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"How National Sovereignty in Resource Policies Limits International Disaster Responses"

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Abstract

Regional floods and droughts are attracting international interest as possible signals of climate change. Those who aim to establish climate change policies ideally seek globalized responses. They have been profoundly disappointed by leaders acting within the constraints of national politics. The United States' inaction has been the most disappointing.

There was widespread international astonishment about the slow response of the United States government to Hurricane Katrina in 2005, but international observers can learn several lessons that are relevant to climate change policy. This paper traces the rise of the U.S. flood control program to consider three features of U.S. policy that will constrain global policy making:

--Environmental policies, preparedness, and responses to weather disasters remain primarily based in the hands of the world's states.

--The U.S. government's response to Hurricane Katrina, while undoubtedly incompetent, also reflected the structured fragmentation of duties across the federal system that purposefully limit coordinated action in the United States.

--There is little tolerance in the United States for placing large areas of flood-prone land off limits to development. Making land available for development is not a sign of incompetence but is instead an assertion about the fundamental purpose of government in the United States, a different path to the common good than taken in most other countries.

The current reliance on national government responses to disasters means that the domestic political and social conditions of individual countries will constrain the ability of government and non-governmental actors attempting to create global climate change policies.

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"How National Sovereignty Limits International Disaster Responses"

Introduction

With science presenting increasing evidence of environmental problems at the global scale, it is becoming more evident that our political and social institutions are unsuited to solving problems at that scale. This paper contends that large-scale disasters are currently understood as national events that therefore require responses by states. The United States' historical experiences with disasters have been important in creating this expectation and so its institutions will help determine responses to climate change around the world. Because the first national aid for emergencies in the United States was given to flood victims, I use the flood control case to explain how disaster response became associated with the national interest. This association poses a significant limitation on efforts to envision disasters as global problems requiring global institutional responses.

I discuss the emergence of the modern state as a territorial entity and the formation of the international system as a means for coordinating relations among states, rather than as a forum for addressing global problems. The modern state system depends on establishing sovereignty, a process that involves defeating external challengers and organizing internal social networks to affirm state rule.

I then use the case of flood control policy to outline debates in the United States that helped to determine that infrastructure building and responses to disasters were national concerns. Infrastructure building became justified as being in the national

interest because it created physical and social links and because the nation as a whole owed development aid to its outlying regions. The specific steps that created a national flood control program are peculiar to this program, but the process of affirming the national interest through development aid has been common across resource programs in the United States. In building infrastructure and providing other forms of economic development aid, the central government has also become committed to a range of activities to prevent or mitigate natural and human-caused disasters and to provide emergency relief and aid for rebuilding. I conclude by arguing that the association between domestic security and disaster response has been so closely associated with state building in the United States that the very concept of disaster appears to limit our ability to discuss global climate change.

Modern state building and responses to disasters

The notion that humans can prepare for and recover readily from disasters has grown up with the modern state. The rise of capitalism and modern states, which allowed humans to marshal and deploy resources more intensively and extensively, changed expectations about how we can respond to the physical world. The organization of the modern state in particular as a territorial entity made threats to its physical domain into problems that states might be called on to address. The territorial nature of state rule helps explain why domestic demands for disaster relief can be politically powerful and why calls for global responses to environmental problems are less compelling to state leaders.

In a statement cited by theorists of many persuasions, Weber defines the modern state as "a human community that (successfully) claims the *monopoly of the legitimate*

use of physical force within a given territory" (Weber 1946 [1919]: 78, his emphasis). Before the full emergence of modern states in Europe, religious, military, and political authorities typically had jurisdiction over specific groups of people, rather than authority over well-defined territories (Mann 1993; Sahlins 1989). Historically, the emergence of a territorial power in a region forced other powers to organize to protect territory, or face possible annexation (Collins 1978). By gaining authority to draw resources from a specific territory, a state may become able to finance territorial expansion or to create more intensive political controls within its existing territory (Tilly 1986). Political expectations, nationalist ideologies, international agreements and norms, international aid packages, and targeted military actions have fostered the organization of the world into territorial states (Fox 1997).

Scholars who view state power as being imposed from the center have contributed to the idea that the modern state is unitary. Tocqueville argued that the French state not only centralized power and resources but also compelled the provinces to adopt a national culture, in the context of internal and external threats (Tocqueville 1955). Many studies inspired by Tocqueville (e.g., Skocpol 1979) describe regional resistance and acknowledge that modern state power is often indistinguishable from the power of local landed elites, but the focus of these studies remains on central bureaucracies (Mitchell 1991).

Others question the assumptions that modern states are monolithic organizations distinct from civil society that impose order and political culture from the center (Laumann and Knoke 1987; Miliband 1969; Mitchell 1991; Mitchell 1999). Critics of Weber's definition of the state note that states often fail to monopolize coercion or to

firmly define their borders but remain recognizable as states in their attempts to control territory (Gellner 1983; Mann 1986; Tilly 1985; Tilly 1990). Empirical studies find that the actual practice of state sovereignty varies, to the point where challengers have established themselves as alternative regional authorities within or across official international borders (Schaeffer 1999). And nationalities seldom fully coincide with national borders, even when state leaders encourage nationalist movements (Gellner 1983).

Collectively, these bodies of research highlight the many ways that state sovereignty may be contested and demonstrate that sovereignty is not a condition that is definitively settled. Centralizing authorities typically repress internal challengers and set up border garrisons and administrative controls to manage outlying regions and to exclude external challengers. Effective rule depends, however, on a wider range of activities, including economic development projects, changes in the law, and discursive work. These activities produce institutional forms that manage interactions between the central government and outlying regions and that help distinguish a country from its neighbors.

As Timothy Mitchell sees it, state building is not accomplished by leaders imposing their will on the people. Instead, it occurs through social processes that change not only how people organize control over material conditions but also how they perceive the institutions that control those conditions. The state appears to be a separate entity that regulates society. Despite this appearance, the conceptual border between the state and society is ambiguous and ever changing. Rather than conceiving of the state as an entity that imposes order over territory, Mitchell therefore proposes that we investigate how

mundane practices of spatial organization, such as border guards and watchtowers, lead us to perceive of an authoritative modern state set apart from society (Mitchell 1991; Mitchell 1999). Sahlins and others who study borderlands have used this approach to investigate the social and cultural processes that (provisionally) transform frontiers into international borders (Sahlins 1989). Policies about infrastructure building and disaster response are part of the history that determines how land is regulated within the borders of an advanced capitalist country.

The possibility of establishing sovereignty depends heavily as well on the immediate territorial context of an emerging state and on broader geopolitics. The spread of the modern state form yielded the international system, which until recently was characterized by active cross-border military contests over territory, particularly in Europe (Tilly 1985). The rise of frontier studies and of theories about culture and the state reflects the trend after World War II for armed conflicts to be largely confined within state borders (although such conflicts do routinely displace people across borders) (Wilson and Donnan 1998). Yet even though official international borders have been fairly stable for a half century, the creation of international governmental organizations, the rise of international nongovernmental organizations and corporations, and the growth of border-spanning economic activities and technologies appear to have reduced states' roles as definitive political and economic actors (Brenner, Jessop, Jones, and MacLeod 2003). The significance of these changes remain unclear, as do the consequences these changes may have for organizing global responses to climate change. The remainder of the paper details how disasters have been defined as national problems in the United States and considers how this history challenges the emergence of global responses to

environmental disasters.

The Development of Territory in the United States

As a settler colony, the United States formed its borders, property system, class system, national markets, and governance structures while industrial capitalism was emerging. Even before they founded the United States, business, legal, and political leaders in the colonies were conscious that their decisions about internal improvements would shape these emerging institutions (Horwitz 1977; Kulikoff 1992; Weaver 1996; Wilentz 1990). Disputes about territory west of the Appalachian range and disputes about shellfish and navigation rights were among the key problems that motivated leaders of the thirteen English colonies to unite (Armstrong, Robinson, and Hoy 1976; Gates and Swenson 1968).

These problems reemerged after unification in the form of party and sectional disagreements about internal improvements. In a country where Thomas Jefferson founded the Republican faction to oppose ambitious Federalist programs of "internal improvements," each step in building flood control and other infrastructure systems was hard fought (Reichley 1992). Concerns about security, commerce, and infrastructure returned in transmuted forms after the Civil War and again during the Great Depression, times of crisis when advocates promoted development schemes as means for the government to unite the country and rebuild the national economy.

In the earliest debates about internal improvements, some called for securing the country's harbors from attack, but there were few direct threats from foreign powers after the War of 1812. Establishing state sovereignty would depend not so much on defense against invading powers as on the conquest of indigenous groups, on land distribution

and settlement, and on infrastructure building. Leaders were concerned with establishing settlements and forming state governments in the west to prevent further European claims on territory. Settlers themselves often pressed ahead of the army posts and demanded protection and aid in exchange for loyalty (Coulter 1924). With the army freed from constant engagement at the borders, and with West Point serving for a time as the only engineering school in the country, the army could be devoted to these internal projects (Mann 1993; Weigley 1984). Infrastructure projects were also nation-building projects. Some leaders cultivated a sense of nationhood through “invented traditions,” such as nationalistic rituals and ideologies. Minicucci (2001) argues that Federalists, National Republicans, and Whigs promoted a more coherent program for nation-building, which centered instead on a system of internal improvements that would create common “interests” by physically uniting the country and facilitating commerce.

Founding concerns about security and about the central state’s constitutional duties were slowly transformed into broad acceptance of the idea that state economic intervention was justified in its own right. Ruling against a New York state riverboat monopoly in Gibbons v. Ogden, the Supreme Court in 1824 held that the Constitution’s interstate commerce clause made the federal government responsible for free access to river transportation. Chief Justice John Marshall had favored such a ruling to establish a constitutional foundation for the emerging national market. This case became the key constitutional justification for government intervention into the economy (Armstrong, Robinson, and Hoy 1976; Petulla 1977; Scheiber 1975; Shallat 1994). Congress used this ruling immediately to create the Army Corps of Engineers river navigation improvement program and later to create the flood control program. Economic and political leaders

began to organize by region to press for their shares of river development funding (O'Neill 2006).

Boosters along the lower Mississippi River sought to broaden interpretations of the 1824 Supreme Court decision, arguing that the federal government must provide flood control as well as navigation aid on the lower portion of that river because the two conditions were related. Shifting and caving banks led to floods and also caused navigation hazards. These advocates followed a practice established during the country's early years of arguing that a policy benefiting a specific region is in the national interest because people of that region share rights and duties with others in the nation (Gellner 1983).

In a political culture absorbed with interpreting the constitutional limitations on central state power, flood control activists had to overcome the notion that aid benefiting landowners was unconstitutional. But as politicians of all parties came to see the value of bringing river development projects to their home districts, partisan ideological opposition to internal improvements began to soften. By the late nineteenth century, the understanding that the government had already intervened deeply into the economy during the Civil War overcame most of the remaining concerns about constitutional limits. Advocates of flood control aid framed their demands as aid to regions, not to landowners. It was easier for members of Congress to accept demands for development aid on behalf of regions and states--where the Constitution had placed the residual powers of government--than demands for aid on behalf of landowners.

Answering Complaints of Regional Inequality

Two campaigns for flood control aid emerged, first in the Mississippi River Valley and later in the Sacramento River Valley. To protest the disproportionate share of river aid going to the northeast, politicians, bankers, and shippers from port cities all along on the Mississippi organized river conventions from the 1840s on. As a low-cost gesture, Congress approved grants of federal government swamp lands to a dozen trans-Appalachian state governments beginning in 1849, with the intention of subsidizing state and local flood control works (Mar. 2, 1849, 9 Stat. 352; Sept. 28, 1850, 9 Stat. 519; Mar. 12, 1860, 12 Stat. 3). Southerners' continued resentment over the uneven allocation of rail and river development aid contributed to the sectional polarization of political parties and other aspects of public life. In the late 1850s, northern Republicans proposed a series of bills on tariffs, taxes, banking, subsidies, and land grants that would boost the far west as an agricultural region in competition with the south and affirm the dominance of northeastern businesses in trade to the far west. They began passing the bills even as southern states seceded from the Union (Bensel 1984; Bensel 1990; Gates 1965; Moore 1966: 129).

The Civil War was the greatest crisis in state building in the United States. Moore (1966) argues that conflicts between centralizing states and large landholders were critical in determining whether modern states in western Europe and North America became democracies or dictatorships. The Civil War marked the turning point in the United States. Southern plantation owners actually encouraged central state building once they rejoined the Union: "When Southern 'Junkers' were no longer slaveholders and had acquired a larger tincture of urban business and when Northern capitalists faced radical rumblings, the classic conservative coalition was possible" (Moore 1966: 149).

The central state, no longer required to protect slavery to maintain the Union, could devote itself more fully to economic development policies (Moore 1966), including internal improvements such as flood control (Bensel 1990; Grantham 1988).

The flood control campaign was one means that southern Democratic elites used in their attempts to control how the south was reintegrated. Boosters from the lower Mississippi, especially swamp land grant recipients, organized conventions and wrote editorials to press for federal flood control aid. In the 1880s, Congress finally informally directed the Army Corps of Engineers to use navigation program funding to assist local levee districts on the lower Mississippi (Ferguson 1940; U.S. Congress 1916). Because northern voters still resented the south, this aid remained an open secret in Congress until 1917.

Settling Conflicts Among Regional Capitalists

The integration of California into the union was less fraught, but it too provoked conflicts about what the government owed to the west. The discovery of gold along the Sacramento River led to a clash among the region's capitalists. Intensive mining in the Sierras added great volumes of rocks and clay to the river's flow and onto the lands of valley farmers, who had taken up cropping to supply the miners. As farmers and townspeople began selling more of their goods outside of the mining areas, they began to protest (Hagwood Jr. 1981; Kelley 1959; Kelley 1989).

Federal officials and judges were presented the difficult choice of whether to intervene between two vital industries, a step that was unprecedented at the federal level. Even after the damages from mining were widely acknowledged, miners, farmers, and others had remained divided over the best response, in part defining their positions in

accord with interventionist Republican or localistic Democratic party ideologies. Miners and mining-dependent valley residents defended the rights of miners to use their property as they saw fit (Dana 1939; Shinn 1948 [1885]). Swamp land grant recipients favored seeking additional government flood control aid. Residents of valley areas that were dominated by smaller farms tended to favor lawsuits against mine owners, suspecting that flood control aid would be used as a justification to continue mining (Hagwood Jr. 1981; Kelley 1959; Kelley 1989). In the end, lawsuits worked more quickly than politics did. In what was likely the first major environmental ruling of a federal court (Kelley 1989), a judge ordered mine owners in 1884 to build debris basins if they wished to continue mining (Edwards Woodruff v. North Bloomfield Gravel Mining Co., et al., 9 Sawy. 441). This requirement increased the costs of mining beyond the reach of most owners.

The former adversaries regrouped. They now argued that the federal government's court ruling and its past failure to protect farms obliged it to aid miners and farmers by building debris dams and river improvements. In addition, the nation's wealth derived from California's gold, which had allowed the government to resume specie payment after the Civil War (Kelley 1989). Congress created a commission to investigate and plan improvements (Hagwood Jr. 1981). These interventions marked a major step in central government responsibility for fostering economic production and marked the beginning of federal involvement in water development in California.

Flood Control Aid Becomes Official

Passage of the first flood control act in 1917 indicated that federal provisions for the trans-Appalachian west had become just another routine political issue. Regional competition persisted in politics, but it had become less overt since the end of post-Civil

War southern Reconstruction. Flood control advocates from the Sacramento and Mississippi valleys had begun forming a joint campaign at the turn of the century, exchanging political advice, trading votes in Congress, and attracting support from commercial organizations throughout the country. As in the nineteenth century, local and state elected officials helped to organize the campaign, this time fronted by lobby organizations in Washington, D.C. that hired paid staff (O'Neill 2006).

Their campaign succeeded in making the case that these rivers' problems were national problems. The 1917 Flood Control Act directed the Corps of Engineers to provide aid for the Mississippi and Sacramento rivers (March 1, 1917, c. 144, 39 Stat. 948-951). During devastating floods on the Mississippi, public pressure prompted by flood control advocates finally moved Calvin Coolidge to approve the first full-scale national emergency relief effort for a disaster, modeled by cabinet member Herbert Hoover after relief efforts he had led during World War I (Barry 1997). In 1928, Congress committed the federal government to wholly redesigning the Mississippi and Sacramento Rivers (May 15, 1928, C. 569, 45 Stat. 534-539). The government was now required to take heroic actions to protect public safety as well as to provide for economic development. After a long lobbying effort, Congress approved the nationwide flood control program in 1936, under President Franklin Roosevelt (June 22, 1936, C. 688, 49 Stat. 1570).

Disasters and the national interest in the United States

The steps discussed above helped to incorporate the western territories, relieved river-front landowners from responsibility for flood control, expanded the central state's responsibility for security, and defined disasters as national concerns. By guaranteeing

property rights in newly claimed territories and by building infrastructure, the central state created spatial systems to facilitate the emergence of the national economy and the unification and reunification of its own territory. These steps defined large disasters as threats to the nation, its territory, and its people.

The means for implementing policies on disasters in the United States have been shaped by the decentralized federal system. As historian Martin Reuss remarks, given the cultural and political tensions between central and local power in the early republic and the creation of "a republican form of governments within the government....it is little wonder that [the United States] saw no successful implementation of co-ordinated public works administration. Perhaps more surprising is that this became a permanent condition in the United States." This fragmented system is one possible institutional form for managing natural resources within national borders but is poorly suited for international or global initiatives.

Conclusion

A truly global response to climate change would push beyond the limitations of the international system, which relies on the interactions of member states. The organization of disaster policies as national concerns limits our imagination in devising global policies.

The values embedded in U.S. resource policies like the flood control program also pose formidable obstacles to international cooperation, let alone to the formation of global policies:

--Disasters are treated as threats to the nation's territory.

--Fragmentation of policy setting and implementation across government entities is a characteristic of U.S. implementation practices, even when resource policies have been set at the national level.

--And property rights are set at such a high value in the United States that limiting owners' rights to use vulnerable lands has been seldom attempted.

Consistent with these ideas, a theme emerging from the Bush administration is that government and business should plan to adapt to any future effects of climate change, rather than reducing carbon emissions now. This theme, plus public and private responses to the hurricane disaster, indicate that it would be difficult to persuade U.S. property owners and local governments to limit building on vulnerable lands and difficult to organize a broad-based response to climate change. The particular problems in motivating action on climate change will vary across countries. The larger problem will be the strong association of disaster policy with the national interest under our world of territorially defined states.

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