

The Role of the Nation State in International Environmental Policy

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There is much debate today about the force of globalization or global environmental governance. Politically, however, we still define ourselves as citizens of a particular nation state. What influence does this nation state have in a globalized world? What is the reach of national environmental policy in times of globalization?

The influence of nation states can be studied particularly well in environmental policy, for example in the field of chemicals. In 1972, Germany banned the use of DDT. This was the first law ever that banned a persistent organic pollutant. The ban was gradually extended to PCP and PCB by the end of the 1980s. Subsequently, the European Council followed and banned the placing onto the market of several persistent organic pollutants. Yet persistent organic pollutants were still produced in many other countries. Thus, the ban in Germany hardly contributed to global environmental and health protection, and the global atmospheric deposition of these chemicals continued to cause damage, even as far as in the Polar Regions.

Eventually, the executive director of the United Nations Environment Programme, Klaus Töpfer, seized the initiative to develop a legally binding agreement on the phase-out of persistent organic pollutants. This treaty—the Stockholm Convention on Persistent Organic Pollutants—was adopted on 22 May 2001, and it will enter into force after ratification by fifty states. Because of this quorum, each nation state still has an important voice in the international forum during the ratification phase. Since developing countries bear the main burden of this treaty, I support providing technical and financial assistance to these nations to enable them to ratify and comply with the agreement. Germany ratified the convention on 25 April 2002, and we expect the Stockholm convention on persistent organic pollutants to enter into force soon. In other words: it took about thirty years from the first ban at the national level to the global

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ban on the most hazardous dozen of persistent organic pollutants. Clearly, we cannot afford to spend so much time on each and every environmental problem.

Fortunately, we were much faster when it came to the regulation on biosafety, also because the initiative began here at the international level. At the 1992 Earth Summit in Rio de Janeiro, an international treaty was adopted on the conservation of biological diversity. Already three years later, in 1995, governments decided that a supplementary instrument to conserve biological diversity when genetically modified organisms are imported should be developed, the so-called Biosafety Protocol. It took another five years to negotiate the protocol. Unfortunately, the previous German government under Chancellor Helmut Kohl did not support an international treaty, as the only member state of the European Union. The international community finally developed a text that was to be signed in Cartagena de Indias (Columbia) in February 1999. At the very last minute, however, the United States, Canada, Australia, Argentina, Chile and Uruguay stopped the process. Yet the international community prevailed: in Montreal in January 2000, we approved the text of the biosafety protocol and adopted it in May 2000. I hope that the positive effects of the protocol can be felt soon (it entered into force on 11 September 2003).

Of course, Germany does not participate in such negotiations as a nation state. We can only work within the European Union, and the EU Council Presidency and the Commission act as “spokespersons” for the Union members. To put it in provocative terms: independent national environmental policy no longer exists inside the European Union. In a common market, purely national environmental policy is shortsighted and inadequate. Generally, environmental policy benefits from this situation even if the European Union sometimes initially holds back front-runners, as was the case with the ban on TBT.

Often, EU legislation is also innovative in raising standards within member states. The previous German government, for example, struggled with the modern principles of environmental law—transparency and participation—until it was voted out of office in 1998. Back then, Germany had been the only EU member that did not sign the Aarhus Convention right away. This objection had tradition within the Kohl government and bordered on boycotting EU law. The coalition of Christian-democrats and free democrats in Germany at that time only reluctantly implemented the 1985 Environmental Impact Assessment Directive and the 1990 Environmental Information Directive, and only after a five-year delay and ultimately only insufficiently.

In the field of environmental legislation, Brussels now has greater influence than any nation state in Europe. This is a development that I expressly welcome. Without Brussels, we would not have been able, for example, to achieve a high level of environmental protection concerning waste treatment of end-of-life vehicles in almost all of Western Europe. Some nations might have introduced some measures along these lines, but certainly not all. It is the result

of EU environmental policy that we will increase the recovery quota to 95 percent and the recycling quota to 85 percent in all EU member states by 2015. From 2003, there will be a ban on the use of cadmium, lead, mercury and hexavalent chromium for new vehicles. The collection and recovery obligation of the vehicle manufacturer creates the necessary dynamics for a swift implementation in practice. Therefore, I do not consider the emergence of the European Union as negative and as a deprivation of the power of the nation state. On the contrary: concerning environmental policy, 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. This has allowed us, for example, to continue the Kyoto process despite the blockade by the United States.

In addition, the communitarization within Europe does not prevent members from becoming front-runners in environmental policy. For example, even though Germany has a 31 percent share of nuclear power in its energy mix, we have decided to phase out nuclear power. Within nine years, half of all nuclear power plants in Germany are to be taken off the grid, and all remaining plants by 2020. At the same time, we have started to expand the use of renewable energies and have developed an ambitious climate protection program, which comprises also the construction and transport sector. We have committed ourselves to a 21 percent reduction in emissions of the six major greenhouse gases by 2008/2012, and, in 2002, we have already achieved a 19 percent reduction. Our energy and climate protection policy is a success at the national level. It is for this reason that we were successful in enforcing our proposal in the climate negotiations in 2001 in Bonn that the construction of nuclear power plants in developing countries will not be recognized as an offsetting measure within the Clean Development Mechanism.

The influence of the nation state can therefore be considerable. This creates a new reality in global environmental policy. It will also force those who have stood on the sidelines to follow this path, since climate policy is a policy of comprehensive modernization that comprises most areas of life. Whoever does not participate in this ecological modernization misses the opportunity of modern efficiency technologies and new expanding markets for renewable energies technologies. Once the Kyoto Protocol enters into force, there will be an economic incentive for all countries to participate.

Thus, as a policy-maker, it is difficult for me to give a fundamental answer to the question on the relationship between global environmental change and the nation state in this special issue of *Global Environmental Politics*. The answer varies from case to case. At times, an innovative country may be held back by international regulations. On the other hand, at the international level it is possible to establish facts and to put pressure on those lagging behind as we have now experienced with the political agreement on the energy tax harmonization in the European Union. Another good example is the recent decision on an

emissions trading scheme in the European Union. It is the first region in the world that has made this fundamental decision. The relationship is thus an interplay in which it will always be important that some nations accept a leading role. Not because of their position as a world power, but because of proven success in their own country. I would welcome, for instance, the Swiss transport policy, which promotes rail transportation, to become an international standard.

More fundamentally, we also need to bring about changes at the global level itself. Our priority must be to ensure that global environmental institutions and environmental law are given much greater weight. For example, world trade law must not have any priority over environmental law. Nowadays, the global economy puts trade interests ahead of everything, especially environmental protection, human rights and labor standards. To counter this, we need global rules to guarantee the protection of our environment and the respect of human dignity. National governments should introduce a comprehensive regulatory framework that educates international corporations on environmental and social policy. In a global economy in which Monsanto, Microsoft and Wall Street are so much more powerful than any country, nation states alone can no longer ensure environmental protection. The historic task of nation states today is therefore to introduce global environmental legislation that is more powerful than any nation state or any transnational corporation.

Fortunately, we succeeded in incorporating environmental issues into world trade talks at the World Trade Conference in Doha. The relationship between international environmental agreements and the world trade regime, the promotion of environmentally sound goods and services, the abolishment of environmentally harmful fishing subsidies and the protection of biological diversity will now be on the trade agenda. Similarly, unfair trade regulations and high export subsidies for agriculture and textiles in industrialized countries must also be addressed, as they cost developing countries two billion U.S. dollars per day. The unfair protectionism of industrialized countries must be overcome as a matter of urgency. Despite the progress made in Doha, this issue has not yet really been addressed. Much will depend on who is willing to “enter the ring” and fight for the environment.

Enforcing the sustainability of the global economy will hardly be possible without strong global institutions and organizations. For this reason, the German government strongly favors transforming UNEP into a global environment organization. We need a strong world environment organization that can stand up to the WTO, the FAO and transnational corporations. Global environmental policy also requires additional funds. Protecting the climate, biodiversity and international water resources cost money, particularly in developing countries. For this reason, a global environmental organization should not be solely dependent on contributions from member states. Instead, we should identify additional financial sources based on the polluter-pays principle. Global goods are

valuable. Hence, they should not be used for free, as for instance in air and maritime transport. A price on these goods would reduce the level of use and would make global environmental institutions less dependent on contributions from governments.

One of the main problems in global environmental policy, if not the main problem, is the fact that our awareness is strongly defined at a national level. Let me give an example: the Green party would not win the next Bundestag election just because it urges the World Trade Organization to respect international environmental agreements or to make protecting the foundation of life on earth a priority. Not even with climate policy can one win elections, as my party sadly discovered in 1990. Elections in Germany, as elsewhere, are fought on national issues, not on international finance policy, global poverty eradication or climate policy.

In other words: in the political arena, we are one step behind globalization. We still have an individual and collective national identity—only few of us are already global citizens with a global identity. However, as not only every global player but also every consumer in the supermarket and every car-driver is today a global actor, I feel it is imperative to develop a global awareness. If not we will fail because we will continue to be faced with the frustrating misunderstandings that can prove to jeopardize conferences and major political projects such as climate policy: any national politician who wants to reach an environmental agreement at the international level is faced with a real problem should this agreement result in costs for a major group in his or her own country, or affect the country's position as a business and industry location. So long as the national dialogue lags behind the needs of the present, international environmental policy stands little chance. The simple truth is that politicians want to be re-elected. Hence we need voters with a global awareness for whom sustainability and the future of this planet is more important than current national politics. The discussion on global governance is too often distanced from the citizens of this world. However, politics cannot work without citizen participation. In a democracy, it is always the citizen who is the sovereign. Global environmental governance needs a solid base: citizens with environmental awareness and commitment and with long-term thinking.

So how can we define the role of the nation state in times of ecological and economic globalization? Zarathustra said, "I love him who scatters golden words in advance of his deeds and always does more than he promises. For he seeks his own down-going."

This would be my answer to the core question of this special issue of *Global Environmental Politics*: Nation states must recognize that their importance as a source of national identity is coming to an end. They must even advance this on-going process constructively to save our planet. In the future, we will need people who think globally and people with a sense of global responsibility. The core interest is survival and prosperity for all. The strategy must be sus-

tainable economic practice across the globe. For this reason, global environmental regimes and active regions must be allowed greater influence.

It was very important for me as a policy-maker to take this opportunity to outline my scope of action in this collection of essays. Developing a sustainable global economy is crucial. At the same time, it is probably the greatest political challenge that humankind has ever taken on. And we are only beginning.