International Law

Advancing Global Environmental Justice
through Environmental Networks

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Abstract: This article aims at studying on this global environmental justice paradigm arising as a new priority subject in the field of environmental studies. While doing that, it particularly focuses on environmental networks and their impact on advancing environmental justice. Hence, after studying the conceptual of environmental networks and environmental justice in the first two sections, it scrutinizes the relationship between environmental justice and networks in the third section. Finally, it discusses the lessons that should be learnt/ and also the potential ways for promoting environmental justice in response to the current/possible challenges benefiting from environmental networks.

Keywords: environmental governance; environmental justice; environmental networks

1. Introduction

Still all around the world, present systems are found inadequate to address the complex challenges of environmental issues and particularly sustainable development across economic, social and environmental realms.

Therefore, very recently, the Rio+20 outcome document entitled "The Future We Want", stresses the importance of an institutional framework for sustainable development and effective governance at local, sub-national, national and global levels, also broad public participation, and access to information, and influential judicial and administrative proceedings.

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So nowadays, new policies, laws, institutions and mechanisms that can help mitigate or prevent the disproportionate impacts of the environmental problems are investigated and discussed among the stakeholders.

Environmental networks in this sense arise as a crucial paradigm, for meeting these questions/needs and achieving the post Rio+20 goals, for creating effective governance.

Because understanding the evolving synthesis between environmental governance and environmental networks can be critical to re-examine/re-assess and re-arrange the principles of environmental justice, it becomes necessary to analyze the relationship between environmental justice and those networks.

In this respect, this article aims to study on this global environmental justice paradigm arising as a new priority subject in the field of environmental studies. While doing that, it particularly focuses on environmental networks and their impact on advancing environmental justice.

Hence, after studying the conceptual of environmental justice and networks in the first two sections, it scrutinizes the relationship between environmental justice and networks in the third section.

Finally, it discusses the lessons that should be learnt/and also the potential ways for promoting environmental justice in response to the current/possible challenges benefiting from environmental networks.

2. Conceptual Framework

2.1. Environmental Networks

The relationships in the world become more interconnected and complex over the time in many aspects, in economic, technological, social etc. To respond to this interconnectedness and complexity, together with traditional hierarchical organizations, it is also required to have different types of organizations like complex and constantly evolving networks. Therefore, today, networks take their place among other types as important components of different structures/systems, as "the blueprint for the international architecture of the 21st century" like Slaughter (1997) states.

However, what should be understood when it is said network for an organization/or structure/entity?

There can be numerous usages of the term network, as they can be created for a variety of reasons and can embody a variety of structures. (Pink, 2010, pp. 5-10) They can be both formal and informal associations and they can be created at different levels ranging from global to regional and national.

All these different usages can make it more complicated to understand what is meant when the term network is used. So, it is here necessary to clarify the definition/usage employed for the network in this study to avoid a conceptual confusion.

In general, when the term network is taken as a broad term, the UN can also be defined as a network of governments. (Zaelke, Kaniaru & Kružíková, 2005)

However, more specifically, it is defined as "a form of cooperation involving governments or government officials (also NGOs and business community in some cases) that operates without a formal treaty or international institution". (Zaelke, Kaniaru & Kružíková, 2005)

Based on this definition, it can be argued that, the more networked the world becomes, the more actions and decision are taken outside the realms of states/international institutions, and become more informal and transgovernmental.

But, the question arises: why states/international institutions tolerate them, even support them in some cases? Their four basic features can be shown as a response to this question:

- Their informal character (even if they can be set up in formal structures as well, they generally have informal character);
- Their dynamism;
- Their flexibility and adaptability (while networks are flexible, traditional hierarchical organizations are stable);
- Their capability to ensure, strengthen, and promote cooperation.

Indeed, it can be argued that, networks create "loosely-structured, peer-to-peer ties developed through frequent interaction rather than formal negotiation". (Raustiala, 2002) "involv[ing]specialized domestic officials *directly* interacting with each

other, often with minimal supervision by foreign ministers". (Raustiala, 2002) In fact, particularly in the field of compliance issue, transgovernmental networks, "involving the component institutions of states-such as legislators, regulators, and enforcement and compliance officials-interacting directly with their peers around the world" (Zaelke, Kaniaru & Kružíková, 2005) play crucial roles in advancing compliance and enforcement of environmental obligations, through promoting cooperation among governments, governmental officials, international institutions, and private actors and fostering the political will to prevent transboundary environmental problems and to respond to them.

Networks are also dynamic both because of their evolution over time and relationships with their peers. This dynamic feature can provide them different processes of operating: networking, coordination, cooperation and collaboration (partnership and collaboration can be used inter-changeably) (State Government of Victoria).

They render flexibility for working cooperatively to the states and prevent strict formality of traditional/hierarchical international organizations.

Therefore, it becomes also necessary to clarify the conceptualization/classification of the relationships including networking, coordination, cooperation and collaboration (it is possible to explain this continuum of relationships with different classifications, for example, some explain this continuum of relationships in five groups: coexistence, contracting, networking, cooperation, partnership) (State Government of Victoria). The continuum demonstrates that the nature of the relationship depends on the needs, purposes and the willingness of the partners, so they do not always involve "formal joined up arrangements" (State Government of Victoria, 2007) and "the extent to which goals, power, resources, risks, successes and accountabilities are shared across the continuum varies". (State Government of Victoria, 2007)

Himmelman (2001) also describes coalition (can be used inter-changeably for network) "as an organization of organizations working together for a common purpose"[1] and mentions this classification of networking, coordinating, cooperating, and collaborating as four basic strategies which the organizations can use within the coalition.

In Himmelman (2001)'s taxonomy:

Networking is defined as a strategy for organizations in their initial stages for sharing information with partner groups, which does not require a formal agreement across partner groups and so much time, trust or sharing of resources;

Coordinating involves not only information sharing, but also changing activities for mutual benefits. So, it requires more time and trust than networking;

Cooperating, in addition to sharing information and changing activities, also requires sharing resources, so, more time-trust and turf than two strategies abovementioned;

Collaborating, additionally to the tasks of the previously mentioned strategies, also needs a willingness to enhance the capacity of another, and the highest levels of time-trust and turf (Himmelman, 2001). It can so have a degree of formality and contractual obligations. Not all relationships move to a collaboration/partnership (State Government of Victoria).

In line with all these mentioned above, network can be briefly and simply identified as a transgovernmental form of cooperation involving various different actors based on the goals of the network's foundation.

2.2. Environmental Justice

The historical origins of the concept of and movement for environmental justice come from the grass root movements emerged to address environmental inequalities towards black communities in the United States (US) in 1980s as related to disproportionate dumping of commercial toxic waste, and so unequal distribution of environment-related risks. (Agyeman & Evans, 2002; Beretta, 2012; Martinez Alier et.al., 2016; Sze & London, 2008)

Therefore, the term "environmental racism" is initially used to explain the injustices resulting from racial factors. Over the time, for other injustices stemming from different factors such as, income, class discrimination, gender, religion, age, ability etc., the term "environmental equity" is begun to be used. (Beretta, Sze & London, 2008)

The term "environmental justice", on the other hand, comes to the agenda in 1990's to include the notions of equity, equality, and impartiality in that one term, and create a more inclusive concept adding a procedural sense to the environmental

justice concept understood just as in distributive terms of justice. (Beretta, 2012; Sze & London, 2008)

In sum, the environmental justice movement basically emerges and develops in the US. Since then, it has been also adopted at the global level and evolved becoming a more encompassing concept. (Beretta, 2012; Schlosberg, 2007)

As it is evolved in time, the concept of environmental justice can be defined in different ways. (Pena, 2005; Schlosberg, 2007; Sze & London, 2008) Indeed, it can be defined through distinct categorizations, such as:

1. Distributive-procedural-temporal aspects;

2. Preventive, corrective and retributive types;

3. Components of distribution-recognition- participation-capability;

4. Distributional justice-procedural justice- process justice;

5. Distributive justice-procedural justice- sense of justice.

For the first categorization, while distributive element means the fair distribution of environmental benefits, costs, scarce resources; procedural element involves fair/broad/meaning full participation right to the environment-related decision-making processes. And temporal element consists of two conceptions in itself, that is, both humans (anthropocentric conception), and also non-human species (eco-centric conception) can be the subjects of environmental justice. (Karageorgou, 2012)

In the second one, environmental justice is demonstrated through three types of environmental justice. To this classification, in the context of preventive environmental justice, a prospective perspective is drawn regarding environmental issues in international environmental law/policies and national environmental law/policies. While remedies or corrective actions for environmental injustice are assessed in the notion of corrective environmental justice; environmental enforcement fines and penalties are considered for retributive environmental justice. (Beretta, 2012)

With regard to the third one, for a comprehensive understanding of justice, along with the distributional equity, other components like recognition, participation and capabilities are also taken and evaluated to explain the concept. (Beretta, 2012)

In the fourth one, distributional justice refers to the fair distribution of environmental benefits and burdens likewise being under other categorizations. Procedural justice implies equal protection in the processes of rulemaking and enforcement. Process justice, on the other hand, refers meaningful involvement in environmental decision-making processes. (Pena, 2005)

The final one similarly makes a a distributional-procedural division implying the same meaning with previous ones, but, additionally, mention sense of justice as a third element in a study on social impacts of changes, that is, how stakeholders - affected by these changes- perceive and evaluate them, providing information on the legitimacy degree of governance. (Svarstad et.al, 2011)

Despite the existence of all these various definitions mentioned above, the major distinction concerning environmental justice is generally made between two aspects: distributive justice (social allocation of benefits/risks) and procedural justice (the fairness of decision making processes/procedures). To illustrate, for EPA, environmental justice is identified with procedural aspect (meaningful involvement of all people irrespective of race, color, sex, national origin, or income to the procedural/process-based aspects of the concept, accessing to environmental information, participating actively to the development, implementation and enforcement of environmental rules and policies) and substantive aspect (fair treatment of all people regardless of race, color, sex, national origin, or income regarding environmental issues. (Svarstad et.al, 2011; Sze & London, 2008)

3. Relationship between Environmental Justice and Networks

Due to the fact that networks render flexibility and adaptability for working cooperatively to the states and prevent strict formality of traditional international organizations, generally, in all fields of world politics, it can be argued that "networks, not treaties and international organizations, will be the primary vehicle for international cooperation in the future". (Raustiala, 2002)

Particularly, in the field of environmental issues, transgovernmental networks are essential specifically because of the fact that, environmental law has distinct characteristics from other fields of international law. (Bodansky, Brunnée & Hey, 2007; Hunter, Salzman & Zaelke, 2002; Lang, 1995)

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In which aspects?

Cross border nature of majority of the environment related issues;

It addresses not only local, national but also global challenges;

Global challenges can concern a great number of actors, not only all states;

Cooperation of all countries (even if they have different responsibilities) is essential to lead to the effective solutions on these challenges.

In addition, it is also because environmental issues require understanding of diverse disciplines to be solved. For example, in order to understand and produce solutions for global warming, it is necessary to benefit the studies of several sciences, such as physics, biology, economics, social sciences etc., so a multidisciplinary research, in which various disciplines, study independently rather than in collaboration, yet, sharing the same research goal.

Therefore, environmental justice networks also arise as very significant organizations involving these characteristics. They firstly emerge and develop in the US as parallel to the development of environmental justice movement, but evolves and expands to the structures covering transnational and transgovernmental features and working to prevent and reduce the environmental injustices occurring worldwide.

Their establishment and development is particularly based on the debates regarding inequalities by race, class, and nation, and related problems, challenges and possible solutions to these problems. (Pellow, 2007) So, even if they are created mostly due "to battle a particular polluting corporation or government development project" at the starting point, "daily solidarity building and exchanges across national borders" in fact form the essential elements of their creation and progression. (Pellow, 2007) The human rights framework has also been used outside the US to make the related rules and practical applications have global influence and thus to prevent another generation of environmental injustices. (Pellow, 2007)

It is possible to find a great number of transnational/transgovernmental networks particularly/directly or indirectly working on environmental justice issues.

Pellow counts and examines eight major networks using preferably the term Transnational Social Movement Organizations (TSMOs) instead of networks. Those are:

Basel Action Network (BAN) aims to cope with trading toxic waste specially between developed and undeveloped countries which is already regulated under by the Basel Convention (1989), thus, to provide a clean environment for the poor countries as well.

Global Alliance for Incinerator Alternatives (GAIA)

Refusing incinerators, landfills, and other end-of-pipe interventions, it aims to provide clean production through the methods of reuse, repair or recycle.

Global Response (GR) Network

It is a network created for environmental activism and the education of environmental activists around the world to develop projects on the protection and the improvement of the environment.

Greenpeace International

Among one of the most developed networks working on environmental issues an done the first ones, it is present in more than 55 countries across Europe, the Americas, Asia, Africa and the Pacific. Besides environmental justice, it works one several different aspects on environmental protection such as, struggling with wasteful and destructive fishing, nuclear weapons, hazardous waste, chemicals, genetically engineered organisms and protecting the world's ancient forests, oceans etc.

Health Care without Harm

Aiming to transform the health sector worldwide and becoming the leader of the global movement for environmental health and justice, it works at different levels, both globally and regions-based; and on different specific programmes, such as medical waste, toxic materials, green energy, healthy food, green purchasing, climate and health, transportation, water etc.

International Campaign for Responsible Technology

Its focus is to ensure the accountability and sustainability in the electronic industry. But still, it also works on the impacts of the industry on the health, environment and workers' rights, and so on the promotion of social-economic and environmental justice.

International Persistent Organic Pollutants (POPs) Elimination Network (IPEN)

Bringing together leading environmental and public health groups in around 116 countries most of which are developing and transition countries, it works for creating safe chemicals policies and their effective implementation to human health and the environment.

Pesticide Action Network (PAN)

Comprising around 600 participants from different countries and having five Regional Centers implementing its projects and campaigns, it works to replace the use of hazardous pesticides with ecologically safe and socially fair alternatives.

In order to find out a detailed data regarding the relationship between these networks and environmental justice, it is also essentially required to make case-based studies on those networks, or others chosen according to their focus degree to the environmental justice issues.

4. Potential Ways for Promoting Environmental Justice

According to the activists interviewed in Pellow's study (2007), the global environmental injustices basically come from primarily by governments and corporations, and secondarily by some northern environmental groups; and they are mostly because of political and economic institutional power.

They also consider "the global political economy as shifting risks and hazards from North to South, from rich nations to poor communities between and within nations, and from racially privileged communities to racially despised communities."

So, the legacies of colonial histories and the enduring inequalities between northern and southern activist networks also emerge out as one of the most crucial challenges of the networks. The physical, social and cultural distances between them also create another challenge to deal with. (Pellow, 2007) Due to these differences, they have also different goals/perspectives/working plans etc. Accordingly, all those make it hard to get success in collaborating across national borders.

In sum, already in the existing networks, there are tensions in many aspects, although there are recent attempts to decrease them, such as:

- selecting co-chairs or co-coordinators from both North and South and several representative countries;

- recognition of north part on its responsibility and accountability regarding the given environmental harm by dumping toxic chemicals and other environmental hazards to the South;

- education of the north part itself to address its mentioned responsibility and accountability, to be more sensitive to the needs/differences of South part, while collaborating with them.

Indeed, they have still problems concerning "overlap among leadership, membership, issue focus, and campaigns," scarcy of resources, heavy reliance on technology, and its negative impacts on the activists' reputations, livelihoods, and safety. Yet, still, they work to improve the collaboration between different networks through in-person meetings, workshops, or speaking tours, as just these ways render exchange of information between them, thus, "facilitate challenges to the monopolies on information production that states and corporations often enjoy". (Pellow, 2007)

In line with the information provided about the environmental justice concept in the third part of the paper, two main elements of the concept emerge out:

- distributional element-just sharing of resources/cost and benefits;

- procedural element- involvement of all stakeholders, irrespective of their race, income, religion etc., to the environmental justice-based organizations and decision-making processes.

With respect the creation of awareness regarding these elements at both national and global levels, networks can arise as one of the key actors through their specific characters mentioned above despite their present weaknesses/problems.

However, there is also need for new political-economic-legal rules/organizations/institutions involving the features of these elements, both just allocation of benefits/risks and public access to environmental information, public participation in environmental decision-making processes and access to justice for environmental matters, as set in Principle 10 of Rio Declaration and in the Aarhus Convention.

Together with them, ensuring the implementation, compliance and enforcement in these fields are also fundamental for being successful in the struggle against environmental injustices.

The existence and the influence of the networks in these processes as well can be very important for the creation of a global social change based on the equalities to cope in a best way with past, ongoing and future environmental injustices.

5. Conclusion

This article studied on the environmental justice paradigm arising as a new priority subject in the field of environmental studies. While doing that, it particularly focused on environmental networks and their impact on advancing environmental justice. Therefore, it firstly provided a conceptual framework on both environmental networks and environmental justice.

With regard to the concept of environmental network, on the basis of the specific four characteristics of the networks-their informal character, dynamism, flexibility and adaptability, capability to ensure, strengthen, and promote cooperation-, network was identified as an transgovernmental form of cooperation involving various different actors based on the goals of the network's foundation in the context of the study.

On the concept of environmental justice, after giving a brief information on its historical origins in U.S., distinct categorizations, such as -distributive-procedural-temporal aspects, preventive, corrective and retributive types, components of distribution-recognition- participation-capability, distributional justice-procedural justice- process justice, distributive justice-procedural justice- sense of justice-, were discussed. In line with this discussion, it was also underlined that, despite the existence of all these various definitions, the basic distinction concerning environmental justice is generally made between two aspects: distributive justice (social allocation of benefits/risks) and procedural justice (the fairness of decision making processes/procedures).

After this clarification on the concepts of the study, it scrutinized the relationship between environmental justice and networks in the third section. Here, it found out that, due to the fact that networks render flexibility and adaptability hindering strict formality of traditional international organizations and their hierarchy, they can enable the states/organizations and other stakeholders working together in collaboration and cooperation. This facility remarkably increases in terms of environmental networks, because of the distinct characteristics of environmental law/policies.

As there are a wide range of transnational/transgovernmental networks particularly/directly or indirectly working on environmental justice issues, to limit the paper, just those ones studied by Pellow (2007) were handled and evaluated briefly. They are: Basel Action Network (BAN), Global Alliance for Incinerator Alternatives (GAIA), Global Response (GR) Network, Greenpeace International, Health Care without Harm, International Campaign for Responsible Technology, International Persistent Organic Pollutants (POPs) Elimination Network (IPEN), Pesticide Action Network (PAN). However, it was also stressed that, for a detailed data regarding the relationship between these networks and environmental justice, there is an essential need for making case studies on those networks, or others chosen according to their focus degree to the environmental justice issues.

Finally, it discussed the lessons that should be learnt/ and also the potential ways for promoting environmental justice in response to the current/possible challenges benefiting from environmental networks. In that part, it figured out that, networks, despite their present weaknesses/problems in themselves, can play an important role in building and supporting awareness on environmental justice at both national and global level, but, there is also need for new political-economic-legal rules/organizations/institutions involving the features of two elements-distributive and procedural- of the environmental justice concept. Together with them, ensuring the implementation, compliance and enforcement in these fields are also highly needed for dealing with environmental injustices. Therefore, to create the ways/opportunities for the networks to be part of these processes somehow (step-by-step from just observer status likewise being in the non-governmental organizations (NGOs), providing *amicue briefs* again like being under NGOs, to the being parties having voice/vote etc.) as well, can contribute to the creation of a global social change fighting against past, ongoing and future environmental injustices.

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Global Alliance for Incinerator Alternatives(GAIA), http://www.no-burn.org/.

Greenpeace International, http://www.greenpeace.org/international/en/.

Health Care without Harm, https://noharm.org/.

International Campaign for Responsible Technology, http://www.icrt.co/.

International Persistent Organic Pollutants (POPs) Elimination Network(IPEN), http://www.ipen.org/.

Pesticide Action Network (PAN), http://pan-international.org/.