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# Environmental Justice Influenced by the Performance of International Non-State Actors

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## ABSTRACT

Environmental hazards have made human life highly vulnerable and profoundly affected in the contemporary era. The expansion of instrumental power transformed the world into two groups of countries: developed countries and developing countries. Unrestrained development resulting from inequality prompted environmental scholars to establish a new concept of development known as sustainable development. The principal components of sustainable development include attention to the environment, environmental justice, environmental ethics, intergenerational justice, fairness, and the spiritual advancement of human beings. Environmental justice concerns the equitable distribution of environmental risks and benefits among all people, regardless of race, skin color, nationality, or income. On the other hand, globalization processes have led non-state actors to become an inseparable component of global governance. An increasing number of non-state actors participate in various steering and regulatory activities, as can be observed in the field of climate change. These actors have undertaken effective efforts at both international and regional levels toward the formulation, establishment, and monitoring of environmental regulatory obligations, thereby contributing to the expansion and development of environmental justice.

**Keywords:** *Environmental Justice; Non-State Actors; Global Governance; Sustainable Development.*

## Introduction

The environment is one of the most heated arenas of debate in global politics. The necessity of survival has compelled human beings to emphasize this concept and to treat it as a serious socio-political issue, so that, by preventing the disruption of the harmony of the natural system governing the Earth, they may act as protectors of the Earth and its living beings. Land, water, and human beings are three interconnected pillars of life that must be kept in balance. The disturbance of any one of these pillars disrupts the entire philosophical framework of life on Earth (1). On the other hand, in recent years, the world has witnessed environmental justice movements across the globe. These movements have mainly emerged in protest against the inequitable distribution of natural and environmental resources and against unjust forms of environmental exploitation in the world, to the extent that environmental justice has become one of the major environmental discourses of recent decades (1). Overall, studies



conducted on international issues and the field of international relations have consistently emphasized the presence of the main and traditional actors of international relations, namely states. However, under new international conditions, other actors have also become influential in the foreign policies of countries and in international affairs. States do not play a role in creating or administering these actors; rather, they come into existence through natural persons, private institutions, and private legal entities such as scientific and artistic associations in pursuit of specific and shared purposes, interests, concerns, or objectives. The scope of the activities and actions of these actors is not limited to national borders and has extended to almost all human domains in the farthest regions of the world. These actors operate in various scientific, religious, sports, and legal fields, especially in the field of the environment, and some of them have several million members across the world. Thus, without possessing a governmental character and without state intervention, non-state actors include all active groups in distant and nearby parts of the world. Today, it is these non-state actors that monitor many governmental activities and, wherever they observe deviation, influence public opinion through modern information-dissemination tools.

It is expected that a healthy environment should be recognized as a fundamental right of all human beings, and that the establishment of conventions such as the Aarhus Convention, as one of the environmental requirements, can serve as a guarantee for the participation of non-state actors in the development of environmental justice.

### **The Concept of Global Governance and the Emergence of Non-State Actors**

Before addressing the performance of these actors and their impact on environmental justice, it is necessary to examine, at a foundational level, the reason for the emergence of these actors. In the final decades of the twentieth century and the early twenty-first century, the term “governance” became a keyword in political science, public administration, and management sciences (2). For many, this term signifies a “paradigmatic transformation” in the way modern and postmodern societies and organizations are governed. This transformation has resulted from processes such as the “relocation of policies” from the state to international and transnational organizations, “deterritorialization,” meaning the emergence of new political spaces beyond nation-states, the “diffusion of political power” from state authorities to semi-state and private actors, and the “delegitimization of the state,” manifested in the crisis of the welfare state, state failure, and incapacity in service provision. These factors have meant that older patterns of governance, which operated in a command-based and state-centered manner, are no longer adequate (2).

Accordingly, new forms of governance and policy instruments have emerged, such as public and private actors, self-regulation by commercial organizations, public-private and civil-private partnerships, greenhouse-gas emissions trading programs, certification schemes, and similar mechanisms (2). Some scholars describe this process as a “transition from government to governance” or as “governance without government” (2).

Nevertheless, the concept of governance remains contested, and there are various reasons for this diversity. The first reason is that the concept can carry multiple meanings. For example, some scholars have distinguished between two, three, five, seven, or even eight meanings of governance. From an analytical perspective, governance may be divided into three categories: “old,” “new,” and “all” governance (2).

“Old governance” refers to state governance, “new governance” refers to innovative modes of governance, and “all governance” refers to both categories. From a normative perspective, a fourth category can also be added, which refers to the promotion of innovation in public or private management under the title of governance. Examples

of these approaches include New Public Management, good governance, and corporate governance. Disagreement over the concept of governance reflects a shortage of theorization concerning power and the state (2).

### **Concepts and Meanings of Non-State Actors**

In general, individuals or entities that do not act on behalf of a state are non-state actors. Non-state actors are not controlled by the state, do not act on its behalf, and possess an identity independent of the state. Therefore, it is necessary to examine the meanings and concepts that scholars have attributed to non-state actors.

In general, there may be a relationship between a non-state actor and a state, including ideological affinity or the receipt of various forms of support. Nevertheless, regardless of whether non-state actors are controlled by a state or whether their actions can be attributed to a state, they may still be considered non-state actors for the purposes of the issues discussed here (3).

Non-state actors include non-governmental organizations, armed groups, educational institutions, private persons, civil society, the media, and multilateral financial organizations such as the World Bank and the International Monetary Fund. They have an informal nature and enjoy independence within the territory of the state. These actors are classified into several types, including individuals, communities, and groups. Women, youth, Indigenous peoples, and scientists are among the natural persons who have received attention in the field of environmental protection. Meanwhile, local communities, trade unions, and non-governmental organizations are among the collective actors for whom specific roles have been considered. Reflection on these actors reveals several realities. First, these actors are divided into natural and legal persons. Second, they share a non-state nature. Finally, they share a common objective in the protection of the environment (4).

The concept of non-state actors covers a broad spectrum, ranging from international organizations to individuals (5). In today's international society, such actors sometimes play a greater role than states. For example, the International Law Association, which has been active in Paris since 1873, has made productive contributions to the process of forming international rules (6).

Although there are several categories of actors, ranging from terrorists to scientists and churches, this article focuses on two categories: non-governmental organizations, or NGOs and civil pressure groups, and business actors, or private interest groups. The reason for this choice is that these two groups form powerful lobbies in many international environmental negotiations and have proven capable of designing monitoring systems in their own environmental fields for the development of environmental justice.

### **Characteristics of Non-State Actors**

The seriousness of non-state actors in their activities is one of their most prominent characteristics (7). They make extensive efforts to achieve their goals, and some, after several decades of activity, establish their own communication networks. Some seek external support in pursuit of their objectives; others may have offices in one country while defining their goals internationally. All of these cases indicate the commendable dynamism of these organizations in realizing their ideals (8).

Non-state actors usually operate around a common issue and shared objective; therefore, one of their general activities is study and research in their areas of work. Major non-state actors sometimes issue reports on different subjects and also present solutions in their reports, such as the views of non-state actors on the consequences of weaknesses in international trade or environmental issues (9). Accordingly, some non-state actors focus on a

specific objective, such as the International Union for Conservation of Nature, which has assumed a leading role in the sustainable use of the environment (7).

Non-state actors possess a very important positive feature, namely the ability to persuade global public opinion. This ability may be weaker in some regions and countries and more influential in others, but overall it represents a comparable form of power. The source of this legitimacy lies in the public-benefit, voluntary, and non-profit efforts of these actors (8), which they have effectively preserved through extensive communication with the non-state level of society. Because these actors are more closely connected to people, they often obtain specific information from society that states find more difficult to acquire (5).

As a result, it can be argued that the key to the success of some non-state actors lies in their focus on limited issues, in which case they may even perform better than states (8).

Speaking of empowering non-state actors in a world where the state remains the main political unit of the international system does not necessarily require the transfer of state sovereignty. Although states remain the main actors on the international stage, their information and policies develop in relation to many other domestic and foreign actors and in response to a set of political, economic, technical, and other factors at all levels of interaction (6).

### **The Content of Ecological Justice**

The idea of environmental justice emerged in the 1980s and clarified the point that the implementation of environmental policies must also take into account people with low socioeconomic status, as well as not only all members of society but also future generations, so that justice can acquire its true meaning (10).

The concept of environmental justice emerged in the United States of America (11). In fact, the concept of environmental justice was raised in the mid-1980s in connection with efforts toward racial equality, when it became clear that environmental injustice was not merely related to the harmful nature of human activities but also connected to racial, gender, and class discrimination. Accordingly, the concept of environmental racism was gradually replaced by environmental equality and fairness and then by environmental justice (11). This perspective, namely environmental justice, also asserts its fundamental right to political, economic, cultural, and environmental decision-making (10).

Environmental justice emerged as a result of evidence arising from the lack of attention to the environment and the inequalities created in this regard. Such inequality can be observed in environmental risks such as proximity to fault lines, inadequate sanitary facilities in different areas, extensive destruction of rainforests, and even racial, ethnic, and religious discrimination, all of which can be regarded as outcomes of injustice and the non-realization of environmental justice (10).

Similarly, environmental justice requires decision-making concerning environmental infrastructure (7) and applies the right to use the Earth's resources in favor of a sustainable planet for human beings and other living creatures. Environmental justice also requires the participation of all individuals as equal partners at every level of decision-making (12). On the other hand, environmental justice is also connected to crime, education, poverty, and pollution (10). The issue of justice also requires public policy to be based on mutual respect and justice for all people without any discrimination or prejudice (10). In general, the term environmental justice refers to efforts to eliminate or improve environmental quality in communities upon which inequality has been imposed, regardless of color, income level, or population (11).

Similarly, environmental justice as a social movement consists of a set of loose solidarities among groups that share common ideas and act toward common goals. Low-income minorities are exposed to environmental hazards more than other groups in society. The unavoidable choice of place of residence is also not without effect in this regard. Policies oriented toward environmental protection and public health often do not have an egalitarian orientation (10).

From the perspective of the Environmental Protection Agency as well, the goal of environmental justice is to ensure that all individuals, regardless of race, income, and other factors, are protected against the adverse effects of environmental hazards (11).

Accordingly, the issues examined in environmental justice include:

1. Equitable distribution of environmental hazards: this includes matters such as exposure to air and water pollution, the location of toxic waste landfills, and hazardous industrial facilities.
2. Access to environmental resources: this includes access to safe drinking water, clean air, arable land, and green spaces.
3. Meaningful participation in environmental decision-making: this means the ability of communities to play a role in decisions that affect their environment.
4. Fair process in the field of environmental justice: this means freedom from discrimination in decision-making and executive processes related to environmental issues.

In general, environmental justice addresses the equitable and equal distribution of environmental burdens and benefits at local, national, and international levels. It also seeks to secure such justice.

### **The Role of Non-State Actors in Realizing Environmental Justice**

The process of globalization has deprived states of their traditional functions and has rendered many popular and non-governmental institutions ineffective. In fact, in such societies, people have concluded that their demands cannot be met through recourse to the aforementioned traditional institutions and that, with the expansion of vast bureaucracies, they cannot achieve their objectives (2).

Many scholars interpret the post-Cold War period and the intensification of globalization as marking the end of classical and Westphalian international relations. On this basis, the state can no longer be regarded as the sole actor in the field of international politics (2).

The influence of non-state actors on the governments of the world is affected by these factors. These actors transmit ideas and values that potentially possess particular appeal. The responsibility of these actors in humanitarian dimensions, particularly human rights and the environment, attracts numerous competent national members and groups at the global level. The voluntary provision of financial resources and human resources for the collection of extensive information and necessary expertise by members, as well as commitment to a set of specific considerations, has enabled non-state actors to play a significant role in selected policies. Therefore, states must be responsive to their demands. These actions and reactions constitute an advantage for these actors. Otherwise, private organizations active in the fields of human rights and the environment can disrupt the sovereignty of states. Thus, what distinguishes these organizations from world governments consists of strongly principled and ethical commitments, possession of skills, expertise, and resources necessary for activity at relatively high informational levels (8).

Environmental issues and the crises arising from them have always sounded an alarm in past decades, generating concern about the way human beings interact with the environment and compelling them to strive to resolve these problems. Solutions for confronting and reducing these problems also require changes in human behavior. The results of various studies have shown that such change requires social participation, because human beings are required to make serious efforts to compensate for the damage they have caused to the environment. Many international efforts have also been made to resolve environmental problems, among the most important of which is participation in environmental protection by non-state actors (13).

On the other hand, environmental justice is the result of evidence arising from the lack of attention to the environment and the inequality that has emerged in this regard. Such inequality can be observed in environmental risks such as proximity to fault lines, the proximity of residential areas to municipal waste disposal sites, inadequate sanitary facilities in different sectors or problematic urban areas, the extensive destruction of rainforests, which are both a major source of global oxygen production and a natural ecosystem as well as a source of livelihood for local residents, and even racial, ethnic, and religious discrimination. All of these can be regarded as the result of injustice and the non-realization of environmental justice (10).

For this reason, actors other than states, such as non-state actors, have recently been recognized as actors in the subject of international responsibility. The transformation of the long-standing claim of states regarding exclusive participation in the international legal order and its procedures, together with the entry of a new spectrum of actors, has led to the expansion of the domain of the law of international responsibility and to the inclusion of non-state actors (3).

Christopher Stone, while noting that the state is the main actor in international law but not the exclusive one, and that other actors such as individuals, non-governmental organizations, and transnational corporations also play roles, maintains that global environmental effects arise from local activities. Although we all experience effects such as global warming, ozone-layer depletion, and biodiversity loss, only a small number of people are actively involved in international efforts to reduce negative impacts on the environment. In other words, our leaders participate in negotiating treaties and conventions, while we continue to witness environmental degradation (3).

Nevertheless, the level of participation granted to non-state actors in the field of environmental impact review represents a very important step toward recognizing the rights of non-state actors in international environmental law. Some domestic laws allow public access to information concerning the environmental impact of projects, along with the right to comment on proposed plans (14).

Non-governmental organizations, as the most numerous non-state actors, have gained considerable influence in international environmental law-making processes. These organizations initiate international actions to address environmental concerns, influence the process of negotiating treaties and other legal instruments, and monitor state compliance with international norms. However, they usually do not possess formal legal status in international law, and therefore their position within institutional arrangements is not guaranteed. The valuable participation of these organizations is subject to the discretionary decisions of political authorities, who, in principle, can make use of them whenever they deem appropriate.

Non-state actors play a very important role in the interdependent and globalized world of the present era. The actions of international organizations, transnational corporations, non-governmental organizations, terrorist groups, minority groups, and human individuals have now penetrated all domains of international life, from economics and trade to peace and security, and from human rights to the regulation of the natural environment. Many scholars

state that the nature of international relations and the structure of global power have been transformed alongside the rising presence of non-state actors (2).

Non-state actors, including non-governmental organizations and popular movements in developing countries, have challenged the technocratic approaches of developed countries by placing environmental issues within the content of international inequalities and the struggle for social justice (9).

At present, the influence of these actors on state decisions, the development of domestic policies, the protection of natural resources, and international negotiations and treaties in this field clearly demonstrates these legal persons' understanding of environmental problems. Many non-state actors have placed the drafting of environmental laws at the center of their attention (9).

In this regard, in international conventions such as the Aarhus Convention, the right of access to environmental justice and the recognition of the importance of the role of non-state actors in light of international environmental law found conceptual expression. On this basis, states were required to guarantee the right of access to environmental justice for individuals and other non-state actors (15).

## Conclusion

Today, because environmental balance has been disrupted as a result of the damage inflicted upon it, efforts to protect the environment as the vital space and biosphere have become the most important concern for preserving human life in international society. One of the most important characteristics of international environmental law is the emergence of new actors in international society, actors that have transformed the decision-making process in the international system and are known as non-state actors. These actors have undertaken effective efforts at international and regional levels toward the formation, establishment, and monitoring of environmental regulatory requirements. Therefore, recognizing the legal personality of non-state actors in the international arena alongside other subjects of international law can be a positive step toward the realization of environmental justice.

Non-state actors play a multifaceted role in global climate policy and use advocacy, expertise, innovation, cooperation, target-setting, and accountability. They are central actors. Policymakers must actively engage them and promote transparency.

The findings of the study also show that non-state actors play a vital and diverse role in promoting and supporting environmental justice. Their efforts complement the actions of states and international organizations, and they often operate in situations where state actors are absent or ineffective.

Recognizing and supporting these actors is essential for establishing a comprehensive and effective framework in the field of environmental justice. With appropriate guarantees and effective cooperation, non-state actors can continue to remain powerful agents of change and justice in the global field of environmental law. In any case, achieving environmental justice requires fundamental changes in our worldview, and the positive effect of change must be such that it challenges human communities to understand a more comprehensive and complete view of affairs. If this article has been able to persuade the audience that one of the most important characteristics of international environmental law today is the presence of non-state actors and their role in the creation, implementation, and monitoring of environmental regulations for the realization of environmental justice, then its objective has been achieved.

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## Authors' Contributions

All authors equally contributed to this study.

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The authors of this article declared no conflict of interest.

## Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

## Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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