

## **Environmental Justice in World Politics**

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### *Abstract*

All environmental problems in one way or another are involved in the question of justice. The concept of “environmental justice” has been in circulation for some time underlining the justice dimension of environmental issues. Given the globalization of environmental problems since 1970s, the environmental justice discourse has been increasingly used to frame various international or global environmental issues like toxic waste trade, ozone depletion, biodiversity protection, and global warming.<sup>1</sup> There is now quite a number of phrases that can help us to think environmental justice outside state borders: “global environmental justice,” “transnational environmental justice,” “international environmental justice,” and “international environmental equity.”<sup>2</sup> Environmental scholars using these terms often fail to draw meaningful distinctions among them. I argue that this multiplicity of phrases signifies more than an inadvertent inflation of terminology. The terminological diversity we encounter in IR literature actually corresponds to different modes of environmental justice in world politics.

Environmental issues in world politics are often studied along three spatial dimensions: international, transnational, and global. Despite the fact that these three dimensions are intertwined in the real world, we can draw analytical distinctions among them. The international dimension is the oldest and the most dominant level of analysis in the IR literature. Since the end of World War II, the questions of peace and conflict among nations have been central to the IR field. The strict state-centric focus of these studies, however, has led to the reconsideration of the classic realist paradigm in the 1970s. The neo-liberal institutional school played a key role in this

revision by raising the profile of the transnational dimension of world politics.<sup>3</sup> Among the new issues that the transnational dimension of world politics shed light on were human rights, social movements, and environmental protection, all of which were relevant to world politics but could not fit into the inter-state framework of the international dimension. Finally, the mind-boggling pace of globalization since the end of Cold War has brought to light the global dimension of world politics which compels us to conceive issues not between (as in the “international” dimension), nor across (as in the “transnational” dimension) but without borders.

The transnational dimension of world politics has been most visible in the increasing speed and volume of communication, trade of goods, and human travel across borders. This was a new domain of world politics that eluded and defied the inter-state logic of traditional IR framework. Many things, both tangible and intangible, were involved in this accelerating process: goods, services, people, ideas, information, capital, terrorism, disease, pollution etc. The porous nature of state boundaries has been particularly alarming in parallel to states’ increasing inability to control the movement of undesirable objects—whether ideas or people—across their borders. This growing incompetence has raised concerns and questions over the principle of state sovereignty, and exposed the gap between the *de facto* and *de jure* aspects sovereignty.

However, the most interesting aspect of the transnational dimension is not the transboundary movement of undesirable objects. It is rather the transnational interactions of social actors and the diffusion of ideas across national boundaries. It has been argued that, under certain circumstances, the transnational organizations and networks could facilitate political changes in world politics by changing the behavior of states or international organizations through numerous political strategies such as campaigning, lobbying, information-sharing etc.<sup>4</sup> Beyond mere political influence, the diffusion of norms through the transnational interactions of civic actors may even affect more enduring cultural changes in the long run.<sup>5</sup>

The global dimension of world politics is related to both international and transnational dimensions but there is a qualitative difference between them. I use “global dimension of world politics” to highlight what some IR scholars mean by “global governance.”<sup>6</sup> Global institutions such as the IMF, the World Bank, and the WTO are currently the most influential actors in this brand new dimension of world politics. Although they are inter-governmental institutions dependent on the co-operation of states for their existence, in some cases, they operate autonomously as *sui generis* global actors, independent of their constituent member-states. The

neo-liberal economic policies followed and prescribed by these global organizations have had serious adverse consequences on local communities of indigenous and rural people. The development projects financed by the World Bank, the structural adjustment policies of the IMF, and the trade liberalization policies of the WTO have all been in one way or another detrimental to local environments, communities and democracy, especially in developing countries.<sup>7</sup>

Globalization is not yet a win-win game. Its outcomes present a mixed bag. Globalization has so far had varying degrees of positive and negative impact on nations. A recent empirical assessment of the effects of various strands of globalization on the level of democracy, for example, has come up with such mixed results but with a grim conclusion that “globalization erodes the prospects of democracy.”<sup>8</sup> According to this study, covering the period from 1970 to 1996 for 127 countries, trade openness and portfolio investment flows seem to affect democracies negatively (the former with a constant and the latter with an increasing effect over time), while the effects of foreign direct investments and the spread of democratic ideas seem to have had a positive impact (the former with a weakening and the latter with a persisting effect over time).<sup>9</sup>

Proponents and/or beneficiaries of economic globalization, however, have either completely ignored or downplayed the negative externalities of this multi-dimensional process. Celebrating or championing *globalization* indiscriminately portrays almost a surreal picture of what is actually taking place on the ground. Overemphasis on the highly abstract global dimension of world politics always runs the risk of losing touch with reality. As prominent Indian critic of globalization, Vandana Shiva, notes, globalization of trade and investment in recent decades has increased the “destruction of the environment and local, sustainable livelihoods.”<sup>10</sup>

The term *glocal* has been coined to highlight the interplay between the global and local perspectives.<sup>11</sup> This hybrid term draws our attention to the increasing interdependency between the global and local levels. The superiority of a *glocal* perspective over a highly abstract *global* one, with respect to environmental issues, could be seen in the debate over the Global Environmental Facility (GEF), which was created in 1991 as an international mechanism under the supervision of the World Bank, UNDP, and UNEP to provide funds and technical assistance for national initiatives addressing global environmental problems. The globalist side of this debate argued that GEF’s funding must be restrict with the truly *global* environmental issues

such as ozone depletion, climate change, loss of biodiversity, and pollution of international waters. The glocalists, on the other hand, argued that seemingly local issues such as land degradation problems in developing countries (desertification and deforestation) must also qualify for financial and technical assistance since they were connected to other global problems. With the fundamental restructuring of GEF in 1994, this dispute was resolved with a compromise solution that included land degradation problems as eligible for funding in so far as these cases were related to GEF's four focal areas (i.e., ozone depletion, climate change, biodiversity loss and international water pollution).

Despite the challenge of globalization and transnational relations, the *international* sphere is far from being obsolete.<sup>12</sup> Transnational and global forces are definitely altering the international dimension of world politics by challenging, for example, the *de facto* and *de jure* aspects of state sovereignty, but their quantitative or qualitative effects on states are not homogenous at all. The overall effects of these changes can turn out to be positive, negative or even neutral according to the adjustment capacity of states, and also according to the multivariate interactions among different dimensions of globalism.<sup>13</sup> Due to these variations in state capacity and different dimensions of globalism, the norms and practices of state sovereignty are differentially affected.<sup>14</sup> State sovereignty seems to be resilient, although not monolithic or immutable, and it is too early to declare the obsolescence of inter-state politics.<sup>15</sup>

If this analysis of contemporary world politics holds, then, we can view world politics as constituted by simultaneous interactions within and among its international, transnational, and global dimensions. Environmental justice in world politics can be better understood and implemented through these three dimensions of world politics. In view of the political synergy as well as friction and tension that exist between and within these dimensions, I argue that the transnational mode of environmental justice is better situated to achieve positive and enduring results for local communities and their environments around the world. It can also mitigate the practical difficulties encountered frequently in achieving environmental justice through the international and global dimensions of world politics.

### **The International and Global Modes of Environmental Justice**

In the international domain of world politics, the major issue concerning EJ has been the integration of the principle of "equity" into international environmental law and institutions.

Equity is an ambiguous concept evoking a multiplicity of connotations including what is fair, just, moral or ethical thing to do. Since the ancient times, it has been recognized that equity had an affinity, but was not identical, with justice. The function of equity is to correct the legal errors that can arise from the formal administration of laws, which are designed with a deliberate level of generality. The vague character of laws due to this generality can be only mitigated by paying closer attention to the particularity of each legal case at hand. The application of equity principle in international environmental law is somewhat similar to this usage in the sense that an equitable international arrangement should take into account the particular circumstances of developing countries instead of strictly applying, say, the principle of sovereign equality.<sup>16</sup> To insist on the equal common responsibility of states in the context of international environmental problems would not only be imprudent because of its infeasibility but inequitable as well because of the developing countries' less responsibility and ability to spend for these problems.

Environmental equity, according to Oran Young, is “a matter of taking steps to ensure that the rich and powerful do not insulate themselves from environmental harm largely by displacing problems on to the poor and weak.”<sup>17</sup> The displacement of environmental harms across borders immediately raises three crucial questions for any international environmental problem at hand: (1) who is responsible, (2) who suffers the most, and (3) how the costs of preventive measures be apportioned. Equitable answers to the first and last questions suggest an extension of the “polluter pays” principle to the international context. On the other hand, the second question goes beyond empirical questions of responsibility or technical capacity of states by drawing attention to the vulnerability of the weak. All three questions, in the end, call for paying closer attention to the particular processes that lead to and may ensue from the “common” environmental problems and arrangements in the international context.

These questions were particularly debated in connection with ozone depletion and climate change problems. In both cases, it was argued that rich industrialized states should assume more responsibility for causing these problems in the first place. It was also suggested, in the case of global warming, that the poor states such as Bangladesh or small island states will be the most hard hit due to their higher vulnerability to the adverse consequences of climate change (e.g., sea-rise, floods, storms, crop failure etc.), and/or their technological and financial incapacity to cope with them alone. These conditions (of greater historical responsibility and technical capacity of the rich states, on the one hand, and greater vulnerability of the poor and

weak states on the other) have been the most common reasons to justify the moral obligation that poor states should not be overburdened with, rather compensated for, the additional costs of environmental protection by rich states in the case of an international environmental cooperation.<sup>18</sup>

The principle of “common but differentiated responsibility” of states has been invoked as a matter of environmental equity particularly in response to the first and third questions mentioned above. This principle was implicit in the 1972 Stockholm Declaration on the Human Environment (Principles 11, 12, 20, and 23), in which special circumstances of developing countries were acknowledged and equitable arrangements to lighten their environmental burden were called for. Negotiations over ozone depletion have been the first testing ground for the implementation of this principle. The Montreal Protocol adopted in 1987 successfully applied the principle of equity as a matter of common but differentiated responsibilities, especially after its London amendment in 1990, by assigning more responsibility to the developed countries for causing the ozone depletion problem, allowing developing countries a delayed schedule to phase out their consumption of CFCs, and by establishing a funding and technology transfer mechanism for developing countries’ transition to CFC substitutes.<sup>19</sup>

The principle of “common but differentiated responsibility” was explicitly espoused in the 1992 Rio Declaration (Principle 7) as the basis of an “equitable global partnership.” The two legally binding Conventions (on Biodiversity and Climate Change) adopted during Rio Summit also incorporated this principle in their arrangements.<sup>20</sup> The Global Environmental Facility (GEF), a financial mechanism created to meet the costs of preventive measures on global environmental problems, not only embodies the equity principle but also, after its major overhaul in 1994, represents an exemplary model of procedural justice, which still remains to be a source of tension in the international and global domains of world politics. The double majority voting system of this quasi-institution combines the weighted voting model of Bretton Woods with a one country-one vote principle of UN model. The former, assessed according to the financial contributions of the participant countries, was favored by donor countries (OECD), while the latter was favored by recipient developing countries (G77).<sup>21</sup> In addition to its equitable purposes and procedures, the GEF also accommodated the developing countries’ concern for land degradation by incorporating them into its list of four focal areas. Beyond this, as a semi-autonomous global actor, the GEF may also generate environmental justice if it chooses to re-

orient its policies towards environmental conflict prevention, as suggested by some scholars.<sup>22</sup> In short, the GEF can be instrumental in achieving equitable outcomes in international and global domains of world politics.

The principle of environmental equity is potentially applicable to all three domains of world politics but it is currently state-centric and restricted mainly to the international dimension of world politics.<sup>23</sup> Hence, Harris defines ‘international environmental equity’ in the sense of distributive justice among states: “*a fair and just distribution among countries of benefits, burdens, and decision-making authority associated with international environmental relations.*”<sup>24</sup> International negotiations over the climate change before and since the Rio Summit have produced numerous proposals of distributive justice. In these proposals, historical injustices (committed through the colonial, imperial or neo-colonial schemes) were often given as the strongest moral basis of international equity principle. Henry Shue called these historical conditions as “background justice” which, according to him, inescapably seeps into the questions of “internal justice.”<sup>25</sup> The former, which is often overlooked during international environmental negotiations, is the “justice of the circumstances within which the agreement is made,” while the latter is “the justice of the terms of the agreement.” According to Shue, the lack of background justice often undermines the negotiating power of developing countries and, in turn, the possibility of reaching an internally just agreement.

Due to these persisting conditions of background injustice, international and global environmental negotiations have been embroiled in a tense North-South relationship reflecting “the larger issue of North-South relations in world politics.”<sup>26</sup> This mutual tension and distrust between the North and South in international environmental negotiations continues since the Stockholm 1972, although it subsided somewhat at the 1992 Rio Summit with the compromise language of ‘sustainable development.’ The discourse of sustainable development was agreed upon as a middle ground of social justice and environmental protection. The criticism of developed countries in environmental matters on the basis of background injustice will most probably return to its former levels as it has become apparent that the meager promises of Rio are largely left unfulfilled, and as the fate of Kyoto Protocol fell in limbo after the US withdrawal from the treaty in 2001. This critique will also be fuelled by the growing disillusionment with the international dimension of environmental politics to improve the fate of earth and humanity. It has reached to its peak at the latest UN conference, the World Summit on

Sustainable Development (WSSD), which convened in Johannesburg last year as a follow-up to Rio in its tenth anniversary. The assessment of the conference's achievements by most observers and NGOs was predominantly pessimistic.<sup>27</sup>

This moral critique of the North for environmental reasons is basically an ecological adaptation of dependency theories, to which the North-South conflict was also central to understand world politics. The connection can be seen best in concepts such as the alleged 'ecologically unequal exchange' that takes place between developed and developing countries and the 'ecological debt,' or 'carbon debt' owed by developed countries to the developing countries.<sup>28</sup> These concepts, too, emphasize the greater responsibility of developing countries for international/global environmental problems and the unpaid advantages accruing to them as a result of these problems. They at the same time underlie the increasing vulnerability and disadvantages of developing countries due to these problems. A typical statement reflecting this environmental neo-dependency position was recently articulated by the First Minister of Scotland, Jack McConnell, in his speech at an environmental justice seminar in Johannesburg (2002):

the greatest environmental injustices are between the developed and the developing world. There is injustice internationally which those of us who believe in a fairer distribution of power, wealth and opportunity cannot and will not accept. Ultimately we are all interdependent, we share the same planet and the actions of one will matter to others. But consumption, greenhouse gases and waste have all increased – mainly because of the behaviour of those from rich countries. And of course the result of this affects those in the countries with the least.<sup>29</sup>

Two strands of EJ can be distinguished in the above discussion. The first calls for an 'international environmental justice' integrating the principle of equity into international environmental law and institutions. The other, which we may call the 'global environmental justice', situates environmental problems in the context of background injustice and pushes for more cosmopolitan approaches by downplaying the moral significance of state boundaries. It is more appropriate to envision these strands as two poles of a continuum rather than as separate or unrelated. Some of the proposals for environmental justice tend towards one or the other pole, while some others vacillate between the two poles. An example for the latter kind, in the context of global warming problem, is the "contract-convergence" proposal, which combines the internationalist and cosmopolitan perspectives in a peculiar way. On the one hand, it argues for



equal entitlements to carbon sinks, on the other hand, it calls on rich states to reduce their per capita consumption levels to a certain level and allow developing countries to raise their increasing economic activity until they reach the same levels. This proposal justifies an equitable inter-state response to global warming on the basis of an egalitarian cosmopolitan idea of equal rights to the global commons.

The defense of global environmental justice is very much influenced by the theories of cosmopolitan justice. We can identify two major strands in the contemporary cosmopolitan thought, which, in turn, influence the conceptions of global environmental justice: the moral and the institutional. One group of cosmopolitans argues for universal moral obligations that require a fair distribution of resources and wealth among all human beings through redistribution from rich (in resources or wealth) to poor (in resources or wealth). The current environmental contradictions between the rich and poor are often used to buttress this position. The conspicuous disparities in global wealth distribution are found morally indefensible in the face of ongoing abject poverty of a considerable portion of earth's population which cannot even satisfy their basic necessities.<sup>30</sup>

The following account of cosmopolitanism applies equally to arguments for global environmental justice: "all [cosmopolitans] agree that, in our current world, there should be considerable redistribution to alleviate poverty and to overcome hunger, famine, malnutrition, starvation, disease and drought...On all such accounts, the current international order is severely unjust and wealth should be redistributed from the affluent to the impoverished."<sup>31</sup> The problem with this conception of global environmental justice, justified on the basis of distributive justice concerns, is that it downplays the significance of political autonomy for human beings. Political autonomy is partially an individual but partially a collective matter. Individual autonomy is a product of individuation-in-socialization, which can best be achieved through a political community. This problem lies at the core of cosmopolitan-communitarian debates over the moral significance of collective entities such as states or nations.<sup>32</sup> Cosmopolitans deny any moral significance to entities other than individuals. They argue that collective entities such as states derive their empirical significance from the individual's moral priority. The individualist orientation of their moral arguments leads to the moral requirement of global redistribution on the basis of membership to humanity.

In the context of environmental justice issues in world politics, this cosmopolitan individualist orientation may conflict with the sensitive issue of sovereignty or autonomy claims over natural resources. This is particularly true for indigenous peoples who, for example, “call for recognition of [their] collective right as peoples, to self-determination, including a secure and full measure of self-governance and control over [their] territories, organisations and cultural development”<sup>33</sup> Recognition of collective rights to natural resources or land is critical to many sub-national environmental justice struggles because incidents of environmental injustice often stem from local groups’ lack of control over their environments. Extending control over a stretch of land, however, must be morally justified. On what basis can this collective right be justified? It may be true that human beings bear moral rights and duties towards each other simply on the basis of their humanity, but this should not be radically opposed to particular political arrangements of individuals, which may generate more specific and detailed sets of rights and duties for their members exclusively. As Alan Gewirth argued, in an attempt to reconcile ethical universalism with ethical particularism, “the principle of equal rights to freedom and well-being authorizes certain social groupings and institutions wherein persons make differential treatment because of the ways their actions affect other persons’ equal rights to basic well-being.”<sup>34</sup> This position points towards a middle ground between strong versions of cosmopolitanism and communitarianism.

Charles Beitz, however, protests against reducing cosmopolitan position to mere resource or capital transfers between the rich and poor. Analogous to the relationship of Rawls’ distributive justice to the ‘basic structure’ of national society, the theory of international distributive justice, according to Beitz, is concerned with the basic structure of international society constituted by “the institutions that determine the international distribution of advantages.”<sup>35</sup> This institutional strand of cosmopolitanism can be best seen in David Held’s theory of cosmopolitan democracy that calls for institutional reforms at regional and global levels to support democracy at local and national levels.<sup>36</sup> This theory is based on the observation that “our world is a world of *overlapping communities of fate*, where the fate of one country and that of another are more entwined than ever before.”<sup>37</sup>

When this strand of cosmopolitan thought is applied to global environmental issues, then the ‘global environmental justice’ is conceived, in a second sense, as concerned primarily with the democratization (procedural justice, accountability, transparency) of global governance

structures as they pertain to environmental problems from global to local levels. The reform initiative for a global currency transaction tax (also known as Tobin Tax), for example, can be instrumental to improve environmental protection policies at the sub-national level by sheltering the developing countries from the destabilizing effects of capital flight.<sup>38</sup> Reformist efforts towards greening the global governance institutions are currently debated under the rubric of Global Environmental Governance.<sup>39</sup> Some of the reforms under serious consideration include a stronger World Environment Organization to replace the weak UNEP, and an International Court of the Environment to arbitrate the disputes and conflicts related to global environmental issues. If established, these institutions may strengthen the prospects of environmental justice in the global dimension of world politics.

Although the international and global dimensions of world politics are extremely significant for our understanding of EJ in world politics, there are grounds not to rely solely on efforts that try to generate environmental justice through either (or even both) of these dimensions. Both international and global modes of environmental justice are very much susceptible to power politics in these domains. The justice of international or global (environmental) arrangements can never be perfect but may arise contingently from compromises, bargains and negotiations. Even if the procedural justice can be obtained in some of these global mechanisms, this is no guarantee for achieving environmental justice substantively at the sub-national or local level. For example, many environmental injustices today are perpetrated or overlooked by the governments of the poor countries themselves. Miller observes that “the pronouncements and posturings of [Third World] states in international forums are at odds with their domestic policies, and their push for equity and justice in the global context is not translated to the domestic arena.”<sup>40</sup>

Besides, there are convoluted thorny questions that can weaken, if not eliminate, even the most popular (but not the only) justification of international mode of environmental justice: attributing moral responsibility to rich states on the basis of background injustices. A much debated question in the context of ecological or carbon debt arguments is the moral validity of penalizing contemporary generations of a rich country because of the decisions taken in the past. Several responses can (and have been) made to this question.<sup>41</sup> One common response points out that if the contemporary generations (of a rich country) benefited from the past economic and political policies, then they are under moral obligation to make the necessary sacrifices today

such as cutting the GHG emission rates and/or compensating the poor countries harmed by the climate change. This response, however, is still very state-centric and, as argued above, plays down the significant differentials in political, social and economic power that exist in both rich and poor countries.

These complicated questions can be easily multiplied: Are all rich states equally responsible for past injustices? How long or how much the rich states have to compensate them? What is the responsibility of the newly industrialized rich countries such as South Korea, or of OPEC countries, which heavily rely on their oil revenues? We know, for example, that Saudi Arabia and Kuwait are comparable to the US in their hostility to the global reduction of GHGs.<sup>42</sup> These questions are not easy to answer within the domain of international or global politics.<sup>43</sup>

In this sense, we should be wary of the reductionism inherent in the North-South polarity when it comes to questions of environmental (in)justice. This framework is simply too narrow to represent relationships such as (in)justice that cut across the north-south antinomy. The cooperation of states to generate environmental justice in world politics is necessary but does not exhaust the universe of environmental justice in world politics. A more promising to seek environmental justice is the transnational dimension of world politics. The next section will follow Jamieson's suggestion on supplementing (rather than supplanting) the international mode of environmental justice with a more inclusive transnational conception of duties and obligations by which we would see "people all over the world in their roles as producers, consumers, knowledge-users...connected to each other in complex webs of relationships that are generally not mediated by governments."<sup>44</sup>

### **The Transnational Mode of Environmental (In)justice**

When we look at the history of international environmental issues, we can see an evolving understanding of harms moving across national borders. From the US-Canadian *Trail-Smelter* dispute to acid rains in Europe, the initial focus of international environmental law and politics was on the transboundary movement of harmful particles across national borders. Both the 1972 Stockholm (Principles 21 and 22) and the 1992 Rio Declaration (Principles 2 and 13) called on states to take responsibility for the transboundary damages caused by the activities from within their jurisdictions. But the Rio Declaration, in addition, enjoined states to discourage the transboundary shipment of hazardous activities and substances (Principle 14).

This second form of transnational harm has been a matter of increasing concern in the 1980s. The Basel Convention was eventually adopted in 1989 to regulate and monitor the transboundary movement of hazardous waste from industrialized to developing countries; but it was soon realized that inherent weaknesses of the convention rendered it susceptible to various types of evasion and cheating. These loopholes (such as waste recycling) led a coalition of NGOs, the G-77 and some European states to amend the convention in a series of conference of parties sessions by instituting a complete ban of waste exports from OECD to non-OECD countries.<sup>45</sup> Although the ban is yet to enter into force of international law, the process that led to it represented a more sophisticated example of the transnational dimension of environmental politics because of the critical role played by non-governmental actors in this process.<sup>46</sup>

This form of transnational activity, however, is not unique to civic-minded non-governmental environmental organizations. Their major opponents are the transnational corporations (TNCs), whose increasing volume of operations since the 1970s unleashed a new stage of transnational harms especially in developing countries. Many of these TNCs operate in the extractive industries such as oil and mining.<sup>47</sup> Bound by lax or no environmental regulations, the development projects that these companies are involved with have caused serious damages to local environments and communities in many developing countries. These projects do not only threaten the economic activities of local communities, but also their cultural and spiritual activities. The plight of local groups in the Nigeria's Delta region, or in Amazonia is a product of this classic triangular relationship between local communities, corporations, and governments.

Environmental justice movements in developing countries often revolve around livelihood concerns. A livelihood struggle for people living off the land means much more than an economic problem. Deprived of their means of livelihood, most of these rural communities not only get materially impoverished but are culturally and psychologically disabled in addition. The difference between material and cultural deprivation corresponds to the difference between poverty and destitution. The latter represents a state of impotency beyond the simple lack of means. This is so because productive activities of a community not only produce material goods or services but also reproduce culture and power. When the material resource base of a community is disrupted, these will have repercussions in its overall conditions. In a recent declaration, representatives of indigenous people noted the destructive effects of extractive industries upon their lives as follows: "Many of our communities have been forced to relocate

from their lands and ended up seriously impoverished and disoriented...Mines, oil and gas developments have ruined our basic means of subsistence, torn up our lands, polluted our soils and waters, divided our communities and poisoned the hopes of our future generations. They increase prostitution, gambling, alcoholism, drugs and divorce due to rapid changes in the local economy.”<sup>48</sup> This account sums up what has been taking place in several local and indigenous communities around the world from India to Brazil and from South Africa to Arctic.

Despite the dissimilarity of actors involved in environmental disputes over resources, some recurring procedural patterns can still be identified. For example, communities are rarely consulted by companies or governments before a development project is set in motion. If consultations occur at all, they are often designed to manipulate the outcome rather than to allow free and open negotiations. Divisions and consent within community are frequently manufactured through bribery, intimidation and threats. Critical information on the details of the project (such as its probable or actual effects on the environment, its benefits to the community) is withheld from the community members (though they may be disclosed only to community leaders after striking special deals with them). If agreements are reached after a consultation process, they are not abided by the company or enforced by the government. These typical interactions inevitably result in mistrust not only towards the corporation but also towards their own state.

Damages caused by these projects in several cases have led to intermittent clashes between harmed communities and state or private security forces protecting the interests of TNCs. This imbalance of power relationships often provides legitimacy for the intervention of transnational advocacy networks from outside in favor of the marginalized sub-national actors. Many strategies are pursued in these networks such as lobbying international donors, filing lawsuits in the home country of corporations, generating bad publicity etc. As Keck & Sikkink noted, environmental advocacy networks work on a more pragmatic basis compared to human rights networks.<sup>49</sup> They often frame their campaigns by invoking different norms or interests depending on the case at hand.

However, the most consistent frame in these networks has been constructed through the coupling of environmental protection with human rights agenda. This pragmatic framework has been most appealing in the case of environmental issues with shorter causal chains and “involving physical harm or loss of livelihood are particularly susceptible to transnational

advocacy campaigning.”<sup>50</sup> Keck & Sikkink also observes that “[e]nvironmental campaigns that have had the greatest transnational effect have stressed the connection between protecting environments and protecting the often vulnerable people who live in them.”<sup>51</sup>

The strategic framing of some environmental issues in terms of human rights may appear as mere rhetorical tools designed for success. However, the linkage of human rights with environmental concerns goes beyond its rhetorical appeal. It even goes beyond the immediate connection that can be seen in the human rights violations stemming from environmental disputes or conflicts. This connection can be better appreciated if we make the distinction between having rights and exercising rights. Most of the environmental injustices done to vulnerable people stem from their relative lack of capacity to exercise rights. Transnational networks provide this vital capacity to local people in developing countries in many issue-areas. However, environmental issues that threaten the subsistence base of local people carry a fundamental significance because most of the ills follow the initial erosion of this base.

Transnational environmental networks can establish and maintain close contacts with local people with sufficient understanding of their political dynamics. The intricacies of these local dynamics are extremely important in exercising environmental justice because justice is not a matter of theoretical intellect. It is rather related to practical reason or judgment which can administer justice in a right manner only if it pays sufficient attention to the particular circumstances of each individual case. The transnational environmental organizations such as Greenpeace attend to such particular circumstances through their rhetorical strategies. In their on-going campaign to save ancient forests in Brazilian Amazon with majestic mahogany trees, they primarily target the beneficiaries of mahogany trade.<sup>52</sup> The partners in “mahogany crime” are the foreign manufacturers and retailers in affluent countries such the US, UK and Netherlands, and domestic mafia-like “mahogany kings.” There is also an unexpected junior partner, however: the Kayapo Indians. This indigenous group has been at the center of environmental politics prior to Rio Conference.<sup>53</sup> But after gaining their territorial autonomy from the Brazilian government, they granted concessions to timber companies to log mahogany trees and allowed for gold mining on their territories (ibid.: 703-704). This move expectedly attracted the ire of environmentalists. One such critic noted:

The Kayapo Indians of the Brazilian Amazon have recently begun to make illegal deals with loggers and miners, allowing for large-scale extraction of mahogany and gold on their lands. Less

than a decade ago, after the Kayapo had staged several highly publicized protests to demand land rights, the Brazilian government granted them a 65,000 square-kilometer reserve from which timber and mining companies were barred by law, for the Indians' own protection.<sup>54</sup>

This disjuncture, according to Conklin & Graham, between environmentalists' expectations of indigenous people and their actions stems from the naïve ideal of "ecologically noble savage."<sup>55</sup> The problem arises from insufficient attention to particular circumstances of indigenous people. Greenpeace activists are aware of the role played by the Kayapo: "Although illegal, it is not unprecedented for Indians, including some members of the Kayapo, to allow loggers onto Indian land in order to make some meager earnings themselves."<sup>56</sup> They use a careful diplomatic language not to alienate the Kayapo. They instead downplay their role in this trade and choose to target other powerful actors. They also are aware of and sensitive to the fact that "[e]nding the illegal logging on their land requires sustained efforts to find alternatives that provide the Indians with income from the forest, without destroying it."<sup>57</sup>

It is also important to maintain extended contacts with local communities long enough to be effective. The length of contact is important in view of the fact that foreign developmental aid to developing countries, for a long time, was wasted or counterproductive because of the short time-horizon of the programs under which aid was allocated. Transnational networks often transfer skills, technical assistance and financial aid to local people directly in face-to-face relationships. Their grassroots efforts are aimed at building or strengthening a local infrastructure that can withstand the adversities of nature, government or TNCs. As Wapner noted transnational environmental activist groups "try to use activism itself, rooted in the actual experience of ordinary people, as a form of governance. It can alter the way people interact with each other and their environment, literally to change the way they live their lives."<sup>58</sup> This type of action goes beyond environmental advocacy or politics. This is rather environmental justice in a proactive sense.

It is also important to have the connection between human rights and environmental protection embedded in legal rights. A number of international legal instruments already place human rights and environmental protection side by side. This juxtaposition could be seen in the 1972 Stockholm Declaration, whose first principle proclaimed that "man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that



permits a life of dignity and well-being...” In the past decade, however, international lawyers have started to discuss the concept of “environmental right” as a synthesis, and not mere juxtaposition, of human rights and environmental protection.<sup>59</sup> Just like any other human right, the concept of environmental right also consists of procedural and substantive elements. There is a growing recognition that procedural rights can be instrumental to achieve or maintain the substantive right to a healthy environment in domestic or world politics.<sup>60</sup>

Two legal texts stand out in the discussions over the concept of “environmental right.” One of them is the Draft Declaration of Principles on Human Rights and the Environment (also known as the Ksentini Report), which is still under consideration by the UN Commission on Human Rights.<sup>61</sup> This report, for example, makes stronger connections by recognizing that “all persons have the right to a secure, healthy and ecologically sound environment.” The second international legal document is the Aarhus Convention adopted in 1998 and ratified in 2001 by the member states of the United Nations regional body for Europe (UN/ECE).<sup>62</sup> Despite its regional appearance, it is open to regional economic organizations and any other state which is a member of the UN. The objective of this convention is primarily procedural: guaranteeing access to information, public participation in decision-making, and access to judicial process in environmental matters. These procedures aim to “contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.”<sup>63</sup>

Some critics charge that by placing human beings at the center of universe or creation, rights-talk tends to reinforce the predominant anthropocentric view, which actually lies at the root of environmental degradation.<sup>64</sup> If the environment is seen as a mere good or value to be added to the list of individual demands, then this is the traditional approach of ‘human rights’ promoting individual environmental rights. There is no harm in viewing environment as good but it is not necessarily a good for the individual but also for the collective group that socializes the individual. If there is anything that harms the environment, it is not individuals’ demands to protect it but to destroy it. And claiming a right to harm the environment is clearly not an environmental right, but a violation of it.

Yet, humans have to make use of the environment to survive. Can they do this without any harm to environment? This is where the debate over “sustainable development” or “sustainability” comes into equation. According to the classic definition of “sustainable

development” by the Brundtland Report, sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” This approach has been much debated under the concept of intergenerational justice or equity. The Brundtland Report, however, links the intergenerational and intragenerational equity. Therefore, sustainability is not only a matter of justice to future generations, whatever it may mean, but also to the members of the present generation.

How can one be just to members of his/her own generation? One way is forbearance from inflicting harm, which is one of the oldest tenets of justice (injure no one). Defending or exercising one’s negative rights is particularly important in cases of environmental injustices that cause material and psychic harm to communities. But philosophers remind us that there is more to human rights than avoiding harm.<sup>65</sup> Shue suggests shifting the focus from the dichotomy of negative and positive rights to their three correlative duties: avoidance, protection and aid.<sup>66</sup> Shue’s argument is that there are universal basic rights (to subsistence, security and liberty) with three universal correlative duties. The affluent has a responsibility to fulfill these duties when people in other countries cannot meet their basic needs for various reasons. The details of Shue’s argument need not concern us here but we need to see its relevance to our discussion on sustainability. How can one be just not only in forbearance but also in a positive sense to members of one’s generation to fulfill the requirement of sustainability?

The answer lies in another sense of environmental justice concerning consumption since it is the over-consumption of natural resources that causes the sustainability problem in the first place. A good place to start with to bring out the connection between consumption and justice is Aristotle. According to Aristotle, an equitable man “chooses and does such acts, and is no stickler for his rights in a bad sense but tends to take less than his share though he has the law on his side.”<sup>67</sup> The unjust man, on the other hand, exhibits a vice that is called graspingness (*pleonexia*); he is concerned with goods that he thinks will make him prosperous and help avoiding adversities of life. Aristotle considers these external goods as good in an absolute sense but they are not always or necessarily good for any given person. This is especially true if the person in question is not capable of putting the goods into the service of virtuous activity. Here Aristotle is again following a middle path between two common and influential trends: hedonism and asceticism. Aristotle observes that “men pray for and pursue these things; but they should

not, but should pray that the things that are good absolutely may also be good for them, and should choose the things that are good for them.”<sup>68</sup>

One may object that sustainability cannot be left to individuals’ decisions to curb their desires and wants voluntarily. It should instead be embedded in governmental policies such as imposing carbon taxes or in civic campaigns. Such governmental regulatory actions may be effective or ineffective depending on the circumstances. They may be necessary but we must not live under the illusion that governments are omnipotent, or that the only obstacle to such policies is simply the lack of political will. Policies will not be effective unless there is a receptive audience for them. This receptivity is primarily a product of ethical education and social interaction. The virtue or duty of environmental justice has much to contribute to this kind of sustainability-oriented moral education.

EJ in the transnational dimension of world politics has a potential to induce changes in the international and global domains through its normative, cultural and rhetorical appeal. It plays a crucial supportive role towards the achievement of environmental justice in the *global* and *international* dimensions of world politics. Environmental struggles, disputes and conflicts are increasingly played out in this domain with respect to environmental issues from resource extraction to development projects. Transnational environmental NGOs or advocacy networks on the one hand press for democratic changes in the institutional structure of global (environmental) governance towards more transparency, power-sharing and accountability and, on the other hand, for the creation of necessary environmental regimes in the international domain that would secure certain environmental goods or minimize the bads. The actions of transnational civil society actors “can also change the terms of discourse and the balance of different components in the international constellation of discourses....This capacity to affect the terms of discourse and change the balance of competing discourses is widely distributed.”<sup>69</sup>

A decent political community is crucial to maintain the possibility of a good life and healthy environment for human beings. Environmental justice can contribute to build up or strengthen the ties of political community in multiple ways. The viability of decent political communities, however, is increasingly threatened by international, transnational or global forces, which damage not only the material resource bases but also undermine the cultural unities of local communities around the world. There is no way to combat this threat other than practicing environmental justice in all three dimensions—international, transnational, and global—of world

politics. The international dimension of environmental justice can play a critical role by maintaining the possibility of peaceful co-existence among states. In so far as the state or non-state actors continue to threaten sub-national groups, the transnational or global modes of environmental justice can be effectively exercised as a countermovement to these inimical forces.

## NOTES

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<sup>1</sup> I use the term “discourse” in a loose sense as a “shared way of apprehending the world” (Dryzek, 1997: 8). Unless otherwise noted, I will refer to “the concept, discourse and praxis of environmental justice” simply as EJ. When the phrase “environmental justice” appears alone, it refers to either the discourse or the praxis of environmental justice. The context will make the meaning clear.

<sup>2</sup> See Tolba (1989); Jamieson (1994); Kolbasov (1997); Low & Gleeson (1998: 120, 131); Yokota (1999: 583); Achterberg (2001: 183); Harris (2001: 25); Bandy (1997); Faber (2003).

<sup>3</sup> See Keohane & Nye (1971).

<sup>4</sup> See Keck & Sikkink (1998).

<sup>5</sup> See Wapner (2002).

<sup>6</sup> See Rosenau & Czempiel (1992); Commission on Global Governance (1995)

<sup>7</sup> See Rich (1994).

<sup>8</sup> Li & Reuveny (2003: 53).

<sup>9</sup> *Ibid.*, 52-53.

<sup>10</sup> Shiva (1999: 55).

<sup>11</sup> See Hempel (1996).

<sup>12</sup> Hereafter I follow Keohane & Nye’s (2000) analytical distinction between *globalism* and *globalization*. The former concept corresponds to a static state of affairs while the latter represents a dynamic phenomenon. To put it shortly, globalization means increasing globalism.

<sup>13</sup> Keohane & Nye (2000: 195-98) differentiate four analytical dimensions of globalism according to the types of flows and permanent connections across the globe: economic, military, environmental, socio-cultural. They anticipate that the effects of globalization on states will definitely co-vary with the complex interactions among and along these different dimensions.

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<sup>14</sup> See Conca (1994); Litfin (1997). Litfin, for example, identifies three components of state sovereignty (autonomy, control and legitimacy), which can be differentially affected by the globalization trends in a way that a decrease of sovereignty in one component might be compensated or offset by its increase in another component. The cumulative effect of such trade-offs may turn out to be the re-configuration of state sovereignty in norm and practice rather than a gradual erosion.

<sup>15</sup> See Krasner (2001).

<sup>16</sup> See Halvorssen (1999: 27-31).

<sup>17</sup> Young (2001: 167).

<sup>18</sup> See Shue (1992, 1996, 1999); Grubb (1995); Paterson (1996).

<sup>19</sup> See Harris (2001: 76-78).

<sup>20</sup> *Ibid.*, 44-69.

<sup>21</sup> Streck (2001).

<sup>22</sup> Payne (1998).

<sup>23</sup> Young (2001: 167).

<sup>24</sup> Harris (2001: 25), *italics original*.

<sup>25</sup> Shue (1992: 386-87).

<sup>26</sup> Porter & Brown (1991: 124-34).

<sup>27</sup> See Wapner (2003).

<sup>28</sup> See Hornborg (1998); Martinez-Alier (2002: 213-251).

<sup>29</sup> Environmental Justice Seminar, the UN World Summit on Sustainable Development, Johannesburg, September 2, 2002.

<sup>30</sup> See Shapiro & Brilmayer (1999).

<sup>31</sup> Caney (2000: 526).

<sup>32</sup> See Walzer (1994).

<sup>33</sup> "Indigenous Peoples' Declaration on Extractive Industries" (2003).

<sup>34</sup> See Gewirth (1988: 292).

<sup>35</sup> Beitz (1999: 271)

<sup>36</sup> See Held (1998).

<sup>37</sup> *Ibid.*, 24, *italics original*.

<sup>38</sup> See Patomäki (2000).

<sup>39</sup> See Paterson et al. (2003).

<sup>40</sup> Miller (1995: 152)

<sup>41</sup> See, for example, Shue (1999: 536).

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- <sup>42</sup> See Grubb (1995: 481-82).
- <sup>43</sup> See Smith (1979: 109-111).
- <sup>44</sup> Jamieson (1994: 210)
- <sup>45</sup> The Basel Ban Amendment is now implemented by 43 countries and ratified by 36. The number of ratifications needed for it to enter into force of international law is 62 (see Basel Action Network 2003).
- <sup>46</sup> See Clapp (1994).
- <sup>47</sup> See Zerner (2000).
- <sup>48</sup> See “Indigenous Peoples' Declaration on Extractive Industries” (2003).
- <sup>49</sup> Keck & Sikkink (1998: 121-163).
- <sup>50</sup> Ibid., 137.
- <sup>51</sup> Ibid., 27, 132.
- <sup>52</sup> Greenpeace (2001).
- <sup>53</sup> See Conklin & Graham (1995).
- <sup>54</sup> Sachs (1995: 15).
- <sup>55</sup> Conklin & Graham (1995: 704).
- <sup>56</sup> Greenpeace (2001: 4).
- <sup>57</sup> Ibid.
- <sup>58</sup> Wapner (1995: 336)
- <sup>59</sup> Dejeant-Pons & Pallemmaerts (2002: 11-46).
- <sup>60</sup> See Beierle & Cayford (2002) and Zillman et. al. (2002).
- <sup>61</sup> UN Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Human Rights and the Environment*, Final Report of The Special Rapporteur. UN Doc. E/CN.4/Sub.2/1994/9.
- <sup>62</sup> See Davies (2002).
- <sup>63</sup> Dejeant-Pons & Pallemmaerts (2002: 146).
- <sup>64</sup> Bosselmann (2001: 124).
- <sup>65</sup> Shue (1996)
- <sup>66</sup> Ibid., 35-64.
- <sup>67</sup> Aristotle, *Nicomachaen Ethics* (1137b35-1138a4).
- <sup>68</sup> Ibid., 1129b1-10.
- <sup>69</sup> Dryzek (1999: 278).

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