

Spring 2014

The Nature of Sovereignty: Explaining the Role of Sovereignty through the Environmental Policies of Belgium and Bulgaria

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The Nature of Sovereignty:

Explaining the Role of Sovereignty through the Environmental Policies of Belgium and Bulgaria

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An Honors Thesis

Submitted for partial fulfillment of the requirements

for graduation with honors in Political Science

from Hamline University

April 21, 2014

Table of Contents

Acknowledgments	3
Abstract	4
Chapter I: Introduction	5
Chapter II: Literature Review	15
Chapter III: The Evolution of European Union Environmental Regulations	26
Chapter IV: Case Study: Belgium	31
Chapter V: Case Study: Bulgaria	46
Chapter VI: Conclusions	56
Bibliography	67

To all my friends and family – this project is as much yours as it is mine.

A special note to Kyle, this is for you, an illustration of the exciting future yet to come 😊

Abstract

Sovereignty is one of the oldest political concepts in the world. It is the concept that a state has full, independent authority over a geographic area, to put extremely simple. In this modern world, sovereignty has been forced to change. Globalization has changed the face of sovereignty, with companies, people, and ideas now interacting across borders at a pace never seen before. With emerging intergovernmental organizations, such as the European Union, the definition of sovereignty is in flux. The implementation of policies, in areas such as the environment, can be affected by issues of sovereignty. Thus the question stands: how does viewing environmental policy illustrate the ever-changing definition of sovereignty? Utilizing historical qualitative analysis of state documents and scholarly articles, the subject of this project revolves around an in-depth comparative case study analysis of Belgium and Bulgaria's environmental policy to begin to theorize about the changing nature of sovereignty in the European context. Exploring the idea of "eco-sovereignty," this project seeks to begin to fill a knowledge gap related to the changing nature of sovereignty and EU environmental policy.

Across the Member States, the European Union is intervening on behalf of the environment due to the post-modern definition of human rights. This definition now includes upholding the basic environmental rights as the ability to breathe clean air free of fine particles. The EU has justified its interference in Belgium and Bulgaria via the emerging norm of Responsibility to Protect, an idea based on the idea institutions have the right to intervene when violations of human rights are present.

Key words: sovereignty, European Union, Belgium, Bulgaria, Responsibility to Protect

Chapter I: Introduction

Nationalism is an idea that is at the very core of political life. Nationalism is the idea of providing legitimacy towards a state, but also towards a people. To me, understanding nationalism is essential to understanding understand the ever-present question of why. What I found at the root of many international issues was nationalism which is the idea of an individual identifying with, and becoming loyal to, one's nation even if their nation does not have legitimate borders. As I grew into a teenager, I quickly became fascinated with the concept of identity and how a state forms it. "How is it formed? What maintains it? What makes people so willing to die for it?" were the questions I wanted to understand.

Sovereignty was not something I encountered until I enrolled in Professor Binnur Ozkececi-Taner's World Politics course freshmen year. In World Politics, all manner of international relations concepts and theories are discussed and early on, I found myself eager for any conversation of nationalism. What I found instead was sovereignty, the idea of the state as a sense of nationalistic legitimacy, simply stated. Then, when the opportunity came in my Political Research and Analysis course to develop a research plan with any topic we desired, I looked no further than my two favorite topics: sovereignty and Europe.

Europe has always been of fascination to many Americans, particularly with regards to the European Union. The European Union is responsible for maintaining the longest-reigning peace on the European continent and has developed a union based on 28 distinct national identities. Thus, when the opportunity was presented to research more into the "European Experiment" I chose sovereignty, one of the defining characteristics of a state and the one concept the European Union appears to be breaking down. In the European Union, the largest economic zone in the world as of the Fiscal Year 2012, people, ideas and goods move across

borders without controls (International Monetary Fund 2013). This is also known as globalization.

Globalization has become the new normal of the modern civil society. It has been called many things, a menace, a blessing but above all else, it is important in understanding almost every action taken on the world stage. First popularized by former Harvard University professor Theodore Levitt in 1983, globalization has now come to mean the shrinking and interconnectivity of the world (Mullman 2006). The movement of people and products are pouring across borders at a scale never before seen. Not just people and products flowing freely across national boundaries, it is ideas as well. We all belong to the “global village” created by globalization and in most cases, all it takes is a click to send an email, buy a product, or start a revolution.

The impact of globalization is felt across all fields of study and none as clear as in political science. With the passing of people across borders comes conflict and new ideas about what constitutes a border and a government. Social media connects all people at all times, easily starting revolutions that change the course of a country. Even the concept of a state sovereignty, one of the oldest ideas in political science, has come under scrutiny. Sovereignty has reigned the world since the Peace of Westphalia in 1648, when the treaty of the same name ended the Thirty Years War in the Holy Roman Empire and Eighty Years War between Spain and the Dutch Republic. When the diplomatic congress wrapped in October of 1648, it resulted in a new initiative: sovereignty. As the world has moved from the Renaissance to the modern age, the concept of sovereignty has remained, until the combination of globalization and the idea of a single market threatened its very core. It begs the questions: where does sovereignty stand in the world of interconnectivity?

Post-WWII, states have begun to interact with each other differently. Gone are the days of state-to-state interactions; security, diplomacy and most especially trade are being viewed and discussed in a new light. The “supranational state,” or supranational union, such as the European Union (EU), is rising to power and prominence across the world, consolidating state power by creating quasi-federalist systems. States are now subjected to laws and regulations which they have not created, or perhaps even endorsed. This leaves the traditional definition of sovereignty muddled. Supranational organizations are demanding respect equal to the traditional ideas of a state. For example, the EU recently passed the Lisbon Treaty, ratified and in force as of 2009, which defines the EU as a legal entity able to negotiate agreements in the name of its members. This idea can be seen in the potential trade agreement between the United States and the EU. This potential trading bloc, which could be the largest in the world, reveals the role of the EU; it is thought of as a traditional state with legal powers equal to Germany or Italy.

The purpose of this research is to understand a new definition of sovereignty as it relates to the European Union. The research question guiding this work is: how does viewing the environmental policies of Belgium and Bulgaria reveal the nature of sovereignty in the European Union?

The Environment and the European Union

The environment is the world’s best example of a common good. The environment provides the air to breathe, the pencil to write and, in many cases, the inspiration to change the world. But the environment is unprotected and every day it faces new forms of degradation and is disappearing at a rapid rate. On average, the world loses 375 km² of forestland everyday and in the next 30 years, “as many as one-fifth of all species alive today” will no longer exist (World Centric 2014). In addition, the UN’s Intergovernmental Panel on Climate Change, in a statement

released in September 2013, stated humanity is ““extremely likely,”” which is a change from ““most likely,”” the cause for global environmental change, finally solidifying the idea humans are indeed the cause of climate change (National Post 2013). The world stage has finally been forced to realize mass environmental ruin, above all else, will affect everyone.

According to the European Union, the environment is viewed as something quite different. They embrace the idea the environment has no borders and is shared by the world community, or in their case, the European community. The environmental standards they have developed “protect Europe’s natural capital...and safeguards the health and wellbeing of people living in the EU” (The European Union 2014). It is an idea that dates back to the Paris Summit of 1972, which can be called the beginning of the EU’s environmental policy (Adele and Jordan 2013). The then-European Economic Community had a logical reason for developing a common environmental policy; an introduction of a common environmental policy would regulate environmental standards across Europe and decrease trade barriers in the Common Market (Adele and Jordan 2013). After all, the question was posed: if acid rain falls on Sweden, whose fault is it? The answer was the whole of Europe. However, the issue was complex, as many states acknowledged the relevance of Principle 21 of the Declaration of the United Nations Conference on the Human Environment on June 16, 1972, also known as the Stockholm Declaration.

Principle 21 of the Declaration states:

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction (United Nations Environmental Programme 2013).

The most interesting aspect regarding the Declaration is it was intended to “inspire and guide” the people of the world to sustainable development and preservation of the environment, but only

complicated the situation more (The United Nations Environmental Program n.d.). According to many states, Principle 21 allowed them to pollute their lakes, chop their trees, and minimize emissions standards because it was their sovereign right to use their resources as they saw fit. The Europeans, on the other hand, regarded this document differently and countered with the First Environmental Action Programme, the first of its kind, all-encompassing environmental policy that set the stage for the world stage. (Commission 2011).

The environment has become the leading concern of the next generation. Across the world there is a developing concern that global climate change is something which can no longer be ignored. Sea levels are rising which is causing major hardships across the world and has the potential to, quite literally, swallow up whole nations. This has brought about a new way of thinking about the environment. Suddenly, the environment began to be discussed in the same breath as human rights. According to United Nations Human Rights Council Resolution 7/23 of March 2008 and 10/4 of March 2009, there is a relationship between human rights and the environment as “climate change-related effects have a range of direct and indirect implications for the effective enjoyment of human rights” (United Nations Environment Programme n.d.). This mindset illustrates a growing trend across the world. Rising sea levels, warmer temperatures, and migration variations due to farming can have serious effects on fundamental human rights ensured in the UN Declaration on Human Rights. This idea is referred to as “post humanism.” Post humanism is the idea the human population has moved past working to fulfill fundamental human rights and developing more abstract ideas of what constitutes a right. For example, ensuring the ability to breathe clean air. Europe is an illustration of this idea in practice. The EU and Member States have assured citizens are not in fear of losing their lives at the hands of their government, however, citizens could be in fear of losing their lives to polluted air.

In my discussion regarding the relationship between the environmental policies of the European Union and sovereignty, I focus on the case studies of Belgium and Bulgaria. In choosing which states to study, I selected states with different histories that demonstrated differing approaches to environmental policy. Belgium is a founding member of the European Union and hosts a main branch of the EU in Brussels, which leads me to hypothesize Belgium, which is more willing to adopt environmental directives. They have developed an open, private-enterprise based economy with a diversified industrial and commercial base which has allowed them to focus their priorities on other issues, like the environment (CIA World Factbook 2013).

Bulgaria, on the opposite spectrum, is quite new to the EU, having joined in 2007. According to the CIA World Factbook, the former ally of the Soviet Union is ripe for foreign direct investment and has a highly “favorable” investment regime, but with corruption rampant in public administration, the economy still remains locked in Soviet-era industrial-based model (CIA World Factbook 2013). Their relationship with the environment is dismal and the government almost solely on the European Union to develop their environmental laws, as Bulgaria has little environmental framework or infrastructure. From preliminary understanding, it appeared that Belgium, due to their history and strong private-sector-based economy would allow the European Union to more easily infringe upon their sovereignty in order to implement laws relating to the environment. Whereas Bulgaria, a new Member State to the Union, trying to solidify its name on the EU stage, would be less willing to allow EU internalization, particularly on matters of the environment. But as my researched evolved and my thesis illustrates, my findings contradicted my assumptions and quickly developed into a comparative case study analysis, with two states of varying histories and cultures actually are moving towards the same future.

Definitions

To quote Alan Cranston in his 2004 book *The Crisis of Sovereignty*:

It is worshipped like a god, and as little understood. It is the cause of untold strife and bloodshed. Genocide is perpetrated in its sacred name. It is at once a source of power and of power's abuse, of order and of anarchy. It can be noble and it can be shameful. It is sovereignty.

The definition of sovereignty has yet to be universally accepted on the international stage. To give one a clue as to the confusing nature of the concept: "sovereignty" has 22.1 million hits on Google, all of which relate to sovereignty in some way. However, to many scholars and academics, they follow the four varieties of sovereignty outlined by noted scholar Stephen Krasner in his book *Organized Hypocrisy* (Krasner 1999). The first is international legal sovereignty which refers to "mutual recognition" between states which, he emphasizes, have formal judicial bodies (Krasner 1999). The next is Westphalian sovereignty, referring to the famous Treaty of Westphalia which created the modern concept of sovereignty. This idea refers to political organizations within a state, like a government, which derive their authority based legitimacy from the populace and the exclusion of external actors. External actors have no right to intervene on matters of the state. The third classification of sovereignty is domestic, which simply refers to a state's political authority and the ability of public authorities to "exercise effective control" within a state border (Krasner 1999). The final is interdependence sovereignty which is the ability of authorities to regulate the flow of information, goods, people, and pollutants across the borders of their state. Other definitions are simpler, like Encyclopedia Britannica, which defines sovereignty as "the ultimate overseer, or authority, in the decision-making process of a state and in the maintenance of order" (Encyclopaedia Britannica 2014). These are just a few of the many definitions the world stage uses in order to understand the concept which is sovereignty.

For the purpose of this paper, I will emphasize Westphalian sovereignty to discuss the relationship between the environment and the EU. Westphalian sovereignty, in contrast to other definitions, emphasizes the omission of external actors from all domestic authorities. As Krasner points out, these structures can be “constrained...by the external environment, but they are still free to choose the institutions and policies they regard as optimal” (Krasner 1999). As discussed earlier, the EU is thought of as a quasi-federal state, where power runs vertically through three major branches. It is logical to discuss sovereignty in terms of Westphalian sovereignty because it emphasizes the idea of what happens in borders, stays within those borders. An irony exists, though, in that Member States of the EU are willingly to trade Westphalian sovereignty in order to create the EU’s Westphalian sovereignty. This irony is discussed in the conclusion chapter.

The second definition I will focus on is that of a state, which is not to be confused with a nation. According to Global Policy Forum, a state is more than a government. “Governments change, but states endure” they succinctly illustrate (Global Policy Forum, 2013). Typically, a state comprises of an executive, a bureaucracy, courts and other political institutions which feed into the overall political makeup of a state. An important emphasis is that states can levy taxes and operate a military force, whether the military force is acknowledged and legitimized on the world stage or not. Most often, the definition of a state is further expanded as a sovereign state, which emphasizes the legitimacy of the state in public international law. A sovereign state is a judicial entity that is recognized by the international community as a state, and is equal to them on the world stage. The main difference between these two definitions is that a sovereign state is justified by international law, like the United Kingdom, whereas a state is merely a group of people who have agreed to a political make up, like the Basque region in Spain. The Basque

region calls itself a state, but it is not a sovereign state recognized by the international community.

The third definition of importance is supranational organization. As one of the newest types of political entity, the definition of supranational organization leaves much to be desired. To Kimmo Kiljunen of the Centre of European Policy Studies, a supranational union is a multi-national organization where power is delegated to an authority by governments of member states (Kiljunen 2004). On the world stage, the most common example is the European Union. The European Union can be called a federalist system, owing to the fact it is the only supranational organization which allows for international political popular elections. However, it is difficult to call the EU a full-fledged federal state because the organization does not share a common currency across all 28 Member States, a crucial element in the definition of a federal state. The EU therefore remains a supranational organization but current President Jose Manuel Barroso feels this will change in the future, “We want to put all elements on the table, in a clear and consistent way, even if some of them sound like political science fiction...” referring to his plans to finally consolidate power in a European federation in the spring of 2014 (Waterfield 2013).

The final definition which I will clarify is regional governance. According to William Barnes, in a paper presented to the European Urban Research Association in Vienna, Austria, regional governance can be defined as “deliberate efforts by multiple actors to achieve goals in multi-jurisdiction environments” (Barnes and Foster 2012). Regional governance includes formal and informal actors, which entail the civic and private sectors, respectively, as well as governments who “organize, engage and act with others – in concert or in a conflict – to seek a goal” (Barnes and Foster 2012). Regional governance lends itself well in order to explain the relationship between sovereignty and the environment. It is not only citizens who have become

deeply concerned about the environmental impact of humans but many international organizations across Europe. In addition, the EU is an excellent example of an institution which is being poked and prodded by multiple entities. It receives pressure from the people, its allies, its Member States, transnational advocacy networks, and other intergovernmental organizations such as the United Nations. It also important to emphasize regional governance “is not the end in itself; it is the means by which a goal is sought” (Barnes and Foster 2012). As such, regional governance is an idea which is at the very core of the European Union.

Methods

For the purpose of this research, I will utilize the comparative case study method to study the relationship between sovereignty and the environment and explore the possibilities of theory-building regarding contemporary manifestations of sovereignty in Europe. This research will involve qualitative sources of information, examples being official yearly environmental reports from the European Commission and documents directly from government website of Belgium and Bulgaria. I will use supplemental sources from various newspapers and books, including Stephen Krasner, the foremost expert on sovereignty. To supplement my case study work, and in order to better understand the nature of sovereignty in each state, I will also use historical descriptive analysis and comparisons between each state’s air pollution policies in order to understand the relationship between sovereignty and the environment. The case studies will be used as a route to theorize about the changing issues in sovereignty.

In the following pages, a literature review will explain existing theories regarding sovereignty, a concept as old as politics itself. The literature review discusses current theories, but also the changing nature of politics in the EU, Belgium, and Bulgaria. Additionally, eco-sovereignty has been defined and developed in the literature review to better understand the case

studies in the preceding chapters. Before the case studies are illustrated, however, a chapter referring to the expansion on EU air pollution policies is presented, to provide relevant background on past and present policies in the organization. Then, I will begin my case study research. Each case study is comprised of a brief explanation of the governmental structure of each state, followed by their current air pollution policies. Instead of focusing on environmental policy as a whole, I utilize one point of environmental policy: air pollution. Each state regards air pollution in extremely different ways, which yields very interesting comparison points. In the concluding chapters, a theory surfaced illustrating an emerging norm exists across the EU, one based on interference regarding the environment, grounded on the principle of Responsibility to Protect. The EU has begun to label the environment as a core human right; to them, all individuals under their jurisdiction have the right to breathe clean air, free of pollutants. The organization utilizes the emerging norm Responsibility to Protect to uphold and defend their interference in their Member States' affairs, most particularly the environment.

Chapter II: Literature Review

Every political theorist has an opinion regarding the political concept, and the term continues to create chaos today, 366 years after its initial definition. Sovereignty earned its rightful place in history during the French Revolution, when the idea of a state became a physical necessity. Since that time, the idea of a state has evolved into a principle that unites a people around a common heritage; a common heritage legitimized by sovereignty. In the following paragraphs, the study of sovereignty as a political concept will be outlined and discussed, beginning with Mariia Fedorova and Jean Bodin and ending with “eco-sovereignty,” a new concept outlined by Karen Liftin. Whatever people call it, sovereignty is an ever-evolving concept especially with the growth of powerful supranational unions such as the European Union and African Union, whose power pours over borders creating polices across national boundaries.

The quest to understand the future of sovereignty begins with its complicated history. Mariia Fedorova outlines the evolution of sovereignty from its feudal beginnings to present troubles. According to Fedorova, “peoples and nations construct their identity with the aid of the state” as sovereignty was originally devised as the foundation of a strong, centralized state (Fedorova 2011). During the feudal times, the king was sovereign, and his rule came from a divine right to rule; God assured him of his power. However, with the writings of Niccolò Machiavelli, the times began to change. In his essays, *The Prince*, contains implicit criticism of the idea that politics are guided by a higher goal, such as the divine right. According to Machiavelli, the “truth is not outside the bounds of human existence but within that existence...truth is historical” and truth is the state (Fedorova 2011). The state is a vessel in which to protect its people, to create *order*, an idea which dates back to Jean Bodin, the first person to conceptualize the concept of sovereignty. In 16th-century France, he realized “law

flows from human action, and this is the foundation of the state” because sovereignty is connected to the state itself, developing the idea that a state is a conscious element of political life (Federova 2011). The sovereign of a nation, a king or queen, does not act upon their preferences, but the preferences of the state, of the *res publica*, which is most attributed to meaning “pertaining to the state or the public.” At least this is how *res publica* was defined until the French Revolution.

As the idea of democracy began to spread across Europe in the 18th-century, Rousseau began musing on the concept of a social contract for the people (Halsall 1997). France was in a revolutionary stage, with the people demanding rights from their sovereign, but with the King in prison, who was the sovereign? Before Rousseau’s social contract, sovereignty flowed one way: down. The king was the absolute sovereign and he created and developed laws based on what he believed were in the best interest of the state. However, with the social contract, sovereignty flowed two ways, from the people to the government then back with many scholars, such as French political scientist Claude Lefort understanding ““when state power seems to be weakened...to stand at the service of vulgar, ambitious interests...when it appears to be situated in society when society is...*shattered to pieces* – then there develops a united people, the search for substantial identity...” (Federova 2011). In other words, a government created for the people, by the people. Rousseau understood the connection between sovereignty and general will. “The general will is the will of the Unity that is the people as a moral body that wishes and proclaims what it wishes,” he said (Federova 2011). Federova simplifies his thoughts, and the principles of the French constitution, into a simple sentence, “sovereignty is the ability to proclaim the common, the *res publica*” (Federova 2011). People are inclined to cling to state sovereignty because it provides the citizenry with an identity. The state compels individuals to accept and

promote sovereignty in their lives to become part of a homogenous group. The state will remain as long as individuals strive to maintain their role in the *res publica* and promote the “general will.”

As long as there are citizens, there will be sovereignty as sovereignty is a “dynamic” construction capable of permeating all level of social life, according to Joel Campbell (Campbell, Thacker Kumar and Slagle n.d.). However, he is quick to acknowledge sovereignty in the traditional sense in changing as the definition of authority is changing. The concept of authority develops from day to day and in today’s world of globalization, “not only are trade and culture increasingly globalized, but so, too, are criminal and terrorist activities” (Campbell, Thacker Kumar and Slagle n.d.). The state has become indispensable in this modern era. Leaders continue to derive their power from the people, by means of Rousseau’s “general will,” but sovereignty in recent years has been more focused on scholar Stephen D. Krasner’s idea of international legal sovereignty (also known as Westphalian sovereignty). States hold authority because citizens need reassurance of their own security. This is why international organization, Campbell argues, will never attain the full sovereign rights of a state. Legitimacy and relations of a state flows from the people and an organization like the UN will continue to draw skepticism because it lacks two essential elements of legitimacy: broad transparency and narrow accountability. In addition, no one knows what role “an institution [such as an IGO/NGO] should play in pursuing global justice,” but with a state, the state’s role is known and defined, both by its allies and its enemies, but more importantly, by its people (Campbell, Thacker Kumar and Slagle n.d.).

As Fedorova illustrated, sovereignty develops as history develops and history creates different concepts of sovereignty. Security is now the most important element of a state. “In terms of national defense and economic crisis management, the state not only remained

unchallenged but seemed both indispensable and more powerful than ever” (Campbell, Thacker Kumar and Slagle n.d.). But it’s not just ensuring internal security which has states flinging authority around but the “responsibility to protect” concept. “The concept of intervention and sovereignty is changed as has the whole existence of humanitarian law” (Campbell, Thacker Kumar and Slagle n.d.). The post-9/11 world has seen the state become more powerful than ever as it strives to protect its citizens from terrorists. Or, the idea the state is the ultimate “unit of accountability,” as stated by former US Secretary of State George Schultz, as cited in Robert Jackson’s article (Jackson 2007).

Leading sovereignty scholar Robert Jackson argues that the relationship between sovereignty and security will remain a prominent aspect of international relations. According to Thomas Hobbes, the state “must be equipped with ‘the sword of justice’ or ‘the right to arm’” in order to protect its sovereignty (Hobbes 1993, cited in Jackson 2007). Sovereignty will continue to exist because it has proved to be a tried and true system, with the only ideas for a different system “remain pinned to academic drawing boards” (Jackson 2007). Even if the concept of the state is eliminated, centuries from now, the idea of sovereignty will remain. Human nature demands a control over individuals or we would all kill each other, for lack of a better phrase. If the rise of the “super-state,” such as the European Union, were to come to fruition, individuals would still demand sovereignty. If there is anything history has shown us, it is that people cannot rule themselves.

The state has existed since the time of Ancient Greece and perhaps longer; authority provides people with a security and a stabilization needed for sanity. Globalization will not eliminate sovereignty, merely change its makeup. Fedorova illustrated this as she traced the foundations of sovereignty from feudal France to modern-day France. “It is reasonable to

suppose...the sovereignty states system will adapt to globalization just as it adapted to previous transformations of science, technology, economy and society” (Jackson 2007). Change puts citizens on edge, particularly when they see their state in demise. But many misunderstand the movement of ideas and people that occurs frequently in this era of globalization. They forget people have been moving across borders for centuries. Sovereignty and globalization will continue to “[emerge] and [evolve]” until one or either are eliminated (Jackson 2007).

However, scholars such as Jürgen Habermas exist, whose reality includes the decline of sovereignty. It is a challenge to the world community as “the spread of technology and weapons, above all of ecological and military risks, poses problems that can no longer be solved within the framework of nation-states or by the traditional method of agreement between sovereign states” (Habermas 1998). National sovereignty is being undermined, which leads to the rise of the supranational state, such as the European Union. With the rise of supranational states comes the chaos of a mass population with different identities, values, and religions, vying for the state’s attention. National consciousness is essential to sovereignty and makes citizens “feel responsible for one another and the *Volksgeist*” which is the basic idea the state must derive from its people in order to attain and maintain authority (Habermas 1998).

However, globalization has made this citizen “responsibility” fuzzy, as we are now connected by a mouse. Suddenly, best friends can live across the globe from one another. Habermas illustrates this “double-coding of citizenship” will force people to erase national ties and create a new global citizenship to match the changing world, and eventually eliminate the authority sovereign states require to exist (Habermas 1998). Civil rights become muddled as state government no longer have the necessary authority to try and situate order on their population. It’s the idea of “why can’t I have what they have,” which will undermine the state system and

lead to the rise of super-states. Habermas refutes Jackson's claim that capitalism and the modern state system were mutually inclusive and could not survive without the other by stating today "these two developments no longer mutually reinforce one another" (Habermas 1998).

Capitalism, and its cousin globalization, de-nationalize states in order to gain prominence in their economic system. Sovereignty is threatened, with corporations now attaining more power, and respect, than the states themselves. In addition, particularly in the European Union, corporations are more willing to turn to Brussels than the financial center of a specific nation. The supranational organization is rising, backed by corporations and the principles of globalization.

According to scholar Rebecca Adler-Nissen, the opt-outs that appear ever-present among the European Union are not an illustration of the waning power of the EU but rather, paradoxically, illustrate the strength of European integration. In contrast to Habermas, Adler-Nissen proclaims "opt-outs reflect a retreat from national sovereignty rather than an expression of it" (Adler-Nissen 2011). Differentiated integration is what makes the European Union strong. Leaders across the Union, understand that national sovereignty is not something that can be signed away. Sovereignty is what defines a people and it is extremely relevant to national identity. In fact, "differentiated integration and opt-outs as a means of developing new modes of governance that might even strengthen democracy in the EU" (Adler-Nissen 2011). Every nation is founded and has developed under certain circumstances which make it unique from each other. Thus, when they willingly united under one flag, certain qualities still exist that each state seeks to retain. According to Alder-Nissen, this creates the *image* that the EU's authority is waning, when in fact its power has grown exponentially since the end of the Cold War. The general will of Europe is to expand, with each new state bringing new challenges and dimensions to policy debates.

Currently, the biggest challenges to the EU's authority are Denmark and the United Kingdom, who utilize the opt-out clause to exclude themselves from European Union legislation, particularly the passage of the Euro. The UK has followed a strategy of “economic and political hitchhiking” (Adler-Nissen 2011). Throughout Europe, there is a common thread of thought: democratic deficit runs rampant in Brussels. The democratic deficit is the idea that Brussels is no longer in tune with the domestic population. However, the opt-outs many critics of the EU cite as a main reason for the democratic deficit, actually assists as “pragmatic instruments to solve stalemates...as solutions to problems of legitimacy and governance beyond the state” (Adler-Nissen 2011). The opt-outs are not fragmenting the Union, but rather have forced increasingly demanding treaties which require governments to complete rounds of discussions to preserve and expand the authority of the EU.

The relationship between sovereignty and the EU has changed since the latter's inception in 1952. To Katja Weber, sovereignty has changed in the EU because over time, the guiding principles of the concept have changed. Sovereignty is socially constructed, with the European Union being a shining example of this idea. The line of thinking regarding sovereignty has undergone important transformations “from it resting with God, to the monarch, and the people,” aligning itself with the constructivist view (Weber 2013). The constructivist view believes significant aspects of international relations, in this case sovereignty, are socially constructed rather than consequences of human nature. In the case of Europe, the idea of the European Union and all its actions are thought of to be constructionist at its core. The integration of Europe was an idea formed following two of the most devastating wars in human history and the people were exhausted and poor. Thus, the idea of the European Union was born; a federalist system where shared borders meant shared resources to create a stronger, more peaceful Europe. Non-

intervention tactics regarding conflicts now reign supreme across the continent and the EU has become a vocal proponent of the human rights movement, particularly in relation to non-traditional security challenges.

As world history has progressed, human rights have risen to the forefront of international affairs. They, as Weber illustrates, “threaten human security and therefore a careful recalibration of sovereignty-related norms that impede improved human rights is needed” (Weber 2013). However, how does the world ensure human rights along with state’s rights? There is not grouping of states that understand this question better than the EU. Human rights transcend all citizenship as they are the best example of a common good; they belong to all man. To ensure that human rights are met across all 28 member states, a state’s rights must be sometimes violated. This illustrates the changing nature of sovereignty. Remember, the constructivist idea maintains that international affairs are subjected to human values. States belonging to the EU embrace the right of the Union to enter into a nation and change laws to align with *aquis* in order to create an equal foundation of freedom. Sovereignty is not above ensuring human rights.

Another scholar who believes the constructivist view has had major influence on the relationship between sovereignty and the European Union is Mai’a K. Davis Cross. Her contention is that “establishing security communities may lead to a redefinition of the notion of sovereignty itself,” at least in regards to the EU (Davis Cross 2007). Constructivist thought across Europe is to maintain peace as long as possible however, security threats by non-state actors are still a daily threat. Terrorists, now capable of horrendous mass acts of terrorism, utilize these lax border controls of Europe for their deadly campaign. Cross suggests that because the epistemic communities of Europe, which she defines as “knowledge-based, transnational networks of professionals who share beliefs and values,” will develop the political will to

overcome traditional idea regarding sovereignty in order to create a supranational security policy (Davis Cross 2007). In the post-9/11 world, security integration has become a leading issue for leaders in Brussels. There are 28 different member states with 28 different ways of looking at security policy. To Cross, the real challenge will be if the EU will be utilize its soft power to create cohesive security policy across the Union, which will then spillover into its neighbors.

With the rise of the European Union, and its call to soft power, a new relationship has gained significant press in the past twenty years: ecopolitics. Global environmental degradation is no longer something which can be ignored and ecopolitics has become the only to tread the tricky relationship, according to leading scholar Karen Litfin. In her 1997 article titled *Sovereignty in World Ecopolitics*, she seeks to contend the idea that “‘nature’ [stands] in apparent contradistinction to the man-made system of territorial states” (Litfin 1997). According to her, world leaders see the environment as something separate from sovereignty, an idea exemplified in the 1972 Stockholm Declaration, Principle 21 which informs states “have the sovereign right to exploit their own resources...and the responsibility to ensure that activities within their jurisdiction...do not cause damage to the environment of other States...” (United Nations Environmental Programme 2013). States may act towards the environment as they please, as long as these actions do not affect the environment of other states and their sovereignty rights. However, the relationship between the environment and sovereignty is slowly “greening” (Litfin 1997). The activities of transnational actors, non-governmental organizations (NGO’s) and research scientists are poised to change the relationship between sovereignty and the environment forever.

To Litfin, three characteristics exist which define sovereignty, autonomy, control and legitimacy, and each have an extremely important place in the “greening” of sovereignty.

International environmental responses typically involve “a trade off among autonomy, control and legitimacy...it is more accurate to say that states engage in ‘sovereignty bargains’” (Litfin 1997). Autonomy, control and legitimacy, Litfin, and her array of scholars argue, are slowly being eroded by the very means that put them at the foundation of a state, the citizen. Since the 1970’s and the rise of the Green Movement in Europe, a greater pressure exists on states, particularly European states, to cave to the non-governmental organizations and the European Union to grasp control over the most definite of common goods: the environment. The harmonization of the European Union’s environmental policies with that of its Member States represents a serious violation of the state’s autonomy however, the EU’s “infringement...has not been as dramatic as one might imagine” (Litfin 1997). This does not mean Member States are completely willing participants in the European Union’s Environmental Programme, merely accepting of its role as policy makers.

World ecopolitics is changing. It is becoming less about legitimizing the state’s rights to pollute their own water and more about rewriting the autonomy and control in which state’s act upon. Environmental NGO’s are gaining power across the world, many focusing on creating their own “sovereignty” in the sense they do not belong to a state but knowingly violate their sovereignty. An example of this is Greenpeace. They create their own borders when it comes to protecting the environment and pushing for policies, because as Litfin points out, the “citizens do influence world politics and the practice of sovereignty” (Litfin 1997). Without citizens, the concept of sovereignty would be null; to Litfin, they are responsible for its rise and fall, including changing its very nature.

The literature review illustrated the varying theories which have dictated sovereignty in the past few hundred years. But the question still remains: what about Europe? The next chapters

on Belgium and Bulgaria explore this question as they seek to understand the nature of sovereignty in the European context. Belgium and Bulgaria are two states on the opposite side of Europe, each with very different histories and culture, but still marching towards the same future. The EU has developed strict laws regarding the environment and through the following case studies of Member States and their reactions to these policies, a theory will develop which will aid this ever-changing notion of sovereignty and begin to fill a gap in the research on sovereignty and environmental policy.

Chapter III: Current EU Regulations Regarding Air Pollution

The European Union has created some of the most extensive environmental laws of any international organization. EU environmental policy is significant and can be summarized by the Single Europe Act; “preserving, protecting and improving the quality of the environment; protecting human health; [and] prudent and rational utilization of natural resources” is at the core of EU environmental policy (Jordan and Adelle 2013). The number of EU Directives related to the environment is over 500, with that number only predicted to grow. In order to understand the context of the environmental policies of Belgium and Bulgaria, it is first necessary to understand the regulation at the EU level. The follow chapter outlines the history and future of EU regulation in regards to air pollution policy.

The beginning of EU environmental policy can be traced back to the Paris Summit of October 1972. As a result of this summer, the First Environmental Action Programme (EAP) was adopted in July 1973. At the beginning, environmental policy was allotted to a Directorate General for the Environment until it was delegated to the European Commission under the Single Europe Act of 1986. Articles 174-176 of the Single Europe Act declared “environmental policy was explicitly declared to be a task of the [European Commission]” (Jordan and Adelle 2013). Since that time, the Commission has had the exclusive right to propose policy and is responsible for ensuring the mandatory adoption and implementation of EU legislation across the 28 Member States.

When the Commission began to take charge of environmental policy, Environmental Action Programmes (EAPs) became the norm throughout the EU. The First EAP set the stage for future regulation and placed emphasis on targets which were “formulated in the spirit of

optimism” (European Environmental Bureau n.d.). Twenty-eight years later, the European Commission has developed five other EAPs, all with stunning results.

According to the European Commission’s website, air pollution is an area “in which the European Union has been very active,” acknowledging the rise of industrial production and the burning of fossil fuels (European Commission 2014). Similar to all other environmental policy areas, air pollution policy began in the First Environmental Programme of 1973. However, air policy was not a main concern of the EU and the Commission until the 1980’s, when the EU adopted the Third and Fourth Environmental Action Programmes, 1982 and 1987, respectively. These two EAP’s represented a shift in approaching policy; it became less about improving quality and more about reducing emissions (Hey 2004). Now, each Environmental Programme seeks to outline potential legislation and develop the structure of future policy. Each also lays the groundwork for specific directives and policy packages across the environmental spectrum, for example, the Clean Air Policy Package of 2013. All policy packages, like the Clean Air Package, are designed to illustrate specific policy initiatives the EU wishes to implement, while the EAPs are overall policy goals that guides European environmental policy (Hey 2004). Similar to the overall structure of the EU, policy packages and EAPs work together as a team to create one cohesive environmental policy unit.

2013 was the European Commission’s Year of Air and following the Commission’s discussions regarding European air, the Clean Air Policy Package was adopted in December 2013 and will last until 2030. Environment Commissioner Janez Potočnik illustrates the importance of air quality in this 2013 quote:

“The air we breathe today is much cleaner than in past decades. But air pollution is still an ‘invisible killer’...The actions we are proposing will halve the number of premature deaths from air pollution, increase protection for the vulnerable groups who need it most, and improve the quality of life for all. It’s also good news for nature and fragile

ecosystems, and it will boost the clean technology industry – an important growth sector for Europe.” (European Commission 2013)

The new Clean Air Policy Package has three main components. The first is a new Clean Air Programme for Europe, a revised National Emission Ceiling Directive, and a new Directive to reduce pollution from medium-sized combustion installations (European Commission 2013). Each of the main components is equally important to building a solid foundation for overall European air pollution policy at the national and international level.

The Clear Air Programme for Europe (CAFE) (also referred to as the Thematic Strategy on Air Pollution), is one of the core components of the new Programme. The CAFE places emphasis on a policy discussion regarding the collection and reduction of certain pollutants. It also seeks to reinforce legislation for combating air pollution mainly through improving Member States’ environmental legislation. The last CAFE Programme was passed in 2005 and lasted until 2013. The new CAFE will ensure existing targets are met and new air quality objective are developed all the way to 2030. Following the precedent set by the 2005 CAFE, the new Programme will not only develop, collect and validate scientific information regarding air pollution but also to support Member States in their attempt to implement specific measures. The CAFE Programme ensures this by expanding structural links with the relevant policy areas at the state level and developing an integrated strategy of implementation between the Member State and the EU (Europa 2006). Above all else, CAFE Programmes emphasizes scientific research into how policy can help decrease air pollution also acknowledging the link between the environment and technological development in the EU.

The second component of the Clean Air Policy Package and a major backbone of all EU environmental policy is the National Emissions Ceiling Directive (NECD). First developed in 2001, the National Emissions Ceiling Directive is aimed at limiting individual and national

sources of the four major pollutants (sulphur dioxide, nitrogen oxides, volatile organic compounds, and ammonia). The Emission Ceiling Directive was created to address the issue of pollution moving across Member State borders. The NECD also requires Member States to submit national programmes for review by the Commission regarding the status of the reduction of national emissions. The last programme was submitted in 2006 and as of April 10, 2014, there has been no indication of when the next submission will be required. As it stands, the EU has two structures in place to ensure Member States are still reducing emissions. The first is the 2020 reduction targets which seek to reduce emissions from the EU by 20% compared to 1990 levels and the second is the United Nation's Kyoto Protocol (European Commission 2014). The EU is currently in the second period targets for the Kyoto Protocol, which aims to decrease emissions by 20% by 2020. Although the Kyoto Protocol has a much different scope, its provisions are essential to EU legislation regarding air pollution. The newest NECD has laid the groundwork for stricter emissions ceilings regarding the four main pollutants in the EU.

The final core element of the new Air Policy Package is the new Directive related to reducing pollution from "medium-sized combustion installations" (European Commission 2013). This new Directive aims at reducing emissions of sulphur dioxide, nitrogen oxide and particulate matter from combustion installations. According to a report from Hubert Fallmann of the Commission, a medium-sized combustion is defined as any machine or operating system which includes but is not limited to: "mineral oil refineries, metal ore roasting and sintering, production of glass and production of pulp and paper" (Fallman 2007). Although no official Directive has been released yet, the subject matter of the document will be clear: reduction of emissions on all levels of EU industry.

The EU has been clear with one overall truth: all states are responsible for cleaning up their air. Each Member State is subject to EU laws, regulations, and directives, whether they are a founding member or a recent addition. In the next chapters, the two case studies of Belgium and Bulgaria will be discussed in further detail, mainly focusing on national policy. From Belgium, where policy is created across three different governments striving for power, to Bulgaria, a state still recovering from post-Communist pains and struggle to compete with the other EU member states. Overall, each case provides a different glimpse into the over-arching power of the EU and the new state of sovereignty.

Chapter IV: Belgium Case Study Analysis

Belgium, a small nation located in the north of Europe, is an integral part of the EU structure. Brussels, the capital of Belgium, hosts the European Commission, Council of the European Union, and European Council and is also known as the *de facto* capital of the European Union. This illustrates the importance of the EU in Belgian life. As a founding member, Belgium is consistently one of the fastest Member States to adopt and implement EU legislation due to Belgium's regional linguistic differences which do not allow for national policy to be created. Policy is created separately across the three regions and rarely is there any discussion at the national level to create cohesive policy, particularly when it comes to environmental policy. This is where the EU enters with sweeping environmental Directives and policy packages where adoption is mandatory regardless of state structure. Because of this, Belgium provides an excellent case study example to provide a glimpse into the new definition of sovereignty and begin a comparison of how EU environmental policy and issues of sovereignty intersect.

In the following pages, the governmental structure of Belgium is outlined and discussed. Included is current Belgian environmental legislation, focusing on the federal and regional governments of Belgium. The relationship between Belgium and the EU will be discussed also, highlighting this relationship with the implementation of EU environmental Directives and legislation. Finally, the case study will round out with concluding thoughts regarding the nature of sovereignty in Belgium.

Governmental Structure of Belgium

In order to understand the governmental structure of Belgium, it's necessary to recognize the Flemish and Walloon linguistic divisions. Language is the fundamental flaw at the center of

this divide, taking on the role “race, religion, or ethnicity play in other conflict-riven societies” and it began long before Belgium was a state (Traynor 2010). It began in 16th Century, with the Low Countries war for independence and Spain. The war and Spanish persecution drove the Protestants north to modern-day Flanders and the Catholics south to modern day Wallonia. This linguistic divide has stuck with Belgium through both the world wars and democratization process following. By 1970, Belgium had begun to split into two self-governing states (Hodgman 2011). Both Flanders and Wallonia developed their own governments and this “language apartheid” affects every aspect of Belgian life, from football to the education system to public libraries (Traynor 2010). As of April 2014, there is no national discussion regarding the issue, rather two stories. One is French and the other is Dutch, with little intermixing. The two sides rarely interact, Walloons and Flemish rarely inter-marry and each side keeps to themselves.

In order to understand the content and implementation of Belgium’s environmental policy, an overview of Belgium’s governmental structure is essential. No less than 57 ministers and state secretaries spread across six different governments, to illustrate one aspect of the complicated Belgian political culture. Policy exercised across Belgium is created by an intricate balance between the federal government, three Regions and three Communities, outlined below:

1. Federal government
2. Three Regions
3. Three Communities

The federal government is comprised of a legislative and executive headquarters in Brussels, with the King being the head of the government. The Cabinet of Belgium is the executive branch of the Belgian federal government and is comprised of ministers and secretaries of state, drawn from the political parties which form the coalition found in the federal parliament. The Prime

Minister and Council of Ministers, as decreed by Article 99 of the Belgian constitution, are composed of “an equal number of Dutch-speaking members and French-speaking members” (Belgian House of Representatives 2012). This illustrates the essential foundation of the political atmosphere of Belgium: cooperation among the three Regions and the Federal Government.

However, distinct differences exist in the types of laws which the Federal, Region and Community governments create. According to the Government of Belgium’s official website, the Federal State “cover[s] everything connected with the public interest” (Belgian Federal Government 2012). This includes justice, national defense, federal police, social security and public debt, essentially things which contain a “common heritage” across linguistic boundaries. In addition, the Federal State remains exclusively responsible for obligations and its federalized institutions towards the European Union or NATO (Belgian Federal Government 2012).

The Regions and Communities are concerned with more individual issues of their respective populations. The Flemish Region, the Brussels-Capital Region and the Walloon Region have powers relating to the economy (both nationally and regionally), agriculture, housing, energy, transport (except Belgian Railways), the environment, nature conservation, credit, foreign trade and scientific research, for example. This is in sharp contrast to the Communities, where their powers lie in the concept of “language,” a very important word in Belgian politics. The Communities have powers emphasizing culture, such as theater and libraries. In addition, the Communities also deal with education and “the use of languages and matters relating to the individual which concern on the one hand health policy...and on the other hand assistance to individuals...” such as the protection of youth, social welfare and immigration services (Belgian Federal Government 2012).

With such an entangled system of government, the question remains: how does environmental policy become law in Belgium? Environmental policy is created mainly through the three main Regions of Belgium: Wallonia, Flanders and Brussels-Capital. It is important to acknowledge the five parliaments – the Flemish Parliament, the Walloon Parliament, the Parliament of the German-Speaking Community and the Assembly of the French Community Commission – in Belgium can pass *decrees*, which carry the same weight as laws, however, laws can only be passed by the Federal Parliament in Brussels. For the purpose of this case study, policy discussed shall remain focused at the Federal and Regional levels, as they have been in Belgium since the 1993 State Reforms.

The Federal Government

Air pollution has remained a concern for Belgium since WWII. As the state has grown into a leading European capital, the Federal government and the Regions have done much to protect Belgian air. Discussion will begin with the Federal Government of Belgium. Most environmental policies created at the federal level are developed through international cooperation and the European Union. As of 2013, Belgium does not have a ‘national’ climate change policy, *per se*, rather cooperative agreements and accords made between the Regions and the Federal government to make somewhat cohesive policy. On the federal level, a key actor who plays a significant role in shaping Belgian climate change policy is the National Climate Change Commission. The role of the National Climate Change Commission was developed from the European Union’s 8% greenhouse gas (GHG) commitment in the United Nation’s Kyoto Protocol of 1997. The Council of the European Union developed a “burden sharing agreement” in 2002, which committed Belgium to an obligatory reduction of 7.5% GHG (Happaerts, Schunz and Bruyninckx 2012). Since GHG emission reduction touches on the competences of both the

Federal and the Regional governments, it was necessary to develop Federal framework to negotiate how that 7.5% would be shared among the three Regions. Thus, the National Climate Commission was born, a “[typical] Belgian co-ordination forum composed of sixteen members, four representatives from each contracting party (the federal government, Flanders, Wallonia and Brussels)” (Happaerts, Schunz and Bruyninckx 2012).

However, the tricky part about the National Climate Change Commission is that it only prepares the National Climate Change Plan and draws up the National Adaptation Plan. As of 2014, the only document which discusses, in detail, any federal action regarding climate change is the National Climate Change Strategy. The National Climate Change Strategy is not law in Belgium and has not been presented before the Belgian Parliament. It was plan developed by the National Climate Change Commission to outline three objectives which a future National Climate Change Plan would hopefully fulfill. These objectives are to “provide coherence between the existing Belgian adaptation activities...to better communicate on a national, European and international level...and to start developing a National Adaptation Plan” (Departement Leffmilieu, Natuur en Energie 2010). The 2010 National Adaptation Strategy, which expired in 2013, is a stepping stone to a more comprehensive National Adaptation Plan in the future. However, as of 2013, no action has been taken on the level of the Belgian federal government to develop a plan. At least on the federal level, a national plan of action remains stalled. Environmental law is mainly developed and implemented by the Regions, however, the federal state is responsible for certain matters related to the environment. These include product safety requirements, the transit of waste and environmental issues concerning the sea, all of which are delegated to the Federal Public Service for Health, Food Chain Safety and Environment. These provisions affect every Belgian and thus remain at the federal level.

Products are sold across the state, regardless of linguistic preference and the seas are governed by international treaties and must remain in the hands of the federal state.

Considering no national plan regarding climate change, it is unsurprising there is no national policy related directly to air pollution. The only law in Belgium relating specifically to air pollution is from December 28, 1964. It was less of a law and more of a precedence instructing the government on the “appropriate measures to prevent or control pollution of the atmosphere” (Gouvernement de la Wallonie 2011). The law is composed of ten articles, which indicate measures the government and the King can take when enacting laws regarding air pollution. These measures range from defining pollution to approval of individuals responsible for “installing, servicing, maintenance, control or appliances equipment or systems defined by the Government” (Gouvernement de la Wallonie 2011). The 1964 law also gives the federal government the right to evaluate the quality of the air and decrees that it can command the Regions to submit reports to the King for evaluation. In addition, the law states the King and the federal government have the right to set emission limits or “to say the maximum amount of a substance that may be issued during a calendar year” (Gouvernement de la Wallonie 2011). This article, however, quickly became outdated when the European Commission passed the First Environmental Action Programme in 1973.

As a founding member of the EU, Belgium has illustrated a considerable commitment to implementing all EU environmental directives, laws, and legislation quickly and efficiently. The state has agreed to participate in all Environmental Action Programmes and Clear Air for Europe policy packages. They comply with Commission directives and requests for information regarding the status of Belgian air. For example, when Directive 2008/50/EC was released in April 2008, Belgium swiftly implemented the legislation and began working to reduce their fine

particles to PM 2.5 (European Commission 2014). An element of this Directive is if a Member State does not believe they will limit the values of nitrogen dioxide and benzene by January 1, 2010, they bear the burden of informing the Commission. Belgium was such a state. In a document sent by the Kingdom of Belgium to the European Commission outlined 24 reasons which illustrate various difficulties Belgium had in fulfilling the Directive. In addition, the term “provided by the Belgian authorities” was stated 20 times throughout the document, illustrating their willingness to work as a team in order to achieve Commission guidance (Kingdom of Belgium 2012). They illustrated the three areas, Antwerp proper, Antwerp harbor, and Brussels, and requested an extension through the proper channels. This is just an example of Belgium, a country split in two, becoming whole in order to invite guidance on environmental policy.

The Region of Wallonia

The Region of Wallonia was built on coal mines. As such, they have made decreasing air pollutants a top priority. The Region has labored relentlessly to align itself with various international organizations and the EU in order to seek aid in resolving their air pollution issue. As of 2014, Wallonia is signatory to the following international agreements: the Kyoto Protocol, The Vienna Convention of March 1985, and the Sixth European Environmental Action Programme, including all European Commission Air Directives, the Clean Air for Europe Act, and any yet-to-be-written national climate change plans adopted by the federal government (Gouvernement de la Wallonie 2013). Above all else, Wallonia is committed to implementing all EU Directives in a timely manner. In a Government of Wallonia document, dated 2008, the first line states, “around 80% of Walloon environmental legislation is inspired by international law, which is largely dominated by the law of the European Community” (Gouvernement de la Wallonie 2008). In addition, in that same document, the Government of Wallonia is proud to

announce, out of the 25 “most important directives adopted since 2000, 19 have already been transposed into Walloon regional law” (Gouvernement de la Wallonie 2008). Wallonia fully commits itself to “sharing the blame” of all the disputed cases in Belgium currently related to the environment, all while declaring its acceptance and willingness to work with the EU to develop better legislation regarding environmental policy (Gouvernement de la Wallonie 2008).

Although the Walloon government is subject to national law, the Region has also passed legislation relating to air pollution. The Region depended greatly on national laws to initially set their policy regarding air pollution, but in 1993, the Walloon government passed a decree instructing companies across Wallonia to prevent and reduce air emissions. The law eliminated asbestos use and called for periodic measurement of asbestos in the air. For the small region it was an enormous step, as it was the first unique regional law related directly to the environment. At that time, asbestos was still being discussed at the EU level and no action had taken place, so Wallonia quickly acted, demonstrating their commitment to improving environmental standards. From then on, they created laws specific to their needs, in conjunction with international agreements. That same year, the government passed a sweeping regulation instructing all industrial plants to rapidly reduce ten pollutants from their manufacturing. It is important to acknowledge at this point that the Walloon economy was strongly based around coal, a major pollutant, so this step was seen by many as major advance towards emphasizing clean air. In the law, passed on December 9, 1993, industrial plants were instructed to follow the “specific operation air pollution” policies, which included requirements to limit emissions to the Kyoto Protocol levels and the “obligation to record the measurement results” at the expense of the factory or face the “obligation to reduce or close down operations” (Gouvernement de la

Wallonie 1993). Since then, the government has amended these laws, made them tougher, and included itself in the Emissions Trading Scheme of the EU in 2013.

The Region of Flanders

The Region of Flanders has also adopted legislation which is keeping the Flemish air clean. According to the Flemish Climate Policy Plan 2006-2012, the two most significant contributors to air pollution were fossil fuel combustion, which accounted for 85% of the total emissions in 2006, and livestock farming, which totaled about 8% of emissions (Flemish Government - Departement Leefmilieu, Natuur en Energie 2006). The Flemish government is also a willing participant to all European Union laws, including the United Nation's Kyoto Protocol. In fact, the European Union has paid particular attention to Flanders as the region is a hot spot for air particle pollution, exceeding the daily limit of PM10 frequently, a number set by the European Commission in 1999 (Buekers, et al. 2011).

The EU is highly involved in Flanders because even though Flanders is the wealthiest of the three Regions, it lags in terms of fulfilling its air pollution promise to the EU. Flanders frequently violates the daily limit of PM10, as mentioned above. According to Jurgen Buekers, and his team of researchers, the cause of this is due to the lack of communication found at the Regional government (Buekers, Stassen, et al., Ten years of research and policy on particulate matter air pollution in hot spot Flanders 2010). On average, the PM 10 level set by the EU is exceeded at least 35 times a year and the Region has made many attempts to control this violation. It has submitted air improvement plans to the Commission with little avail and the Region still struggles to deal with this issue. One thought is that environmental policy is no longer a "pro-active policy" in Flanders (Buekers, Stassen, et al., Ten Years of Research and Policy on Particulate Matter Air Pollution in Hot Spot Flanders 2011). Bickering due to

economic policy and the potential split of Flanders from Wallonia has forced the environment to the back-burner. This is something the Commission is not willing to accept. The Commission has urged Flanders to place more emphasis on public education regarding the PM10 daily limit in the hopes the public will pressure the government to clean their air. The EU and the Commission rely heavily on public pressure in order to aid them in forcing Flanders to fulfill their promise. The Commission has taken a keen look at Flemish air and has committed itself to aiding the Region in improving their air, reminding the Region guidance is always available on developing new policies.

In conjunction with the protocols required by the international community, in 2006, the Region also has developed its own Climate Policy Plan, encompassing the years 2006-2012. The Plan had four main objectives: the first, “the achievement of the Flemish Kyoto target,” the second, “the continued elaboration of the Flemish vision and strategy for climate change policy in the short, medium and long term,” the third, “the creation of the basis for further-reaching reductions after 2012” and the fourth, “the continued development of the new climate policy instruments” (Flemish Government - Departement Leefmilieu, Natuur en Energie 2006). More specifically to air pollution, the government has started to place stricter controls on vehicles. More specifically making smaller regional roads better and decreasing the amount of cars on the road. In addition, Flanders has implemented speed limit reductions across the Region to minimize PM concentrations but mainly to “increase public awareness for the air pollution problem” (Buekers, Stassen, et al., Ten years of research and policy on particulate matter air pollution in hot spot Flanders 2010).

The Region of Brussels-Capital

The final region for discussion is the Brussels-Capital Region. In contrast to Wallonia and Flanders, the Region's GHG emissions are "negligible" and are improving (EGMONT: Royal Institute for International Relations 2008). The GHG which are present in the city are a result of heating in the residential sector and service industry, and road traffic, 70% and 20% respectively (EGMONT: Royal Institute for International Relations 2008). Like the other regions, Brussels-Capital is a signatory to all European Union Directives and implements as quickly as the other Regions.

In 2002, the Brussels-Capitol adopted its own air climate plan, titled The Structural Improvement Plan for Air Quality and the Fight against Global Warming or The Air Climate Plan. The plan was approved on November 13th, 2002 and includes 81 actions to improve air quality in the city. These prescriptions related directly to the two main GHG causing actions and can be bundled into three broad categories:

"A. The reduction of the volume of traffic, to be carried out by:

- Incentives to reduce car use
- Encouraging the use of less polluting modes of travel

B. The decline in road traffic emissions factors developed by:

- support and dissemination of technological improvements in vehicles
- management of traffic

C. Actions on travel behavior to lessen pollution" [translated] (Institute Bruxellois pour la Gestion de l'Environnement 2002)

The Institute Bruxellois pour la Gestion de l'Environnement in Brussels has been sure to incorporate all international obligations of the EU and the United Nations, including the Kyoto Protocol, and the European Emission Trading Mechanism. The Brussels-Capital region has also

been susceptible to the human need of reducing air emissions. The Region has been very aware of the impact dirty air has on humans and has developed Prescriptions in the Air Climate Plan to acknowledge these issues. There are many Prescriptions which instruct businesses and individuals on how to operate within the boundaries of the Air Climate Plan, such as construction limitations and specifications. Curiously, there are also many Prescriptions which relate even more directly to the people's health. For example, Prescription 64 of the plan places emphasis on "[empowering] family doctors" to Prescription 65 which discusses citizen awareness like "raising a green line telephone and visits for inhabitants who are annoyed or scared of indoor air pollution" (The United Nations Environmental Program n.d.). The smaller population of the Brussels Region allows their government to adopt more human-specific plans to combat air pollution.

Discussion

History has illustrated that Belgium is a proud nation. Although torn apart at times by their linguistic differences, the small state has never split and does not seek to in the near future. As the story spins, Belgium is comprised of three main parliaments, Wallonia, Flanders, and the Federal parliament, all with equal power to develop policy and all with separate ideas regarding environmental policy. Each region carries its own version of a climate change plan, compensating for the lack of national policy regarding the issue. To outsiders and other Member States, the Belgium system of governance can appear confusing and unnecessary. However, they forget the one system with binds the small, but proud, state together: the European Union.

When discussing the nature of sovereignty in Belgium, it is necessary to acknowledge the role the linguistic divide plays in everyday Belgian life. As stated before, Flanders and Wallonia do not mix and have developed separate education systems, public services, and ways of

governance. Flanders is the wealthiest of the three major Regions and therein lies the foundation of the separatist thought. To many outside viewers the question of a partition of Belgium appears the most logical solution and creates at least two separate states. Each would hold their own government system, people, and, most importantly, their own sovereignty over their people. Currently, the federal Belgian state is allowed to pass laws which affect every Belgian, which in terms of economic and trade policy, can anger some citizens. Particularly since many citizens in Flanders do not appreciate the lagging economy of Wallonia and the fact they forced to “subsidize the southern...region” (Denée 2011). With all these socio-economic and linguistic tensions, a two-state solution would make sense. However, sovereignty of Belgium is no longer governed by the state of Belgium or even by the Regions, but by the European Union.

This is not stating the Regions and the federal government does not have authority over their own states, but illustrates a functioning federal government in Belgium is not necessary for everyday life to continue. EU law and lack of a strong federal government is integral to Belgian life, the state can survive without a functioning government. The 2007-2011 Belgian government crises illustrate a key point when discussing the sovereignty of Belgium. In the 2007 Belgian general elections, no majority party or coalition gained enough seats to form a working party. For the next 196 days, Belgium functioned without a working government. The crisis was followed closely by Fortis crisis, when the major Belgian bank shares fell to dangerous levels after its unsuccessful acquisition by BNP Paribas. The current Prime Minister, Yves Leteme, handed in his second resignation after the fallout, the first being in 2008, after the failure to develop constitutional reforms regarding the status of the linguistic tensions within Belgium. The new Herman Van Rompuy-led government lasted only days, after he assumed his position as the President of the European Council in April 2010. Yves Leteme was brought in as a care-taker,

until December 2011. After a record 589 days, he was finally succeeded by current Prime Minister Elio Di Rupo, ending the longest run of a caretaker government in the developed world.

Belgium is considered a developed nation; it has a strong post-industrial economy, a high gross domestic product, and a strong service sector. The governmental crises which lasted four years would cause most other states to crumble into anarchy but Belgium emerged relatively unscathed. How can a state, well-developed and respected on the world stage, survive for almost two years without a government creating policy? The answer illustrates how absolutely essential the EU has been in Belgian politics. Sovereignty is traditionally held at the state level, but with the examples of environmental policy and Belgian government crises, Belgium revealed a change developing in European sovereignty. The EU has become the backbone of Belgian society, with the ability to transpose Federal, Regional, and Community law. The collapse of the federal government revealed something very important to understanding the nature of sovereignty in Belgium, sovereignty is held in the Regions. Three Regions which are more inclined to trust the EU in creating fair policy. For Flanders, the government has done little to provide for their success, except tying them to resource-dry, agricultural based Wallonia. For Wallonia, being tied to hoity Flanders, with all their wealth, has not helped their current economic situation, with the state funds and separatists movements flowing straight to Flanders.

To each Region, whose citizens are loyal to their Region before their state, the EU provides them with a chance to simplify the tensions in the national government. The EU streamlines policy on an international level, so that little squabbling in the national parliament exists. More often than not, policy takes many years to develop in Belgium merely because of the Regional tensions. The EU provides an escape from the confusion and allows for policy to actually become law. Sovereignty is freely given by the Belgium federal government to the EU

to appease the political crisis that threatens the state. Flanders threatens to separate frequently, particularly with the rise of Vlaams Belang, a right-wing party calling for the partition of Belgium. What the EU is able to provide the state is minimal interaction among the Regions, to provide a quasi-peace at the federal level. EU Directives, laws and policy packages related to the environment allow the Regions to set their own, practical limits to air pollution instead of delegating the task to the federal government where negotiations to develop a national plan of action could take years. The National Climate Plan of Belgium ran until 2012, and as of April 2014, there has been no move by the federal government to develop another. The clear transfer of power to EU hands illustrates Belgium's exhaustion with the current state of Flemish and Walloon relations. Sovereignty is surrendered at the national level in order to create peace across Belgium, calming talks of partition and soothing the anxieties of the European Union.

But it is not only Belgium who has benefited from the rise of the EU. Bulgaria, a former Soviet-bloc state has grown leaps and bounds following its admission to the EU. The state is slowly eliminating corruption and diversifying its economy from industrial to service-based, and has begun to pay heed to environmental issues. The state still has many issues following the fall of communism, but the EU has been gracious in aiding the state in the process of re-structure the government. One of the most essential elements the EU assisted with was the development of an environmental program, the first of its kind in Bulgaria. The EU has become determined to make Bulgaria a success story, whether the state is ready or not.

Chapter V: Bulgaria: Case Study Analysis

The Republic of Bulgaria is a recent addition to the European Union, having joined in 2007. It is a former ally of the Soviet Union, a segment of its history which remains an important aspect of Bulgarian culture. The transition from communism to capitalism was difficult for the nation and still effects policy-making today. But before delving into the specific environmental policies of Bulgaria and its relationship with the European Union, it is necessary to elaborate on the governmental structure of the state.

Governmental Structure of Bulgaria

The government of Bulgaria is a parliamentary republic and conforms to the 162-article constitution passed in July 1991, during the Seventh National Assembly (National Assembly of the Republic of Bulgaria 2008). Unlike Belgium, Bulgaria is a unitary state and the state is supremely governed by the central government. There are four main branches of government, the President, the Council of Ministers (including the Prime Minister), the National Assembly and the Supreme Court of Cassation. The current president of Bulgaria is Rosen Plevneliev and he assumed the presidency in January 2012. The president is elected for five year terms and can be re-elected once. They are also the chief of state and supreme commander of the armed forces (National Assembly of the Republic of Bulgaria 2008). The Council of Ministers is the main organ of the executive branch. It is formed by the majority party of the National Assembly, which as of 2014, is the center-right party Citizens for European Development of Bulgaria. The Council of Ministers is chaired by the Prime Minister and is responsible for carrying out state policy, managing the state budget and ensuring law and order (National Assembly of the Republic of Bulgaria 2008).

The legislative branch is headed by the unicameral National Assembly of Bulgaria. It has 240 members, 209 which are elected by proportional representation every five years from each of the 31 multi-member administrative provinces (International Foundation for Electoral Systems 2014). The Assembly's main duties are the enactment of laws, approval of the budget, declarations of war, selection and dismissal of the Prime Minister and other ministers and the ratification of international treaties (National Assembly of the Republic of Bulgaria 2008). The highest judicial body is the Supreme Court of Cassation. The highest court of appeal in Bulgaria and is presided over by the President of the Supreme Court of Cassation. An eligible candidate is first elected from candidates pre-selected by a qualified majority of two-thirds by the members of the Supreme Judicial Council and then candidates are appointed by the President and they serve seven year terms and not eligible for a second term (Supreme Court of Cassation, Republic of Bulgaria 2007). The Court of Cassation is "the cassation instance for the judicial acts provided by law," it does not decide issues of constitutionality; that role is left to the Constitutional Court of Bulgaria (Supreme Court of Cassation, Republic of Bulgaria 2007). The Supreme Court of Cassation does not involve itself in the matters of creating laws. That is left to the National Assembly and the President. For example, any environmental law is written and assessed by the National Assembly and the Supreme Court of Cassation merely interprets the law when called upon to do so, not when it is created.

The Environmental Program of Bulgaria

As of 2013, Bulgaria has the dirtiest air in Europe. In a *New York Times* article from October, Bulgaria has the highest concentrations of "two major varieties of particle matter, which are tiny airborne droplets or gas particles that come from smokestacks [or] vehicle tailpipes..." (The New York Times 2013). In addition, the article also gives an example from a

university student who says this about Sofia's air, "When you put on a washed white shirt and take a walk for a couple of hours...when you come back you can see the collar and the front have a yellow-gray hue" acknowledging the large amounts of carbon monoxide and sulfur dioxide (The New York Times 2013). The article, discussing a 10 year report from the European Environmental Agency, states this is not the state's first dilemma with air pollution. In 2011, the United Nations reported air conditions in Bulgaria were deadly, and along with Armenia and Romania, and the state "[leads] the world in deaths from outdoor air pollution," according to the report (The New York Times 2013).

Bulgaria was previously a strong ally of the Soviet Union, transitioning to post-communism on November 10, 1989. However, the state still retains much of its Soviet-era industrialization ideals and pays little heed to the environment. When Bulgaria was allowed to become a candidate state for accession, the EU immediately set out to resolve this issue and align the state with the rest of Europe. It began slowly, with the passing of the Environmental Protection Act of 1991. The EPA, which was ground-breaking in Bulgaria, has five main objectives:

- “1. The collection and provision of information concerning the state of the environment;
2. The exertion of control over the state of the environment;
3. The terms and procedures of environment impact assessment;
4. The planning and implementation of environmental protection activities;
5. The rights and obligations of central and local authorities, bodies corporate and physical persons as regards environmental protection” (Government of Bulgaria 1999).

The Bulgarian government relies immensely on the support of the EU to finance its environmental endeavors, being one of the poorest EU members. During their post-Soviet Union

days, funds were channeled into factories and infrastructure to build an economy rather than develop environmental policies. However with the prosperity of the EU surrounding them, Bulgaria decided it desired to be a member of the massive bloc. First, the state was required to clean up the environment, particularly the air. The state has taken drastic measures to improve air quality, beginning in 1996 with the Atmosphere Air Cleanliness Act (AACA), which is used interchangeably with the Clean Ambient Air Act or the Clean Air Act. It was the first governmental act directly related to air pollution; in fact, there is no mention of air pollution anywhere in the Environmental Protection Act. This indicated the government was slowly developing policies to protect their people from the harmful chemicals of carbon dioxide and sulfur dioxide.

The principles surrounding air pollution were set in the EPA, although they were never explicitly stated. The Atmosphere Air Cleanliness Act was the first time Bulgaria had ever addressed air pollution directly. In the act, the government outlines the specific air pollutants which are subject to limitation and the limitations which it is required by EU law to uphold. One of the most important aspects of the Atmosphere Air Cleanliness Act is its tough words on “volatile organic compounds” (Mondaq 2012). The Act establishes the requirements of any instance of volatile organic compound use must be allowed by either an integrated permit or a by a permit issued only by the Minister of Environment and Water. The AACA also developed the National Monitoring and Control System which is designed to “ensure the relevant ambient air quality assessment throughout the...territory...” (Ministry of Environment and Water of Bulgaria 2012). Furthermore, the Ministry of Environment and Water (MOEW), also reserves the right to impose “special measures for continuously reducing the air pollution” in trouble areas (Mondaq 2012).

The Act also set about integrating EU directives, particularly the 2009 Directive on the promotion of the use of energy from renewable sources. In this Directive, as it was transposed into Bulgarian law, the Minister of Environment and Water was granted full authority to control compliance regarding substances which interfere with the ozone layer. According to the AACA, the MOEW has full power to “[gain] unhindered access to inspection sites; [request] information and documents; issuing mandatory prescriptions for the limitation and prohibition of certain substances...” and “imposing fines and sanctions on persons handling ozone violating substances” (Mondaq 2012). In accordance to this Directive, Bulgaria set a personal goal of aligning its air quality to that of European standards, that of 2.5 PM. It is suggested by the EU this number is a “healthy” number although it can be improved with the right legislation. Bulgaria acknowledges its environmental program is a work in progress, and continues to strive to achieve success in minimizing the harmful pollutants that push into the environment.

Bulgaria receives much aid from the EU, by means of EU Structural Funds and Cohesion Policy. The most recent development in this relationship relates to a document built in collaboration between the Administration of the Council of Ministers of Bulgaria and its EU descendant, Information and Management Systems for EU Funds Directorate. In this document, developed in 2013, illustrates the EU Structural Fund guidelines Bulgaria must achieve in order to keep funding and full support from the EU. In this document, there is a specific section discussing specific implementations the EU is highly recommending Bulgaria adopts before 2020 in order to align itself with the rest of the Member States. The EU suggests utilizing the Structural Funds from the Cohesion Policy Fund to build infrastructure to complete the improvements. A large section of the document discusses specific suggestions for the enhancement of air pollution policies. The changes the European Regional Development Fund is

recommending are the implementation of measures for improvement of the ambient air quality, including the “renewal and extensions of the sustainable urban transport systems,” and an air monitoring system, a greenhouse gas inventory system, reconstruction of the road and street network, including the construction of bike lanes, and finally the construction of “facilities for utilization of the emitted biogas” (waste water treatment plants and landfills) (Information and Management Systems for EU Funds Directorate 2013).

For all of the invention policies the Regional Development Fund suggests, Bulgaria is also provided with a reason they must fix this issue. The greenhouse gas emission inventory system must be developed, according to this document, to fulfill requirements stipulated by the the Kyoto Protocol (Information and Management Systems for EU Funds Directorate 2013). But this document does not just illustrate legislative policy Bulgaria must push through the National Assembly, it also provides a “final date for implementation” for the five different sectors related to the environment (Information and Management Systems for EU Funds Directorate 2013). The document was developed in conjunction between Bulgaria and the EU, which illustrates Bulgaria’s desire to improve all environmental programs. Or simply create lasting environmental policy, which will last as the state begins to loosen the historical chains of the Soviet Union legacy. With the help of the EU, Bulgaria is opening a new chapter of history, one where the environment is an essential part of the everyday Bulgarian’s life.

Discussion

Since Bulgaria’s 2007 accession, the state has made significant progress related to many programs throughout the state. According to a 2011 EU Barometer public opinion poll, almost half (46%) of the Bulgarian population believes their accession benefitted the state (European Commission 2013). In addition, the number of Bulgarians who now view themselves equally

Bulgarian as European is on the rise. In a 2013 public opinion poll, 50% of the citizens believe they are Bulgarian and European (European Commission 2013). In addition, Bulgarians trust the EU more than anyone else. 59% of Bulgarians trust the EU, with the next closest country being Estonia with 51% trust in the EU (Smilov 2012). The EU has made it a priority that “more Bulgarians have heard about the intuitions of the EU” compared to other citizens of the EU Member States (Smilov 2012). This is no mistake. If the EU desired to make any changes in the Bulgarian governmental system, they needed to earn the trust of the people.

The adoption of environmental programs is just the beginning for the EU. One of the anxieties surrounding Bulgaria’s membership to the EU was the question of the Soviet Union history. Bulgaria spent many years behind under the Iron Curtain, with total dependency on the Soviets for everything from economy to military. When the Berlin Wall came down in 1989, the state was forced to rebuild completely alone. After so many years of Soviet influence, Bulgaria worked relentlessly to create an image of openness and willingness to comply with the world community. Improvements throughout the state have been expansive and it shows, culminating with its accession to the EU. However, much work must yet to be done, particularly regarding public sector corruption. This is where the EU-Bulgaria relationship is spotlighted and reveals essential elements regarding Bulgarian sovereignty.

In the 2013 Corruption Perceptions Index, Bulgaria ranked second to last out of EU Member States and 77th in the world for corruption (Bulgaria Still at EU Bottom in TI 2013 Corruption Ranking 2013). It is an issue which still concerns many Member States throughout the EU. With international eyes watching their growth, Bulgaria has remained vigilant to align itself with the transparency of the rest of the Member States, particularly the Scandinavian states.

However, the state has struggled with widespread corruption, culminating when the Bulgarian government resigned in February 2013.

Bulgaria is the poorest of the Member States and relies heavily on the EU's Cohesion and Structural Funds to develop policy and build infrastructure. The EU is absolutely essential to Bulgaria's growth. Even after the resignation of the government in 2013, the state was able to remain fully functioning illustrating the successful implementation of EU policy at all levels of government. Although credit must be given to various ministries and departments which kept the state agencies running, after at least six months of not creating policy, Bulgaria was still able to function as a state. EU internalization in Bulgaria is immense, but is widely trusted and thought of as an essential element to everyday life (European Commission 2008). Bulgarian sovereignty is violated on a daily basis, with the environmental policy illustrating this. The government of Bulgaria gave little thought to building infrastructure and programs to discuss the different kinds of pollutants in the air. The parliament was more focused on consolidating power and increasing their wealth, a nod to the corruption rampant in Bulgaria. Modern Bulgaria, post-WWII and beyond, has always experienced an overhand to control their state dynamics. At first it was the Soviet Union which exercised strong influences, and presently it is the European Union. Modern Bulgaria is working hard to reverse this thought; however, with its lack of legitimate governance and reliance on EU Structural Funds, the global stage is critical of the state's maturation. Bulgaria is reliant on the powerful for financial support and has not been expected to develop its own policies; it is almost as if Bulgaria requires a strong financial backer to build their future. But that discussion is another question completely.

In addition, Bulgaria is slated to become a member of the Schengen passport-free zone, however other Member States such as France have voiced their concerns regarding this move.

They argue Bulgaria's "commitment to rule-of-law is not up to par" (Miller Llana 2014). The French illustrate another aspect of Bulgarian sovereignty which must be acknowledged. Bulgaria is a new Member State, and many others in the EU believed Bulgaria ascended too soon. Therefore, the state must justify its membership by allowing the EU to intervene whenever necessary on all matters necessary. To the other Member States, this shows willingness to comply with the standards set by the old guard of Europe, mainly the founding members. Member States like France, the UK, the Netherlands, and Germany do not require immense amounts of EU aid and have already developed in-depth policies to many issues. Bulgaria is just beginning to sort out its procedures and policies. Environmental policy is well-developed in other Member States with separate ministries and hundreds of individuals who spend their lives doing environmental work. But Bulgaria only recently developed a full-fledged ministry related to the environment, the Ministry of Environment and Water. The state is unable to complete any studies related to air pollution due to a lack of funding and limited human resources. Bulgaria's environmental program relies heavily on EU funds.

It should also be noted, the EU believes internalization in Bulgaria is necessary to acknowledge the soaring rates of organized crime, lack of judicial reform and corruption. These factors, according to the EU, are seriously violating the rights of the EU citizen. In the eyes of the EU, Bulgaria is not living up the promise it made to the people when it agreed to become a member. The lack of environmental infrastructure is another factor where it could be argued Bulgaria is violating the basic rights of their citizens. And according to the EU, any infringement upon the rights immediately allows the international organization to violate the sovereign rights of state in order to ensure rights every Member State grants their citizens.

The EU's blatant violation of Bulgarian sovereignty is not all Bulgaria's burden. The EU strives itself on creating a cohesive Europe, with little thought to the risky business that entails. Bulgaria is an excellent example of this. The fall of the Soviet Union was a mere 20 years ago and Bulgaria was trying to dust off the shadows of the USSR by applying for membership to the EU. The accession of Bulgaria (and Romania) was viewed by many as too quick; neither country was rich enough to support EU directives without substantial aid. Sovereignty was almost assured to be violated in each state as the EU drove Bulgaria towards success. One lesson the EU should take away from the accession of Bulgaria is progress for the sake of progress must be discouraged. States should only be allowed to join the EU when they are able to hold their own as sovereign states. State-building is not the goal of the EU, peace-building is and the international organization must remember that in order to remain successful.

Chapter VI: Conclusions

Since its establishment following WWII, the EU has become a model of peace across the globe. In the wake of the bloodiest war the world has ever seen, the objectives of the EU were “to establish European citizenship, ensure freedom, justice and security, promote economic and social progress” (The European Union 2013). In addition, the EU has become the largest economic area in the world, with EU consistently ranking above the United States in GDP (International Monetary Fund 2013). The EU was a simple idea that quickly grew into a lifestyle. However, the EU is no longer just about minimizing trade tariffs but maximizing opportunities for all individuals. Sovereignty has become less about the ensuring the traditional ideas of the state and instead has become focused on the protection of Member State’s populations.

If one recalls the definitions of sovereignty from the introduction, no universal definition has been accepted on the world stage. To scholars such as Stephen Krasner, four sub-definitions of sovereignty can be discerned; international legal, Westphalian sovereignty, domestic, and interdependence sovereignty. Each carries their own significance with varying degrees of intervention and authority. Others, like Alan Cranston, equal it to a god, ever-demanding attention but not providing proper and answers. Sovereignty is a concept to be respected and to the frustration of world leaders everywhere, it will not disappear anytime soon. The EU is a shining example of this. The EU is a powerful entity and daily it grows more powerful; as such, the pushback against the IGO has become more and more relevant. However, the EU is smart to focus on such topics which affect every citizen, such as the environment as this allows more flexibility in how sovereignty is interpreted and managed.

Throughout this research, two case studies have illustrated the nature of sovereignty in the European Union; Belgium and Bulgaria. Each were chosen for specific reasons, one being a

founding member of the EU, even hosting one of the EU's capitals, and the other a recent addition to the inter-governmental organization. Each would, hopefully, provide an interested argument related to European sovereignty, and they did, but in a different way than originally expected. My original hypothesis surrounded the relationship the states had with the EU. Belgium, as a founding member, troubled for years by their on-going ethnic-linguistic conflict, would permit full infringement of their sovereignty rights due to their inability to reach consensus on their own. Bulgaria, on the other hand, just coming to terms with exit of the Soviet overlord that ruled their land for 50 years, would appear a state weary of intervention and internalization, particularly from an organization that seeks to change their laws and dictate their way of life. However, following my research, a different idea emerged; both states welcomed and embraced EU internalization, even Bulgaria. To Bulgaria, developing and implementing environmental policy at the state level is not prioritized. Thus, Bulgaria has welcomed EU internalization and funds to aid in the creation of environmental standards. This relationship between the EU and Bulgaria quickly grew from just focusing on the environment to all parts of Bulgarian life.

Karen Litfin, who introduced the world community to the idea of "eco-sovereignty," stated that nature and states stand on opposite ends of the spectrum. States are about ensuring the rights of that state's citizenry while the environment seeks to understand each individual as a member of a whole. Sovereignty is becoming "greened," according to Litfin, mainly due to the rise of the Green Movement in Europe (Litfin 1997). Legitimacy is now provided to a state and intergovernmental organizations, both of which can provide environmental programs and policy. Environmental policy is quickly become as significant to a state as foreign policy, she hypothesizes, because the environment is a perfect example of a loss of autonomy for Member

States. World ecopolitics is becoming less about the state and more about providing more autonomy and legitimacy to the individual through to protection of a regional organization. The EU has become the guiding hand in the environmental policy of all its Member States, providing funds and infrastructure to equalize all its Members. The blatant violation of state's sovereignty in regards to the environment illustrates a new future for international organizations and for the future of sovereignty in Europe. The focus has shifted to ensuring the citizen-created ideals of what a governmental body should provide. Citizens have become the providers of legitimacy for states and intergovernmental organizations, instead of other states and the international community. The post-modern European ideals of human rights have the Union focusing more on ensuring individual sovereignty, and respecting the rights of humans above those of the state illustrate a new phase for the EU with the supranational union serving as the custodian of sovereignty and a legal entity in its own right.

The EU Barometer has demonstrated a changing idea developing within the boundaries of the EU. "I am European," has become a budding mindset across Europe. The EU has utilized its power in ensuring equal human rights for all citizens to develop the "European" identity. In Belgium, according to the EU Barometer from May 2013, 54% feel just as Belgian as they do European, with 11% of the population viewing themselves as "more European than National," and only 32% stating they are only Belgian (European Commission 2013). Bulgaria is quite similar in their feelings towards the EU. 42% feel equally Bulgarian and European while 47% feel only Bulgaria (European Commission 2013). This "European" over national identity mindset has been encouraged by the EU, who has used this perhaps accidentally thought as assurance of their new theory of sovereignty.

The rise of globalization has made the world a flat place. This is widely accepted across the globe. Facebook, Twitter, and the 24-hour news sites have made the world more connected than ever. A spillover effect has brought about a more self-oriented world. Perhaps the world is moving towards a new definition of sovereignty; a definition which is not state-centric but rather human-oriented. With the rise of the “R2P” or the “Responsibility to Protect” doctrine and interventions on the basis of human rights in conflicts across the world, it becomes clear that sovereignty is becoming more flexible. The nature of the state and intergovernmental organizations such as the EU are changing.

The norm Responsibility to Protect emerged following atrocities committed in the Bosnian War and the 1994 Rwandan Genocide (The United Nations 2012). The Responsibility to Protect is the idea that surrounds the fact that humans are entitled to certain rights, particularly of security and freedom from fear. In terms of Europe, a continent who has seen its fair share of conflict and strife, the EU is utilizing the Responsibility to Protect doctrine and developing a European model for it. The R2P model is most often used as a right to intervene on gross human rights violations such as genocide and war crimes, however, the EU has illustrated another important human right which many of us appear to forget; the ability to live a whole and healthy life, breathing clean air, drinking clear water, free from pollutants.

According to the United Nations Environment Programme, the environment and human rights are intrinsically tied together, with each unable to be separated from the other. Recently, in both 2008 and 2009, the United Nations Human Rights Council adopted Resolution 7/23 and 10/4, respectively, noting “climate change-related effects have a range of direct and indirect implications for the effective enjoyment of human rights” (United Nations Environment Programme n.d.). A Council of Europe report re-iterated this relationship when it discussed the

principles derived from the European Convention on Human Rights. The aim of the 2012 report is to illustrate the role of the environment in all forms of European human rights. Although not explicitly stated in the Convention itself, it can be indirectly presumed the connection between human rights and the environment. The European Court of Human Rights utilizes three examples of cases that have been brought before the Court which illustrates environmental factors that may affect Convention rights. The first, “human rights protected by the Convention may be directly affected by adverse environmental factors,” such as toxic fumes or garbage (The Council of Europe 2012). The second is that adverse environmental factors may give rise to certain requirements from public officials by the Court. The third, and final point, is the “the protection of the environment may also be a legitimate aim justifying interference with certain individual human rights” (The Council of Europe 2012).

Although not a formal branch of the EU, the Council of Europe and the EU coexist and possess a strong working relationship demonstrating “the Council of Europe and the European Union were products of the same idea, the same spirit and the same ambition” (Juncker 2006). The two organizations share a friendly pan-European relationship and the EU often looks to the Council of Europe for “monitoring mechanisms as useful sources of information in a number of areas of interest...” (Delegation of the EU to the Council of Europe 2011). For example, the document cited above was published by the Council of Europe, but the Council has submitted this report to the European Commission for assessment and for the purpose of building new framework. The Council of Europe is larger and thus can encompass more diverse opinions, such as Turkey, Russia and Azerbaijan, all whom are members of the Council. The EU and the Council share many ideals, pushing for democracy across Europe, ensuring equal human rights and cultural cooperation, and introducing a pan-European rule of law. The EU has acknowledged

the work of the Council in these three areas and regards the work the Council does as “the standard for human rights, the rule of law and democracy in Europe” (Delegation of the EU to the Council of Europe 2011).

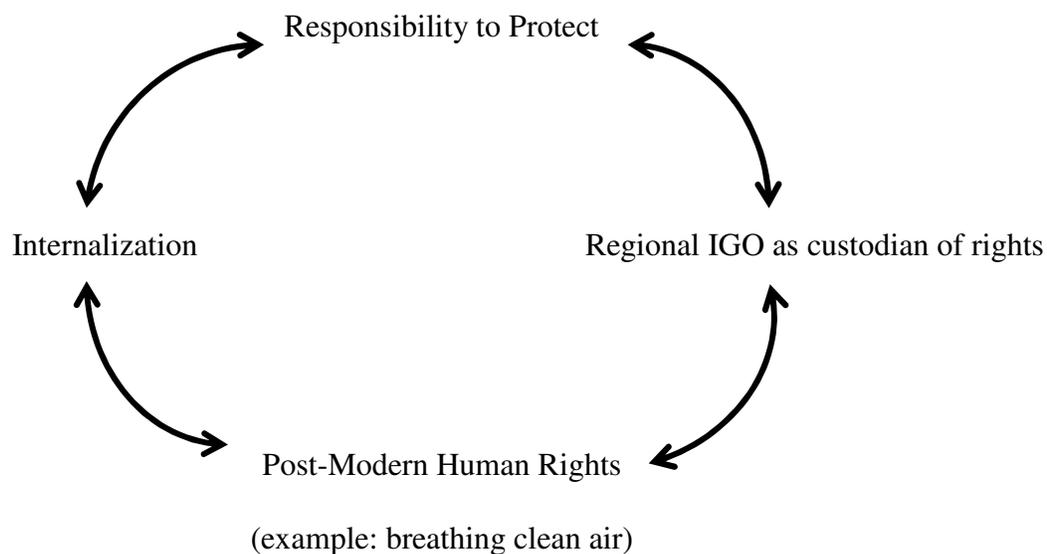
The Council’s statement regarding the environment and human rights identifies a trend across Europe which illustrates most Europeans affirm environment to be a fundamental human right. Europe is slowly developing this idea throughout the member states by utilizing many norms upheld in Responsibility to Protect; intervention is justified based not only on gross human violations, but also considering environmental violations. Responsibility to Protect surrounds the idea foreign intervention is allowed when a state does not aid its people in fulfilling natural human rights, like the right to life. However, in the case of European sovereignty, a rising norm exists of labeling the environment as one of those natural human rights. This idea has come about following the 2000’s. European’s fundamental human rights of water, food, shelter, all their “freedom from” human rights, are assured by their state and the European Union. Now comes about the post-modern ideals regarding human rights; those more focused on “freedom to” human rights. The freedom to breathe clean air can be classified as such a right.

Bulgaria can be utilized nicely to illustrate this idea. Bulgaria is a state who has never placed emphasis on environmental policy. Under the Soviet model of government, the state was subjected to Soviet laws and the administration never became concerned with ensuring industry did not pollute or that pollutants reached the fragile atmosphere. Rather the USSR was more concerned with increasing development and industry. Following the fall of the USSR and the rise of the EU, which Bulgaria eventually joined, the state still became indifferent to matters of the environment. Only when the EU began preparing Bulgaria for accession did it demand the state

align with the Community *aquis*. One of the important chapters of the *aquis* was the environment, and the EU worked with Bulgarian ministers to develop policy to implement environmental procedures. In some cases, this meant EU experts aiding in the writing process of developing environmental laws for the state. With this move, the EU illustrated to its Member States its intention to align all Member States to the principles it believes are correct; one of the most prominent being the enforcement of equal human rights to all Europeans.

Belgium, on the other hand, provides for an interesting justification, the idea that the Responsibility to Protect has been accepted in the state since the formation of the EU. Belgium is a land with many ethno-linguistic issues, although rarely violent, and relies on the EU to keep the peace. Essentially, there is no functioning government of Belgium; the EU is the government of Belgium and has become the custodian of their sovereignty. As stated earlier, the Regions distrust the federal government because it is unable to equally provide for all Belgians. Wealth is tipped north, towards Flanders, which angers Wallonia and Flanders is angered at having to pay for Wallonia's troubles. The federal government is unable to respond fairly and provide sufficient responses to appease everyone. The EU, however, makes laws which require equal and full implementation, no matter the cost. This appeases both sides as they do not have to interact with each other. The EU is the custodian of human rights in Belgium and is allowed, even asked, to intervene on behalf of the citizenry because Belgians do not trust their government has been delegitimized by the people. Their lack of response and power in maintaining authority over the people illustrates the new state of sovereignty; the EU has become the equal rights for all enforcer in Europe. No longer can states be counted on to develop policies which include every group, only the EU can provide for everyone, regardless of ethnicity, nationality, or sexuality. Everyone is equal under EU law.

The role of the Responsibility to Protect in the future of the European Union can be illustrated by the diagram below:



The circle of events works as such: if Bulgaria does not maintain its role as a state to uphold the EU's ideas of human rights, the environment, the EU will utilize the Responsibility to Protect to intervene on the citizen's behalf because the regional organization's role as a custodian of rights. Belgium is similar and an example of how much progress the EU has made regarding this emerging norm. The state requires little convincing and willingly implements all EU air pollution policies. As such, Belgium has internalized the circle and the EU into everyday life. The government of Belgium has illustrated it cannot equally uphold the rights of the Belgian citizenry, acknowledging the unequal distribution of wealth and squabbling across the Regions. The Belgian government cannot uphold the post-modern human rights the citizen's demand; the power and legitimacy that comes from the people has been granted to the EU. The EU, in turn, has responded by upholding the post modern human rights idea the Belgian government cannot and has become the Belgian citizen's custodian of rights.

This emerging relationship between the Responsibility to Protect and the EU will only grow as more citizen demand equal rights for all individuals. According to Joel Campbell, recalling from the literature review, international organizations will never attain equal privilege as traditional states because they lack legitimacy. Legitimacy flows from the people and is upheld by the people he states. However, the EU is refuting this idea. Belgium and Bulgaria, two states with different paths to the EU have both legitimized the international organization by allow interference on behalf of the environment. Legitimacy, in both cases, flowed from the people to the EU as the custodian of rights, acknowledging the divided government of Belgium and the indifferent government of Bulgaria. The relationship between the Responsibility to Protect and the EU's interference has refuted Campbell's argument but has upheld Katja Weber constructivist ideas. To Weber, sovereignty is socially constructed and has changed as the EU has grown and developed. As she aptly illustrates, sovereignty has gone through many transformations from "[sovereignty] resting with God, to the monarch, and the people" (Weber 2013). Sovereignty is defined by those who use it when they use according to Weber. In the case of the EU, sovereignty resides in the European Commission, the body responsible for overseeing implementation of EU Directives and laws. The EU is about peace and building harmony, a constructivist thought that has guided the EU through many challenges.

The future of sovereignty is still uncertain, but it can be assured the political philosophy is still being utilized by the EU as grounds for its legitimacy, upholding Litfin's ideas that a political identity must have legitimacy. This legitimacy provides the grounds to create, implement and *uphold* laws, or in the case of the EU, to intervene on behalf of the environment. Legitimacy which has been socially constructed by the people because "sovereignty has always rested on normative grounds," noting that Litfin demonstrates legitimacy is necessary for

sovereignty (Litfin 1997). Normative grounds, similar to constructivist views, derive from norms of behavior. In the EU, the norm of behavior has been to view the environment as a human right, which provides the EU with the legitimacy to violate the sovereignty of its Member States in order to uphold environmental policy.

This thesis represents a beginning in theorizing about the EU and contemporary versions of sovereignty. Time constraints were a driving factor in the various gaps in this research, but the project opens the door to develop further research into the fascinating subject of sovereignty. The future of sovereignty remains muddled by the complexities of players and the role of the EU, but research will keep the concept placed firmly in the minds of political theorists. Future research could focus primarily on this relationship between the environment and sovereignty, with Karen Litfin's "eco-sovereignty" as a guiding principle. In addition, the defining of post-modern human rights and the environment would be an interesting undertaking, especially in comparing the EU to other regional organizations such as the African Union or ASEAN. Each state has a different idea of what constitutes a human right, but if post-modern was inserted, a wealth of new possibilities arises. For example, to Finland, every person has the "right of access" to 1Mbps (megabit per second) of internet (Reisinger 2009). However, other states, such as China, well known for their avenues of internet censorship, do not agree. Although the research conducted above is a beginning to studying sovereignty's changing role in the EU, it still does not answer many questions regarding the state of sovereignty in Europe. Belgium and Bulgaria were two examples, but what about Euro-skeptic states such as Denmark or the United Kingdom? Studying the role of EU sovereignty in those states would provide a fascinating glimpse into the future challenges of the EU.

One element of this project which should be acknowledged is the role of the severe comparative case study that emerged comparing Belgium and Bulgaria. Both states function with two different governments and in the future, to draw better conclusions, a more reasonable comparison should be made. Since Belgium has such a unique form of government, surrounding the three Regions and their interplay with the federal government, it would be wise to eliminate that case study and insert another state whose governmental structure matches Bulgaria. Perhaps France, whose government matches that of Bulgaria, with a president presiding over a parliament with a judicial branch checking the parliament's power and affirming laws.

Sovereignty is a political concept that has haunted the global community for centuries. Since the Treaty of Westphalia, individuals, states, and intergovernmental organizations have tried to define the tricky term. The EU has been the latest intergovernmental organization to have attempted to re-define the traditionally held ideas of sovereignty. To the EU, sovereignty has always remained in the hands of the citizens and will continue to provide the EU with the legitimacy the people provide. After all, according to the EU, humans are the ultimate holders of sovereignty because without humans, there would be no EU at all.

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