to anarchy.

The critical diagnosis offered by the radical environmentalists about multinational corporations is acceptable in many respects, but the therapy that they suggested is completely inadequate<sup>8</sup>. A return to the national state should not be the point and nor is the struggle against the existence of multinational corporations and globalization. The solution is the creation of larger integrational units under a homogenous, supra-state authority. In a world regulated by continental integration the advantages resulting from the competition of multinational agents can freely prevail. The environmental damage caused by these corporations can also be seriously reduced within the conditions provided by legal support and fair competition.

## 5. The resolution of the problem

From an environmentalist point of view the ideal response to the globalization being extended to the whole world could be a homogenous integration and sovereignty of a similar scale, involving the whole human kind. This way, the coherent and the physical limitedness of the biosphere could be more effectively represented to the global agents, however, certain cultural reasons make such an overwhelming integration hardly possible.

On the concept of contract theory, we can interpret a national state as a place where the members of the community assume mutual responsibility for respecting certain rules and sharing certain values. However, this idea implies that they do not have similar responsibilities in their relationships to the citizens of other countries. People within a definite culture circle agree to engage into obeying similar rules and sharing similar values. In this case this agreement will be extended to each and every member of the same culture circle, provided that they can overcome their exclusive,

nationalist feelings. A stabil integration is suitable only for those people which obey similar rules and share similar values. Somehow the members of the different nations within the same culture circle have obviously agreed to obey different rules and share different values. So they cannot form a stabil integration if they renounce their identity – mutually or in a one-sided fashion – because otherwise the problem of priority of one of the sets will immediately appear. Some kind of formal federation can be achieved in this later case as well, but it will disintegrate as soon as the exterior pressure ceases.

The European Community is not the unity of European countries and nations in a geographical sense, but that of a much smaller field with people sharing the same set of values. People in Eastern Europe unquestionably share values that differ from those accepted in the Western side of the continent, so a unity of European people in the geographical sense seems improbable – regardless of any kind of economic achievement. Countries in the Eastern European culture circle seem to display features of integration. So, I think that the main issue for the nations of Eastern Europe is not integration, but which is that European culture circle that they can or will join.

In conclusion only the regional integrations represent a real solution. Processes of integration are present everywhere in the world. This process is welcome both from a political, economical and from an environmental point of view.

## Notes

<sup>1</sup> Tóth I. J.: Integráció és/vagy környezetvédelem. In: Útban az Európai Unió felé (ed. Karikó Sándor) Progress Vállalkozásfejlesztő Alapítvány Szeged 1988.

<sup>2</sup> See the different environmental movements.

<sup>3</sup> Carl Schmitt: Politikai teológia. Négy fejezet a szuverenitás tanáról. ELTE JTK, Budapest, 1992. p. 19.

<sup>4</sup> Gombár Csaba: Államoskönyv, Helikon Kiadó 1998 127.o.

<sup>5</sup> Tóth I. J.: Játékelmélet és Társadalom. JATEPress Szeged 1997.

<sup>6</sup> Gombár Csaba: Államoskönyv Helikon Kiadó 1998. p. 116.

<sup>7</sup> Moynihan, D. Patrick: Pandaemonium: Ethnicity in International Politics. Oxford University Press, Oxford, 1993. pp. 81–82.

<sup>8</sup> Korten, David C.: When Corporations Rule the World. Kumarian Press, Inc., and Berrett-Koehler publishers, Inc., 1995.

**B 163502**

