

Abstracts

Global Environmental Change and the Nation State

Frank Biermann and Klaus Dingwerth

This article outlines the theoretical problematique and some empirical knowledge regarding the impacts of global environmental change on the nation state; thereby it also introduces this special issue of *Global Environmental Politics*. We argue that global environmental change decreases the capacity of nation states to fulfill their definitional functions without the cooperation of other states. The added stress due to environmental change also increases the demand for adaptive capacities of nation states, which further diminishes their resources to fulfill other core functions. Based on an overview of the complex interplay between global environmental change and the nation state, we focus on the various ways in which the nation state may mitigate, or adapt to, the impacts of global environmental change, including horizontal diffusionism and vertical institutionalism. In summarizing the other contributions to this special issue, we further argue that a reconsideration of key theoretical concepts such as sovereignty, agency, and multilevel governance is required in order to improve our understanding of the complexities of global environmental governance.

The Role of the Nation State in International Environmental Policy

Jürgen Trittin

In this article, the German Minister for the Environment, Nature Conservation and Nuclear Safety analyzes the role of the nation state in international environmental policy. With reference to the European Union, he argues that independent national environmental policy no longer exists inside the Union. Brussels now has greater influence on environmental legislation than any nation state in Europe—a development that the minister expressly welcomes. He argues that it has proven highly useful for Union members to speak with one voice at global environmental conferences and to present a united front just like one strong nation state. On the other hand, the communitarization within Europe does not prevent members from becoming front-runners in environmental policy. The minister further calls for changes at the global level to ensure that global environmental institutions and environmental law are given much greater weight. The historic task of nation states today is to introduce global environmental legislation that is more powerful than any nation state or any transnational corporation. The German government therefore strongly favors transforming UNEP

into a world environment organization that can stand up to the WTO, the FAO and transnational corporations.

Lead Markets for Environmental Innovations: A New Role for the Nation State

Martin Jänicke and Klaus Jacob

The article discusses the role of the nation state in stimulating lead markets for green innovations. It is often feared that the nation state loses its capacity for action because of economic and political globalization. This article rejects this hypothesis. It argues that empirical research on actual environmental policies reveals that it is most often nation states that pioneer new approaches, push for advances in environmental policy, and serve as regional starting points for new 'green' technologies. The innovation and diffusion of environmental technologies and their support through national environmental policies bear the potential of a far-reaching ecological modernization.

Sovereignty Bounded: Public Trusteeship for Common Pool Resources?

Peter H. Sand

In spite of early hopes for a "fading out" of sovereignty in the face of global environmental challenges, recent codifications of international law have confirmed the creeping national enclosure of what were once considered common assets—e.g., exclusive economic zones under the 1982 Law of the Sea Convention, or access to genetic resources from the 1983 International Undertaking via the 1992 Biodiversity Convention to the 2001 Plant Gene Treaty. Yet, because of their explicit limitation and qualification by "common interest" obligations, these expanded sovereign rights of nation states must be considered fiduciary rather than proprietary. Hence, the emerging legal regime is one of international public trusteeship (sometimes referred to as guardianship or stewardship) over a widening range of environmental resources. The article traces the evolution of the trusteeship concept in modern environmental law and its ramifications for international law and governance, as reflected in current proposals suggesting a new environmental mandate for the UN Trusteeship Council.

Post-Sovereign Environmental Governance

Bradley C. Karkkainen

This article examines a mode of hybrid governance in which sovereign states and nonstate parties collaborate as equal partners to address complex problems that are beyond the problem-solving capacities of states acting alone. Under conventional state-centric approaches, environmental policy is the exclusive

province of territorially delimited sovereign states, subject only to such obligations as states incur through voluntary inter-sovereign agreements. In contrast, “post-sovereign” governance is non-exclusive, non-hierarchical, and post-territorial. These arrangements emerge from recognition of the limitations of top-down domestic regulation and rules of inter-sovereign obligation as means to address such complex environmental problems as ecosystem management. Examples are drawn from the US experience in the Chesapeake Bay region, and the joint US-Canadian Great Lakes ecosystem management effort.

**Intellectual Property Rights and Biodiversity Management:
The Case of India**

Philippe Cullet and Jawahar Raja

This article analyzes the impacts of the international legal framework for the promotion of intellectual property rights on India’s legal regime concerning the control over biological resources and inventions derived from biological resources. It focuses in particular on the newly adopted Biodiversity Act and Plant Variety Act as well as on amendments to the Patents Act and their organic relationship within the overall domestic legal framework. It analyzes these enactments in the context of the move towards the control of biological resources and derived products through property rights fostered by existing international treaties, in particular the TRIPS agreement and the biodiversity convention. This has impacts not only for control over biological resources and derived products but also more generally on the management of agriculture in India and other developing countries and the realization of food security and the human right to food at the individual level.