

# The Role of Sovereignty in Climate Politics: From Obstacle to Ally?

**Abstract:** Can political sovereignty still be theoretically and practically useful in tackling climate change in a socially fair way? The global nature of climate change unequivocally demands a high degree of international coordination. Traditionally viewed as an impediment to effective climate action, sovereignty has been criticised for fostering nationalistic and isolationist tendencies that obstruct global environmental cooperation. This paper challenges the prevailing “sovereignty-as-enemy” thesis and argues for a nuanced reappraisal of sovereignty as a potentially valuable asset in addressing the climate crisis. This paper posits that sovereignty can be a critical tool for promoting decisive and equitable climate policies by examining its historical and theoretical underpinnings and complex relationship with neoliberal globalisation. The argument is rooted in a multidisciplinary literature comprising critiques of the neoliberal economy and globalisation model, the erosion of states’ sovereign prerogatives, critiques of neoliberal environmentalism, the interaction between trade and climate regimes, and the intellectual history of sovereignty. The public-private dichotomy is identified as a significant feature of sovereignty in times of climate change.

**Keywords:** sovereignty, climate politics, neoliberal globalisation, public-private divide.

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<sup>1</sup> This article has been written under the guidance of my Ph.D. supervisor, Roberta Sala. (Full Professor of Political Philosophy, Faculty of Philosophy Vita-Salute San Raffaele University).

## Introduction

Sovereignty is a highly polysemic notion (Walker, 2020, 370-1), having been revisited multiple times in different historical phases to achieve diverse political goals. Those have included the legitimisation of centralised states and monarchies, the legitimation, more infamously, the background for 19th and 20th centuries militarist nationalisms. Moreover, the concept has been deployed in postcolonial nations' struggles for independence and national liberation. Currently, populist and nationalistic movements have appropriated the vocabulary of sovereignty to reject globalisation and progressive liberal politics (Paris, 2020). All the more frequently, populist-sovereignists from the Right have rejected progressive environmental politics and sometimes supported climate-sceptic positions (Vanderheiden, 2020, 184).

It is perhaps unsurprising that in political theory and environmental studies, the relationship between sovereignty and environmental protection – specifically between sovereignty and climate politics – is generally articulated negatively. Let us name this the “sovereignty-as-enemy thesis” (Litfin, 1997, 168). The mainstream position in Environmental Political Theory, International Relations, and climate justice studies regards sovereignty as a *direct obstacle* to successful climate action, “a relic of a bygone era in which significant transboundary issues did not exist” (Vanderheiden, 2008, 90; cf. Litfin, 1997, 194; Eckersley, 2004, xi). Over the last four decades, the mainstream approach to environmental policymaking (“neoliberal environmentalism”, NE) has assumed roughly the same attitude against political sovereignty, opting for market-friendly policies and soft regulation (Fletcher, 2010; Dent, 2022).

The global nature of climate change is a radical and multifaceted challenge to the legitimacy of state sovereignty and the interstate system in general. Returning to (or persisting in) a world of purely national interest-driven and unconstrained sovereign states is not ideal. Nonetheless, this article aims to rectify the sovereignty-as-enemy thesis partially and show that the concepts, pra-

ctices, and values deeply associated with the “sovereignty frame”<sup>2</sup> (Walker, 2020, 372) can be valuable in promoting resolute and fair climate action. Four main considerations back this position:

1. The evils of the displacement of political sovereignty have been, over the last decades, a common critique against neoliberal globalisation (cf. Davies, 2014; Mitchell & Fazi, 2017) if we accept the premise that neoliberal capitalism as a variant of capitalism is more conducive to environmental destruction and loss of political capacity than other forms of capitalism (or alternative models of political-economic organisation) (Klein, 2014; Stoner, 2020; Parr, 2015), that would candidate sovereignty – e.g., *qua* a bulwark against “egoistic economic actors” and environmentally detrimental clauses in free-trade agreements (Liftin, 1997, 168,

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<sup>2</sup> Adopting Walker’s “sovereignty frame” account, I refuse to validate one particular ‘essentialist’ definition of sovereignty (e.g., ‘sovereignty is merely the principle regulating supreme authority in a state’) as an oversimplification or a “descriptive fallacy” (Walker, 2003, 6; cf. Bartelson, 2014, 4-5), hence not reflecting the irreducible polysemy and ambiguity of the ‘concept’ of sovereignty. By essentialising sovereignty into one particular and contingent definition, we make it too easy prey for sovereignty’s most bitter critics (e.g., Herzog, 2020, 290). Instead, the frame approach assumes sovereignty as a network of concepts, practices, values, and symbols that are kept together by a common history of being associated with a common interdisciplinary vocabulary that always exceeds any sectorial technical vocabulary (e.g., the use of “sovereignty” in constitutional theory or IR) (Koskeniemi, 2010, 222). Sure enough, a strong historical connection to the nation-state is part of the framework, but there is no reason to assume that the frame is reducible to any of its elements. Popular sovereignty, the “autonomy of the political” and public power from economic-private interests, and a normative attachment to the common good are also there (Loughlin, 2003; Duke, 2019). Moreover, the sovereignty frame is almost co-extensive with the (at least Western) tradition of political and legal thought. Therefore, despite some rejecting the sovereignty frame as not apt for the Anthropocene (e.g., Latour, 2016, 15–6), the frame is hardly escapable, whether we like it or not, to approach even transboundary global issues (Walker, 2020, 370; Matthews, 2021a; 2021b), at least if we are committed to retaining some of the institutional arrangements of constitutional democracy and public power (Vanderheiden 2020). Furthermore, an absolute cosmopolitan rejection of sovereignty as it was one coherent bloc risks triggering sovereignty to ‘come back’ as a “boomerang” (Walker, 2020, 370-1) or a “phantom” (Benhabib, forthcoming), possibly associated with the most undesirable elements in the frame (e.g., authoritarian rule, exclusionary practices, ‘walled states’). By adopting the framework approach, I intend to highlight sovereignty’s “theoretical and practical role as an imaginative framework for collective action” (Leijssenaar & Walker, 2019, 5) and especially to make explicit that, if we are to understand sovereignty claims as they are articulated today, the axiological-normative dimension of the sovereignty frame are not to be overlooked. The bottom line is that we should not replace the sovereignty frame entirely unless we are sure it does no explanatory or normative work for us anymore (Walker, 2003, 31; Grimm, 2015).

- emphasis added; Gümplová, 2014, 102) – as a potentially valuable asset to criticise and reform the current socio-economic model and environmental governance regime.
2. Sovereign states are here to stay. We live in a world of sovereign states regardless of cosmopolitan scholars' well-intentioned critiques of sovereignty, and sovereignty never ceased to be a fundamental component of the language of environmental treaties (cf., e.g., the UNFCCC treaty). The stringent timeframe for political action for meaningful climate mitigation, as well as the urgent need for climate adaptation strategies (IPCC, 2023, 19), paired with the fact that we live in a world where sovereign states are still among the most influential political actors and have unique capabilities, resources, and legitimacy to transition quickly towards net-zero scenarios (IEA, 2022, 26), makes reinvesting in political sovereignty preferable to other possible ways to manage the climate crisis (private solutions, creation of novel post-sovereign political entities from scratch, or downscaling sovereignty to the local level).
  3. As climate change gets worse, it will likely act as a “threat multiplier”, exacerbating geopolitical tensions and inequalities and menacing the existence of fragile states (rather physically, in the case of some small island states) (Werrel & Femia, 2016; Moore & Roberts, 2022). Many have seen the pandemic as a “dress rehearsal” for the future climate crisis worsening (Matthews, 2021b, 171). A warmer planet will almost inevitably require more from existing state apparatuses just for the sake of preserving order, which implies a *return of sovereignty* to manage a “constant state of exception” (Habtom, 2023) in the shape of (more or less benign forms of) eco-authoritarianism (Mann & Wainwright, 2018; Coeckelberg, 2021; Mittiga, 2022).
  4. If a return to sovereignty is mostly inevitable, we ought to make sovereignty ‘look’ as good as possible. Despite past and present misuses, political sovereignty constitutes a conceptual, practical, and axiological framework connecting

political authority and political capacity to normative elements such as pursuing the common good (*salus populi*). This indicates the *prima facie* adaptability and potential for climate politics of sovereignty. We are presently experiencing, on the one hand, the most undesirable elements associated with sovereign power resurfacing as a response to the shortcomings of neoliberal globalisation (i.e., in the populist-nationalist backlash) and, on the other hand, a growing consensus on the need for state intervention in the economy to foster and manage the energetic transition (IEA, 2022; Dent, 2022). In the face of contemporary regressive appeals to national sovereignty and the risk of eco-authoritarian tendencies in the face of a worsening climate crisis, we have a moral and political obligation to let the positive connotations of sovereignty emerge.

The bottom line is that in the face of the failure of four decades of climate responses inspired by neoliberal environmentalism (NE), based on market-based instruments (MBIs), commodification of nature, and soft-law corporate regulation (Fletcher, 2010), and top of the social and economic failures of neoliberal globalisation in general, sovereignty ought to be reframed as a critical tool against the deep political-economic roots of our slow-paced and (at best) ultimately ineffective climate governance model.

## **Sovereignty-as-enemy vs. sovereignty as a resource for climate politics**

The current discourse about sovereignty and the environment<sup>3</sup> is frequently associated with nationalistic and populist political forces that ally with climate sceptic positions and impede the green

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<sup>3</sup> This is not to say that the sovereignty-climate nexus is a popular theme in the literature. An explicit treatment of the sovereignty-climate nexus remains rather infrequent, except for scholars analysis some partial aspects of the nexus – including the consequences of the rising sea level on small island nations’ sovereignty and existence (Sharon, 2019), Indigenous people’s sovereignty (Tramel, 2018; Liddel et al., 2022), the issue of climate refugees (Atapattu, 2014), the threat against fragile states and the sovereignty-based world order (Werrell & Femia, 2016).

transition in the name of a supposed national interest (Paris, 2020, 20; Vanderheiden, 2020, 184). Consequently, the mainstream position<sup>4</sup> in Environmental Political Theory, IR, and studies in climate justice regard sovereignty as a *direct obstacle* to successful climate action, “a relic of a bygone era in which significant transboundary issues did not exist” (Vanderheiden, 2008, 90; cf. Litfin, 1997, 194; Eckersley, 2004, xi). Territoriality and territorially-bound notions of responsibility, deeply seated in the “sovereignty frame” (Walker, 2020, 370), are considered major ‘stumbling blocks’ on the path towards effective environmental protection (Latour, 2018; Dalby, 2021; Harris, 2021; Walewicz, 2022). Furthermore, sovereignty is undoubtedly an anthropocentric concept (Matthews, 2021a; 2021b; Latour, 2016, 15–6; 2017; 2018) that does not attribute any intrinsic value to non-human nature if not as a ‘natural resource’<sup>5</sup>. Sovereignty is also deeply associated with “national interest” and security, which often run against international cooperation or the pooling of sovereignty into supranational environmental institutions (Camilleri & Falk, 1992, 192; Gardner, 1996, 133; Elliott, 2008, 206).

The pro-sovereignty camp is minoritarian, and its boundaries are uncertain. Some argue that climate change may lead us towards global sovereignty, eco-authoritarianism and, in general, stronger instances of political authority (Wainwright & Mann, 2018; Latour, 2018; Coeckelberg, 2021; Mittiga, 2022). Interestingly, as a sign of a recent surge in interest for sovereignty and the ‘Leviathan’ in contemporary green political theory, one analogy is taking hold across disparate literature strands and political stances, i.e., the idea that ‘*we*’ are now *contemporary to Hobbes* (Latour, 2017; Vanderheiden, 2020; Matthews, 2021a; Coeckelberg, 2021) – in the sense that, as Hobbes elaborated his account of political authority amidst (and because of) widespread social unrest, we ought to be as theoretically creative as he was. However, it is rarer to meet an argument explicitly aimed at defending the progressive value of sovereignty in the context of climate change. Some scholars have highligh-

<sup>4</sup> These positions echo a wider array of critiques of sovereignty outside of the environmental domain, e.g., by cosmopolitan political theory (cf. e.g., Herzog, 2020; Benhabib, 2009).

<sup>5</sup> As testified by the relevance in international law of the principle of permanent sovereignty on natural resources (PPSNR) (cf. Mancilla, 2021).

ted that, despite being non-ideal, the sovereignty framework is inescapable, and we ought to reform it to make it more “apt for the Anthropocene” rather than abandoning it (which would turn out to be utopian) (Matthews, 2021a; 2021b)<sup>6</sup>. Moreover, there is a connection between the pragmatic argument concerning the inescapability of sovereignty and the positive treatment of sovereignty scholars and activists stressing the importance of *effective* political sovereignty for Global South countries as a condition for a fair global transition (Ajl, 2021; Klein, 2014; Menotti, 2007).

Scholars in the “green state” debate argued that states could help shape an effective and just global environmental governance structure by appealing to democracy, active participation, and a cosmopolitan global justice, on top of the capacity to mobilise resources and legitimacy on unparalleled scale (Eckersley, 2004; 2020; Litfin, 1997; 1998; Conca, 2019; Duit et al., 2016; Barry & Eckersley, 2005). However, only a few in the Green State debate, such as Robyn Eckersley, focused specifically on sovereignty (Eckersley, 2004)<sup>7</sup>. Nevertheless, contributions concerning sovereignty within the green state debate and green state studies, in general, have been widely marginalised in the academic debate and in the guidelines of global environmental and economic institutions over the last three decades (Dent, 2022).

However, despite some recent exceptions (cf. Vanderheiden, 2020), Environmental Political Theory has devoted little consideration to the *potential* of sovereignty and its semantic history as a critical and normative tool to address current economic and political constraints on climate action<sup>8</sup>. Additionally, despite some sparsely hints throughout very different kinds of literature (cf. Mische, 1989;

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<sup>6</sup> Even those aiming to develop alternative institutions to the modern nation-state—whether on a larger or smaller scale—must adapt the concept of sovereignty to establish the new polity (Vanderheiden, 2020, 239-40).

<sup>7</sup> Her position can be condensed as it follows: “Sovereign territorial rule is not necessarily ecologically problematic if it is contextualised and qualified by, say, ecological standards of membership, ecological standards of democratic legitimacy, or new ecological rights and responsibilities of states” (Eckersley, 2004, 232).

<sup>8</sup> This is also true the other way around: political and legal scholars who study sovereignty have often failed to appreciate the full relevance of climate change to their topic (Matthews, 2021a, 45).

Penz, 1996; Mitchell & Fazi, 2017; Bosselman, 2020; Coeckelberg, 2021; Piketty, 2020), a defence of sovereignty as a valuable asset for climate politics in an anti-neoliberal fashion – as a principle connecting popular legitimacy and democracy to the (relative) “autonomy of the political” and the “public” from economic forces and private interests (Loughlin, 2003, 56) – has yet to be elaborated fully.

## Sovereignty, the private-public distinction, and the ‘common good’: hints of a genealogy.

What follows will especially privilege one aspect of the history of sovereignty: its intertwining with the private-public distinction, the normative commitment to the common good, and its “neutralising” aspect. As Carl Schmitt points out, the modern state lays the theoretical foundations of the private-public distinction as it overcomes the anarchy of the feudal estates, churches, and guilds (Schmitt, 1996, 56, 71). Sovereignty has always been intertwined with private ends, such as the protection of private property rights (e.g., in John Locke) (cf. Ruggie, 1983) and the execution of private (economic) goals to be enforced through (public) military, e.g., in the colonisation process (Arrighi, 2010). Nonetheless, the very existence of the public-private dichotomy makes it possible, in the last instance, to conceive *public* interventions in the name of the general interest, regardless of their sometimes twisted historical uses. This loosely corresponds to Cicero’s account of a republic as qualified by the principle that “The health [welfare, good, salvation, felicity] of the people should be the supreme law”) (*De Legibus* [c.51BC] Bk. III. ch 6; quoted from Loughlin, 2003, 63). Indeed, as Norberto Bobbio highlighted, “public” and “private” are distinguished primarily by a fundamental *normative* criterium, namely “that of the different persons and situations to which the general notion of *utilitas* applies”: the utility of the private citizens and the utility of the community as whole (Bobbio, 1989; cf. Cordelli, 2020, 14). Consequently, connecting sovereignty to the ‘public’ side of the public-private divide means connecting sovereignty to a normative ideal of the common good – in other words, to make sovereignty the



principle articulating the fiduciary relationship between political authority and its subjects (Fox-Decent, 2011; Bosselmann, 2020).

By “neutralisation of private (or secondary) powers”, I refer to the process of counteraction of “indirect powers”<sup>9</sup> (feudal, religious, “private” economic interest groups) by the centralising state in the late medieval age and early modernity and the creation of a “public sector” (vs. private) in economic terms. Sovereignty emerges here as a “final” and “supreme” authority, which is the “expression of public power” (Loughlin, 2003, 67) – more exactly, an “institutionalisation of public authority within mutually exclusive jurisdictional domains” (Ruggie, 1983, 275)<sup>10</sup>. Jean Bodin (1530-1596) offered the first account of sovereignty as a comprehensive, single secular authority that is autonomous and superior to any ecclesiastical or private power (Walker, 2020, 384; Philpott, 2020). Subsequently, Thomas Hobbes (1588-1879) emphasised the necessity to neutralise secondary power and create the conditions for true political supremacy by limiting the excessive power of towns and of corporations, which he describes as dangerous sub-commonwealths inside the Commonwealth (“wormes in the entrayles of a naturall man”), and of private monopolies (Hobbes, 1996, 229–30; Barkan, 2013, 37). Therefore, the emergence of sovereignty establishes the origin of the private-public distinction in the modern age.<sup>11</sup>

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<sup>9</sup> I borrow the term “indirect powers” from Carl Schmitt (1996, 73-4) to generalise what we would recognise as private powers today. A synonym could be “intermediate powers” (Grimm, 2015, 24). I chose not to use the term ‘private’ because its use for the Middle Ages and early Modernity is problematic, as I argued in the previous sections, the private-public distinction, as we presently understand it, was largely ‘in the making.’ In Schmitt’s use, ‘indirect’ refers to the indirect rule exercised by unofficial actors, granting them immunisation from political accountability (cf. Schmitt, 1996, 74).

<sup>10</sup> “Finality” (i.e., having the final decision over a particular domain) and “Supremacy” (i.e., having supreme authority over a territory) as attributes of sovereign power can be traced back at least to 13th c. France (Grimm, 2015, 4–15; Walker, 2020, 383; Philpott, 2020). In the pre-sovereignty medieval times, for example, if a “final word” even existed, it was the effect of a systemic output rather than being concentrated in a single authority. The deliberation comprised powers and actors that today we would understand as private (guilds, monasteries, local feudal lords, churches, banks, merchants, and comuni) (Anderson, 1979; Walker, 2020; Arrighi, 2010; Bellamy, 2006).

<sup>11</sup> Strictly speaking, a “birth” can only be relative to modernity since Roman law clearly distinguishes between public and private law (Bobbio, 1989), indirectly affecting modernity through ancient law scholars.

Although the distinction has not conserved a stable meaning in the last four centuries (Cordelli, 2020, 22), it is particularly interesting to emphasise a possible analogy between the pre-sovereignty lack of distinction between private and public powers and actors and our current political situation that, for this reason, is sometimes termed “neo-feudal”<sup>12</sup>. From this perspective, sovereignty might represent a progressive force against the evil of re-feudalisation.

## The “erosion” of state sovereignty, the blurring of the public-private divide and the role of free-market globalisation.

Despite the commonplace idea of sovereignty being “eroded” within the globalisation process, the “erosion thesis” needs some clarifications, which leads us to the public-private distinction and its connection with sovereignty. It is broadly assessed that the market-versus-state opposition, as well as the supposed “autonomy” of free markets or even their factual degree of “freedom”, are largely political myths and that the state’s role in setting up and supporting neoliberal globalisation was (and is) crucial (Polanyi, 1944/2024; Davies, 2014; W. Mitchell & Fazi, 2017; Peck, 2010). Moreover, international law (including multilateral environmental agreements,

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<sup>12</sup> Over the last two decades, and especially in the last, numerous scholars argued that pre-Westphalian conceptions of sovereignty were re-emerging (Philpott, 2020; Paris, 2020). In particular, the literature on “re-feudalization” (or “neofeudalism”) has pointed out how mature neoliberal capitalism partially reversed the original neutralisation of indirect powers accomplished by the sovereign state by providing (especially high-tech) TNCs and financial powers unprecedented shares of power, creating an a-political, centreless global governance system, new dependencies and hierarchies, and questioning the public-private dichotomy (Dean, 2020; Cordelli, 2020). Putting sovereignty back at the centre means bringing together the neo-feudal critiques of neoliberal capitalism to overcome its general lack of democratic accountability and control, especially concerning environmental issues. It should thus revive the original “neutralising” function of sovereignty during the shift from the polyarchic medieval system to the state-led political modernity to reaffirm the prevalence of a public sphere (*salus publica*) and its interest over the neoliberal resurface of feudal features (Dean, 2020). Given the inefficiency of the current global environmental governance model, scholars have already begun to question the durability of the current model and to foresee a return to state-centric or, in general, more hierarchical forms of environmental governance (Brad et al., 2022).

MEAs) still recognises “sovereignty” and “national interest” as foundational elements (Philpott, 2020). International legal sovereignty is not at risk – at least for rich nations well above sea level (Badri-narayana, 2010). Therefore, although now acting under different settings, neither domestic nor Westphalian sovereignty underwent essential changes during the neoliberal era.

Appreciating the normative content of the private-public divide provides a clearer picture of “neoliberal sovereignty”: what has undergone the biggest shift is in *whose name* sovereignty is currently exercised. In the neoliberal sovereignty regime, sovereignty’s main source of legitimisation is to be found in preserving the optimal functioning of the machine of private capital accumulation – to sustain markets and *create* them when needed (Harvey, 2005) – as the economy itself was the real repository of sovereignty. As neoliberal ideas became increasingly mainstream, sovereign states increasingly appropriated market logic to justify their legitimacy, recognising a sort of “immunity from critique” to macroeconomic policies through a recurrent appeal to technical necessities to justify existing or new liberalisation policies (Davies, 2014). Rather than a substantial weakening of sovereign states vis-à-vis private powers, what happened is that neoliberal sovereignty itself, hyperbolically speaking, went from *public* to *private* – in this sense, Chiara Cordelli uses the formula “the privatised state” (Cordelli, 2020). Under the hegemony of free markets and influential private actors, “legal and executive power blend with forms of economic rationality”, generating a “sovereign-economic ambivalence” in neoliberal sovereignty (Davies, 2014, xii). Although the crucial decisions that bind states to the new governance model have primarily been taken by sovereign states spontaneously, contrary to the “there is no alternative” rhetoric, sovereignty was indeed turned into a “bipolar governance machine” oscillating between sovereign power and the economy (Vogl 2014). A blurring between private and public spheres has reportedly been a trend in national and international politics over the last decades, and public decision-making became increasingly informalised as private actors became involved in norm-making governance networks (Hadfield 2009; Williams

& Zumbansen, 2011; Zumbansen, 2013; Davies, 2014; Cordelli, 2020; Callison, 2014). Private-public partnerships, privatisations and out-sourcing of state's functions have been promoted in the name of efficiency by "New Public Management" (NPM) from the 1980s onwards (Dardot & Laval, 2013; Davies, 2014). Additionally, TNCs reportedly reinvested their growing power to infiltrate regulative agencies to favour self-serving legislation (Barley, 2007) and exert "criminal negligence" in the context of corporately funded disinformation campaigns (Torcello, 2022). In the process, sovereignty merged with private corporate power: the state began aspiring to work as a firm, competing against other states and private firms in a global positive sum game, while corporations and financial firms acquire a quasi-sovereign power, confronting sovereign powers almost as equals (Barkan, 2013; Vogl, 2014).

For what concerns climate and environmental governance, studies underscore the same neoliberal slip from a "public", state-led international cooperation to a private-public mixed governance model ("transnational arena of climate governance") where states are just a part of the actors involved (public agencies, private firms, private-public hybrid solutions, entirely private mechanisms, transnational networks of sub-national entities and cities) (Pattberg & Stripple, 2008; Vatn, 2018). The hegemonic solution for environmental protection under neoliberal environmentalism has been systematically delegating to markets the management of natural resources or creating new markets for resources particularly difficult to commodify, such as the atmosphere (Fletcher, 2010; Stoner, 2020; Dent, 2022). Concerning global environmental governance, it progressively developed as a decentralised, multistakeholder, multilevel decision-making process (Pattberg & Stripple, 2008) as it was formalised, for example, in the Paris Agreement of 2015 (Bäckstrand et al., 2017). As in the case of neoliberal globalisation in general, within environmental (and climate) governance, the state still retains an important role in setting up and regulating market mechanisms such as carbon markets. Overall, critical environmental politics studies tend to be very sceptical of Global Environmental Governance (GEG) as a panacea for

any environmental problem in neoliberal globalisation, as GEG research “tends to overrate the democratic potential of GEG [...] largely ignoring the root causes of socio-environmental problems by eliding questions of power and interest” (Brad et al., 2022).

## Critiques of neoliberal globalisation

Critics of neoliberal globalisation, including anti-capitalist scholars<sup>13</sup>, see the territorial state and/or popular democratic sovereignty as a possibility of resistance against the harms of neoliberal globalisation, sometimes overlapping with the claims of (especially left-wing) populist movements (Kallis, 2018; W. Mitchell & Fazi, 2017; Piketty, 2020). They condemn national autonomy erosion by private economic actors, rating agencies and international economic institutions (Vogl, 2014; Callison, 2014) and complain about the weakening of democratic control and accountability of neoliberal governance (Crouch, 2004; Brown, 2017; Mouffe, 2018; Kallis, 2018). In their view, among other factors, growing economic-political inequalities and the demise of the “public” made our societies more vulnerable to crises that require radical political decisions and collective action in the name of the public interest, accountability, and fairness in the cost distribution (Klein, 2014; Piketty, 2020; Mazzucato, 2015; 2024)<sup>14</sup>.

Following these insights, the present proposal is meant to underline the possibility of using the “sovereignty frame” (Walker,

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<sup>13</sup> Some scholars, following an ecological Marxist insight, have affirmed a structural incompatibility between capitalism and adequate climate response, mainly due to the degree of GDP degrowth that would be necessary to match significant emission reduction (M. Li, 2020; Wainwright & Mann, 2018; Malm, 2020). Either way, a more interventionist approach to policymaking and regulation, driven by the public interest and long-term planning, still appears better than business-as-usual. Interestingly, some eco-socialist scholars, generally dismissing the statist frame as irremediably compromised with capitalism, also recognise the green potential of public power vs. private interests (e.g., Malm, 2020).

<sup>14</sup> Regarding the fossil fuel industry, Timothy Mitchell argued that Western democracies' oil dependence on the undemocratic Middle East caused an impoverishment of political life in the West and a structural inability to counteract the causes of the climate crisis (T. Mitchell, 2011). Moreover, fossil fuel extraction's high technology- and capital-intensiveness causes a small set of massive corporations to rule the market, concentrating political power and using their influence to obtain self-serving regulation (Edou et al., 2022).

2020) to restore the partial autonomy of a “public sphere” as a democratically accountable (but not necessarily nationally based) political space dominated by the public interest, avoiding nationalistic and identarian ends<sup>15</sup>.

## “Free” markets and TNCs vis-à-vis the environment

Despite growing concern in the business world for climate change and new “green” corporate theories (Benjamin, 2021), neoliberal globalisation is still far from environmentally friendly. Some critical scholars created the term “neoliberal environmentalism” (Stoner, 2021) as an umbrella term to criticise the dominant environmental governance model of the last four decades, as opposed to previous state-led environmental regulation policies during the 1960s and 1970s (Wright & Nyberg, 2015). In a way, the inadequate climate response has arguably been caused by the “bad timing” between neoliberal capitalism and the securitisation of climate change (Klein, 2019)<sup>16</sup>. Both free-trade globalisation and multilateral environmental agreements (MEAs) on climate change took off during a key transition phase between the late 1980s and early 1990s<sup>17</sup> (Klein, 2014, 83; Wright & Nyberg, 2015; Rich, 2019), exactly while an internationalising free-trade variant of neoliberal economic ideas was spreading among international

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<sup>15</sup> In the perspective of using ‘sovereignty’ in an anti-neoliberal fashion, one possible objection needs to be anticipated concerning its similarities to some sovereigntist and populist movements, which are usually associated, among other negative traits, with climate scepticism. In light of this, Thomas Piketty recently accentuated what is at stake in the debate on sovereignty while arguing for a new green socialist project: “[it] must be internationalist in its ultimate objectives but sovereigntist in its practical modalities,” adding that “the difficulty is that this universalist sovereignty will not always be easy to distinguish from the nationalist type of sovereignty that is currently gaining momentum” (Piketty, 2020, 21).

<sup>16</sup> As Klein sums up, “climate change is a collective problem demanding collective action on a scale that humanity has never actually accomplished. Yet it entered mainstream consciousness amid an ideological war being waged on the very idea of the collective sphere” (Klein 2019; cf. 2014).

<sup>17</sup> UNFCCC and NAFTA were signed in 1992, the WTO was instituted in 1994, and the Kyoto Protocol was signed in 1997.

institutions and national governments and replacing the Keynesian-Fordist compromise (Harvey, 2005; W. Mitchell & Fazi, 2017; Linsi, 2020). Nevertheless, free trade and free market were prioritised over environmental concerns every time they clashed significantly. Several times, free trade agreements, especially the WTO<sup>18</sup>, reportedly overshadowed green energy domestic policies due to alleged discriminatory policies against foreign firms (Zhang & Assuncao, 2001; Menotti, 2007; Condon, 2009; Green, 2008; Lee, 2012; Klein, 2014)<sup>19</sup>. Furthermore, the so-called investor-state dispute settlement (ISDS) legal mechanism, allowing private investors to sue sovereign states directly through international arbitrations, has reportedly trumped sovereign states' capacity to enforce environmental protection (Tienhaara, 2010; Tienhaara, 2018; Berge & Berger, 2021; Moehlecke, 2020)<sup>20</sup>.

These are clear-cut examples of how external commercial and financial constraints on state sovereignty can undermine a state's climate action and determine the inefficiency of a

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<sup>18</sup> However, the WTO is not the only international organisation trumping environmental concerns and the efforts to address them under the UN: similar results are to be found in the clash between emission targets agreed upon at UN Climate Change conferences and other international organisations, such as the International Monetary Fund (IMF) or the World Bank (WB), which promote conventional (neoliberal) strategies of economic growth (Biermann, 2014). This is despite Kyoto's Art. 2 allowing "Annex 1" (developed) countries a degree of flexibility in domestic policy to meet their carbon commitments. Moreover, shifting the focus on limiting sovereign state's possibility to regulate in the public interest via the ISDS mechanism, rather than on lowering trade tariffs, seems to especially be a trend for the latest range of free-trade agreements, e.g., Trans-Pacific Partnership (TPP) and the proposed Transatlantic Trade and Investment Partnership (TTIP) (W. Mitchell & Fazi, 2017).

<sup>19</sup> The case of Ontario's 2009 clean energy legislation, severely downsized because of a WTO dispute due to its allegedly too protectionist incentives for local energy production and employment (Lee, 2012; Klein, 2014), is just one of the many possible examples in this field.

<sup>20</sup> To offer some anecdotal examples of the phenomenon, in 2015, when the local government in Alberta (Canada) announced it would phase out coal-fired power plants by 2030 within its Climate Leadership Plan, US-based Westmoreland mining company sued Canada under NAFTA for \$357 million in damages (CSID Case No. UNCT/20/3). The NAFTA court eventually dismissed the case this year: <https://www.italaw.com/sites/default/files/case-documents/italaw16469.pdf> last visit 29/08/22. More recently, in 2021, as a consequence of a 2016 local popular mobilisation in Chieti (Italy) that caused the halt to the exploitation of an offshore oil reservoir owned by the British fossil multinational Rockhopper Exploration, the firm won an international arbitration against Italy for 190M euros under the Energy Charter Treaty (ECT) (Giannopoulos, 2021). Cf. <https://rockhopperexploration.co.uk/2022/04/ombrina-mare-arbitration-update-3/> last visit 29/08/2022

polycentric global environmental governance. However, this is far from the full picture. Austerity politics, systemic short-termism, lobbying and regulatory capture (Etzioni, 2009) and astroturfing by fossil companies are additional factors that hinder the transition to green energy production (Klein, 2014; 2019; Wainwright & Mann, 2018). Furthermore, scholars studying the evolution of international environmental treaties argue that neoliberalism not only undermined but also deeply influenced international climate legislation on climate change since UNFCCC and caused the inability to drive adequate ambition, transparency, equity, and accountability (Hartwick & Peet, 2003; Ciplet & Roberts, 2017; Newell & Paterson, 2010)<sup>21</sup>.

Sovereignty changed its function while corporations were simultaneously gaining greater political influence, and combining the two processes risks locking us in a short-term, inefficient approach to climate change. While corporate “substitution” of the sovereign state has been seen as beneficial in improving efficiency in some contexts, it still retains *normative* and *structural* incompetence in taking care of the public interest as long as binding regulation is not implemented and enforced. The inefficiency of corporate environmentalism<sup>22</sup> is not sim-

<sup>21</sup> According to this view, international neoliberal environmentalism is characterised by a libertarian view on justice, marketisation, “governance by disclosure” (primary obstacles to sustainability are to be found in ‘imperfect information’ and in regulatory structures that inhibit innovation) and “exclusivity” (multilateral decision-making reduced to “minilateral voluntarism”) (Ciplet & Roberts, 2017). Moreover, although finance and firms already recognise climate risks as an integral part of their risk management strategies (Benjamin, 2021), markets still struggle to deal with the correct pricing of environmental “externalities” (Stern, 2006, xvii) and to implement efficient market-based climate solutions (Hsu & Wang, 2013; Klein, 2014; 2019; Chamayou, 2021). Rather, a “commodification of climate change”, for example, through new ad hoc financial derivatives, carbon markets and firms self-imposing “carbon offsetting” measures, is often perceived as the only non-utopian possible policy response, binding us even more to the very same logic that contributed to generating the problem (Lohmann, 2006; 2009; 2017; Wright & Nyberg, 2015; Chamayou, 2021). Unfortunately, as early evidence on carbon markets had already suggested, they hardly encourage sustainable development nor substantially contribute to investments in new infrastructure and technology (Pearson, 2007).

<sup>22</sup> “Corporate environmentalism”, indicating tendencies to avoid external regulation, self-regulation, faith in private-led technologic innovation, and private-public co-production of environmental regulation, is mainstream among policymakers and company directors (Castree, 2008; Wright & Nyberg, 2015).



ply a matter of environmentally irresponsible TNCs: firms are embedded in a polycentric network of economic actors (banks, hedge funds, institutional investors, rating agencies) that apply systemic pressure on directors for environmental issues to be externalised (Wright & Nyberg, 2015; Benjamin, 2021)<sup>23</sup>. Due to these principles and despite the (ultimately futile)<sup>24</sup> rhetoric of Corporate Social Responsibility (CSR) (Sjåfjell, 2011; Vatn, 2018), there is systemic pressure to see “any attempt at environmental protection [...] as an agency cost to be avoided” (Benjamin, 2021)<sup>25</sup>. Consequently, even if acting quickly on climate change would be profitable in the long-term for both states and TNCs, businesses and stakeholders who are remarkably exposed to climate-related risk (e.g., the fossil and mining industry) are highly incentivised to minimise the risk in their assessments, since it would abruptly worsen their status in the short term<sup>26</sup>.

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23 Moreover, corporate governance theory supporting principles such as “shareholder wealth maximisation” and “shareholder primacy”, developed during the second half of the 20th century in a progressive process of “privatisation” of corporations and loss of their public function, came to the fore during the 1970s and 1980s (Barkan, 2013; Benjamin, 2021).

24 It is worth noticing that corporate power never ceased pursuing political and social legitimisation for marketing reasons, claiming to act in the collective interest. To this extent, CSR and “corporate citizenship” rhetoric (Wright & Nyberg, 2015, 169) promote unbinding, voluntary-based agreements (such as the 2000 UN Global Compact). Limiting ourselves to environmental regulation, this kind of business-friendly rhetoric fuels corporate environmentalism’s unaccountability and arbitrariness (Benjamin, 2021).

25 In the constant competition for investors’ thrust on financial markets, a company that fails to make environmental protection profitable in the short term or to retain the trust of financial markets is highly disincentivised to act, as well as for the state that pushes its environmental regulation too far is at risk of foreign capital flight (Lazonick, 2014; Wright & Nyberg, 2015). Moreover, after decades of deregulation and financial boom, financial markets became the most prominent source of revenue for companies (and for executives) and the largest profit re-investment destination, decoupling economic growth from prosperity and tying corporate choice to the market’s short-term approach (Lazonick, 2014).

26 For example, cutting them off from long-term borrowing, causing capital reallocation, draconian regulatory interventions, and repricing stranded assets (Wright & Nyberg, 2015; Dine, 2015; Benjamin, 2021). Additional factors contributing to structural short-termism are mainly to be recognised in financial market liberalisation, electronic trading’s increased volatility, and short-term accounting models (Benjamin, 2021).

## Claiming back sovereign control to fight for climate justice.

Arguing for a return of sovereign, more hierarchical and public control over resources and environmental regulation hardly entails preserving the integrity of historical nation-states or the ethnic homogeneity of “the people”, like numerous sovereigntists and populist movements would support (W. Mitchell & Fazi, 2017; Kallis, 2018). Nor should we defend the inviolability of “national interest” when dealing with Multilateral Environmental Agreements as liberal nationalists do, nor endorse green authoritarianism (cf. Y. Li & Shapiro, 2020; Moore & Roberts, 2022). We should rather leverage the potential of the sovereignty frame to envision new political arrangements to address our problems structurally and with proper ambition. This hardly entails that a state-led or “democratically sovereign” climate policy would automatically successfully tackle climate change. The point is that public political control can act radically, according to the collective interest, and with legitimacy. In contrast, an economic-driven governance where private and public interests are deeply tangled is structurally incapable of achieving the same *potential* outcome. Claims for “food sovereignty” or “clean energy sovereignty” are a practical example of what we are dealing with here, representing both risks and promising features of the approach we are defending. Agrarian, popular movements with alter-globalisation agendas, such as *La Via Campesina*, together with scholars advocating progressive green deal projects focused on the global South, have been supporting for decades claims of “food sovereignty”<sup>27</sup> (Guerrero, 2018; Ajl, 2021) and “clean energy sovereignty”. If a “return to sovereignty”, a “Climate Leviathan”, is inevitable, the more beneficial and normatively qualified we can make it, the better it is. This requires, among other things, reforming international free trade agreements, subordinating them to accountable public institutions operating with a long-term vision (preferably UN, and if not

<sup>27</sup> “The freedom of regional, national and local communities to promote and protect their own autonomous and ecologically sustainable energy systems” (Menotti, 2007).

possible, regional or national sovereign polities)<sup>28</sup>, ensuring that domestic regulation over green transition programs “stays under the control of domestic democratic policy processes” and is not hindered by market-based international arrangements (Menotti, 2007; Klein, 2014; 2019). As we can see, this hardly rules out the role of international climate and energy agencies, but it demands a structural reform to subordinate purely economic agencies to political power. Nor does it presuppose a political-realist “selfishness” of sovereign bodies: climate change’s collective and global nature require the highest degree of international cooperation and fairness, balancing developing countries’ needs for development and clean energy technologies and avoiding intellectual property traps that hinder the technological transfer (Menotti, 2007).

Proposing a reform of global environmental governance that revolves around state sovereignty equates to a call for a return of a more direct intervention of public actors in favouring an efficient and fair green transition, minimising the inevitable trade-offs between environmental protection, democratic accountability, social welfare, and fairness (Ciplet & Harrison, 2020) Such a call resonates with a growing trend between economists calling for the return of state intervention in the economy, interrupting a decades-long neoliberal suspicion against government action and with the EU’s and some national states’ efforts to implement the Green New Deal (Brad et al., 2022). In its latest report, the International Energy Agency (IEA) states that “there are many parts of society that need to work together to deliver a new global energy economy [...]. But *governments have unique capabilities to act and to guide the actions of others*” (IEA, 2022, emphasis added). IEA’s recent recommendations meet the view of economists and innovation scholars arguing for stricter public control and fiscal pressure over business and finance as well as a renovated role of the state in leading innovation (“creating the market, not just fixing it”),

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<sup>28</sup> Indeed, there is a strong ground to argue that even state sovereignty is not incompatible with freely signed agreements limiting sovereign prerogatives (or pooling them in a supranational organisation) for the sake of the common good, as this is required by the fiduciary relationship between sovereign power and its subjects (Fox-Decent, 2011; Bosselmann, 2020; Vanderheiden, 2020).

especially in the face of climate change (Mazzucato, 2015; 2024; Hickel & Kallis, 2020). In this view, national governments are our best chance to quickly green up our “techno-economic paradigm” and deliver enough fairness (Mazzucato, 2015; Mazzucato & Semieniuk, 2017). These scholars are evocating a return to a more “command-and-control” environmental regulation and policymaking model, which was prevalent between the 1950s and 1970s before being superseded by neoliberal market ideology (S. F. Bernstein, 2001; S. Bernstein, 2002; Dent, 2022). Some degrowth supporters also share this view about the government’s role (Hickel & Kallis, 2020), with numerous scholars calling for wartime economies during World War II as a model for ideal climate action (Delina & Diesendorf, 2013; Malm, 2020). Finally, while scholars have argued for climate activism as the most probable driver of change in the world economy (Klein, 2014; Wainwright & Mann, 2018; Malm, 2020)<sup>29</sup>, studies have nonetheless shown that activists succeed better when they focus on national-level politics (Nulman, 2015), as movements like Extinction Rebellion partly already acknowledge (de Moor et al., 2021).

Pulling the threads of what has been said so far, what sovereignty should stand for in the middle of the climate catastrophe is democratic political control, accountability, transparency, and fairness in climate governance. It should acknowledge the failures of neoliberal capitalism in dealing with climate change, presupposing that the public interest and fairness should be prioritised over private actors’ interests. It demands a re-embedding of the economy in society and the reaffirmation of politics over the spurious economic-political neoliberal sovereignty. It requires subordinating TNCs, free trade agreements, and the financial sector to environmental and social goals, radical (as much as

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<sup>29</sup> Moreover, as noticed by Andreas Malm, the Climate-Corona comparison, and the stark difference between states’ policy measures against COVID-19 and the lack of sufficient climate response, reveals states’ “relative autonomy” in tackling public problems. During the pandemic states tackled collective action issues by enforcing strict rules on citizens and businesses, leading to a cohesive top-down effort that limited free-riding behaviour. The example suggests the potential of public-led solutions to climate change and exposes states’ lack of commitment to the transition rather than some structural impossibility (Malm 2020, 26–27).

needed, and not more) policy responses, inverting de-regulation and privatisation trends, empowering environmental regulation and antitrust legislation, removing any legal/economic constraints to local green energy policies, subordinating monetary and fiscal policy to social-environmental goals.

## Conclusions

It has been suggested that any adequate response to climate change is currently resisted by deep-lying structural features of our political and economic system and that appealing to an “updated” concept for sovereignty can help us fix many of these issues. Moreover, bringing together critiques of neoliberal capital with climate justice, this paper hints at a wide compatibility between responding to climate change and attaining social justice. This aligns with the 2022 IPCC report, stating that “prioritising equity, climate justice, social justice, inclusion and just transition processes can enable adaptation and ambitious mitigation actions and climate-resilient development” (IPCC, 2023, 33).

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