

## Explaining the Role of NGOs in the Development of Environmental Law

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### Abstract

Development is a process that coordinates people's and government's attempt to improve social, cultural and economic condition in any location and enables them all to participate in national progress and this terminology can be considered as an important process to teach people to participate in taking group decisions and in the meanwhile to take responsibilities which is in fact the same as Cooperative Development. This cooperative approach is supported by managers and intellectuals as the object. They claim that terminology should be considered as one of the main humans rights and should be supported in form of a goal and in its particles not for its results. NGOs as part of civil society's organs (CSOs) play significant role in realization of social development objectives. In situations when societies were not successful in solving environmental, developmental and welfare problems, NGOs were selected as shortcuts to pass development road. In those articles, the researcher first studied the importance of the role of NGOs in development and then evaluated the performance of these organizations in relation with development of environmental laws.

**Keywords:** cooperative development, environmental laws, Non-governmental Organizations (NGOs).

### Introduction

At first, development did not mean as what is applied today. At first, development was linked to economic areas and "development" was understood basically as "economic development" and the purpose of development was to foster economic growth in developing countries. In such circumstances, government is the only executive for implementing development plans and supervising them, but gradually and by identifying the weak points of previous plans, the concept of development and its executive elements were changed. In particular, it was not recognized that efficient social structures of the third world influenced their economic growth. Therefore, the social dimensions of development were taken into account and removing social, cultural and economic needs of humans were included in development strategies. By the withdrawal of government from the development field, the ground required for implanting "cooperative development" was provided. Thus, in the modern guide for development, government does not implement all programs, rather the cooperative development is set forth which means that provision of a space is discussed with regard to individuals for whom terminology is accomplished, as a result, expansion of public terminology in the development process and in the civil society's framework seems inevitable and the civil society and its organs are considered as the fundamental means of desired social development.

### Terminology

Participation means applying personal resources in order to participate in a collective action. In Moien Dictionary, participation means partnership. Allen Biro defined Participation as; "Participation means having a share in something and benefiting from it or taking part in a group and thus cooperating with it. Okli which is specifically inclined to functional dimensions of the concept of cooperation believes that cooperation is to sensitize people and to represent their

performance in a deviated and selective way and where the government accepts no suggestion, consultation is nothing more than confrontation.

NGOs are used in different forms and ways throughout the world and with regard to the oral context in which it is used, it refers to different types of organizations. NGO, in its general meaning, refers to an organization which is not directly considered as part of the government, but plays an important role as a mediator between individuals and the authorities and even the society itself.

### **Analysis of Participation theories**

**Sheri Ernestine's Theory:** Ernestine considers participation as people's share in power to influence government's behavior. In his point of view, participation is redistribution of power at different levels. Ernestine distinguishes eight levels of citizens' participation from one another and distributes them on a ladder known as Ernestine. Steps of Ernestine's ladder consist of the following parts: citizen control, assigned power, partnership, relieving, consultation, informing, cure, manipulation and deceive.

**Paul Theory:** Paul recognized four levels of participation in local meetings which include: first level: information allotment, second level: consultation, level three: decision making, level four: taking action.

### **The role and participation of NGOs in development**

In the last two decades, by ever increasing identification of governments and the civil society regarding the need to strengthen public capacities to achieve a sustainable development and success of poverty reduction programs is distinguished from other times. During the two last decades, governments acknowledged the important role that NGOs can play in improvement and promotion of the public capacities to participate in the development process. Also, this belief was reinforced that; when governments and NGOs work together do more activities and their capacities enhance to achieve economic and social development, compared to the time they worked separately.

**Table 1: Important programs in The Third National Development Plan regarding public Participation**

Section 5, Article 1, Section B, Article 64	Identification and assignment of duties, affairs and activities attributable to executive systems to the non-governmental sector aimed at releasing government from unnecessary employments
Section B, Article 104 Section B, Article 104	Strengthening and supporting environmental NGOs and natural resources by financial help of individuals and legal people to these organizations as acceptable expenses
Article 137	Assigning some activities of governmental agencies to Islamic Councils of urban and rural areas
Section C, Article 157	Executive support of the activities of youth NGOs
Article 182	Providing plans for creation and strengthening Public organizations and professional associations of NGOs and local organizations aimed at planning for their employment
Article 158	Executive support of activities of Youth NGOs Supporting creation and activity of NGOs by women

Therefore, there are significant reasons and excuses for cooperation between governments and NGOs. In principle, NGOs are not a homogeneous group and their approach to development, evaluation problems and solutions as well as amplifier sources and level and location where they work are different. By the way, experiences of NGOs are different in the development process of different parts of the developing world. Although these organizations apply a set of rather similar

principles and approaches to promote development at local levels, their performance is different. Thus, it is necessary to analyze different approaches for cooperation of NGOs and government in improvement and progress of development process and reduction of poverty and directing factors of successful cooperation of government and NGOs. Most important programs that paid attention to issue of public participation in The Third National Development Plan include:

The fourth economic, social and cultural development plan of Iran in the continuation of the third plan, on the one hand, take into account the development of public participation in country's affair in line with providing appropriate ground for country's development and growth, increasing efficiency and profitability of executive systems and promoting ruling issues of government (article 136). On the other hand, it follows the policy of maintenance and promotion of social capital, promotion of public satisfaction and qualitative and quantitative civil organs to have sustainable development (article 98).

**Table 2: Important programs in fourth program of national development with regard to activities of civil organization activities**

Article	Subject
30	Strengthening Production cooperatives, charities and non-governmental organizations active in the housing sector
98	Providing the possibility for qualitative and quantitative development of civil organizations to maintain and promote social capital
100	Editing bill of citizen rights for development of social associations regarding protection of women and children rights
101	Providing and implementing national plan of decent work development and supporting civil association
102	Planning and editing development program for the cooperative sector to lower government administration
104	Modifying rules for public participation and NGOs in cultural and artistic institutions
111	Supporting creation and expansion of NGOs and civil organizations about women associations to promote the level of women's participation in the society
112	Using NGO's capacities to empower and promote level of youth total participation
114	Providing facilities for non-governmental sector to promote tourism power
119	Providing necessary constructs to empower civil organizations and parties in promoting national security
126	Using capacities of non-governmental youth associations in development and social activities.
130	Providing ground for forming non- governmental arbitral institutions to develop Judicial Affairs
140	Helping the development and creation and regulation of NGOs in the field of environmental protection and the promotion of environmental and public health standards.

According to this table and with regard to the studies conducted, it can be understood that government's strategy to civil institutions is to include them in advancing pre-planned goals of national development.

### Evaluating performance of NGOs

A review of five year economic, social and cultural development of Iran indicates that in every period there is more emphasis on public participation compared to the previous period.

- Barriers to public participation in affairs
- Lack of mutual trust between people and beneficiaries
- Lack of attention to people's financial origin
- Low education of people and authorities about participation
- Unfamiliarity with people's needs
- Differences between geographical cultures and situations in a national scale
- Lack of a certain definition of participation among people
- Unfamiliarity of authorities with the way of public participation in basic affairs

### NGOs' Participation in environmental protection

The main functions of NGOs can be stated as follows:

- Providing solutions to help government and international agencies
- Promoting environment culture, education, preparing public opinion to practically accept solutions for environmental protection

Taking responsibility for doing many different environmental projects in studies of different classes of society regarding NGOs' activities concluded that most respondents consider the following activities appropriate for public associations for environment and natural resources:

- Attracting scattered investment to invest in environmental protection and natural resources
- Mobilizing people and their potential for development in line with the recovery and conservation of national resources
- Holding training courses for citizens, speeches in schools, mosques and public buildings in natural resources and human environment, holding scientific conferences, publishing scientific articles, newspapers, magazines and brochures for peoples' more awareness about the environment.

### Types of participation with regard to environment

With regard to environmental participation, there are two types if participation; one, traditional and the other modern.

**Table 3: NGO's level of activities regarding different environmental fields**

Association percentage	Area of activity
79.1	Informing and notification
77.6	Having plans for certain ceremonies
77.6	Taking part in conferences
73.6	Cooperation with different organizations
56.7	Holding and taking part in environment tours
53.7	Taking part in meetings and sessions
50.8	Environmental cleanup
50.6	Taking part in workshops
46.3	Taking part in exhibitions and setting up booth
44.8	Brochure Printing
47.8	Miscellaneous activities

Traditional participation happens according to law, tradition and religion and exist among members of society fundamentally and spontaneously.

Obviously, we should not expect that government to have any role in directing and organizing this type of participation. But, in modern participation a motivational factor forces people to move; this factor is determined by governmental organizations to attract and enhance peoples' participation in different affairs and in form of certain plans. This participation can be mandatory or voluntary, but the best scenario is when people and authorities participate together in setting goals, planning and implementation.

### **Barriers to motivate peoples' participation in protecting environment**

Intra-organizational problems: refers to issues that exist in structure, contextual performance and strategies of these organizations that accordingly, with regard to structure NGOs face problems such as lack of appropriate place to work, lack of media to reflect their actions, technical and educational equipment to implement environmental plans and lack of license for activities and associations' lack of tax exemption. These problems in most cases resulted in inactivation and or limited influence on these organizations in most areas of the country. Another part of environmental NGOs' problems in respondents' point of view implies the context and software dimension of the organizations' management as these organizations are not aware of their duties' boundaries or do not work professionally.

Outer-organizational problems: refers to problems and challenges that are imposed on environmental NGOs by other governmental and non- governmental and private organizations. For example, in this regard we can refer to noncooperation of related state organizations with NGOs for lack of trust in authorities and not attributing these responsibilities to them as well as too much interference in associations' affair.

### **Education, the main context for protecting environment**

The role of environmental education with regard to creation of environmental belief and cultural contextualization in line with realization of the prevention principle is highly important and we will study them. Informing people cause change of their viewpoints about environment and improvement of their relationship with environment. Undoubtedly, familiarizing people at different social levels with principles of environment protection and creating voluntary motivation to protect it can solve the problem of destruction and environment pollution once and for all. If people internally feel a moral and conscious duty to protect environment, the initial preparations of their participation in environment plans is provided. If people consider environment as one of their private properties, protecting it is not only necessary but also is an inseparable part of their life. The ninetieth article of Stockholm Declaration for development of necessary principles stipulates that, for Public Enlightenment and explaining responsibilities that people, institutes and associations have with regard to environment protection in all human aspects, it is necessary that mass media avoid lowering the quality of environment and conversely, in order to provide the possibility to improve human in all aspects, educational information about the necessity to protect and improve the environment. Kass Adán Mavan in a study analyzed the role of elementary education on the environmental beliefs and tendencies of Indonesian high school students. In this research, they chose three groups of high school students in three different geographical areas and their environmental beliefs and tendencies were assessed by similar questionnaires. The results showed that different teaching methods in elementary school have had a great impact on differences of students' environmental beliefs.

### **The consequences and impacts of environmental law training**

Environment is the context of human life and his social and economic activities. In other words, destruction of this context results in poverty, illness and failure for human. Environment protection and realization of sustainable development without legal support is not possible and in

fact by this approach, environment law committee in the structure of associations can play the efficient and useful role in today's Iranian society.

- Including the subject of environment law in NGOs' activities
- Teaching environment law to people by NGOs and sensitizing them leads to cooperation and participation of people in solving environment disasters, protection of environment and realization of sustainable development.
- Cooperation in law enforcement by NGOs establishment of specialized NGOs of environment laws by membership of law experts
- Determining laws and regulations of environment by specialized NGOs with identification of required laws for updating rules.

### **Conclusion**

Although participation is not a new concept and humans have always been inclined to increasing participation, from the second half of the 20<sup>th</sup> century a new attitude to this concept has turned it into a key issue. In fact, passing through in a contribution method of administration and planning for it is inevitable because participation capacity increased and there are complicated problems to be solved by a few people. Although there is not common perspective with regard to the importance of participation in order to desirably redistribute the development profit, and it is mostly derived from the width of conceptual domain represented in this area. Participation is people's voluntary involvement in formation and taking decisions that directly affect their life which becomes highly important in environmental and life discussions. Multidimensional nature of sustainable development leads to more attention to using social capital for which plans are designed and implemented. In recent years and now considerable efforts were made or is being made to promote social capital in the process of environment protection that with regard to the expansion of the dimensions of environmental issues as well as significance of using methods and technologies compatible with protecting environment, increasing efforts to attract people's participation is inevitable. In this regard, using social capital potential in the area of environment can obviously provide considerable leap to protect environment. In the following, we will give recommendations to enhance the role of NGOs in developing environment laws.

### **Suggestions**

- Attracting participation of local associations to progress development goals
- Helping effective participation of members to do activities related to environmental laws
- Determining a basic framework for development in a people-centered way
- Cooperation and interaction with state organizations in implementing plans for urban development like waste management, recycling, and preservation of green space.
- NGOs' appropriately informing people about the concept and components of citizenship rights.
- Appropriate planning to enable members in educational, promotional, research and executive affairs to advance development plans
- Implementing educational workshops for public in public places and sensitizing people about the term "environment laws"
- Holding conferences, seminars and meetings with government officials on effective implementation of schemes and discussions about the formulation of appropriate strategies in this regard.

- Considering the various aspects of urban development, including political, economic, social, cultural and environmental development in planning, to attract public participation in environmental issues.
- Developing appropriate strategies in organizations to achieve the desired status in NGOs.
- Study and analysis of the performance of environmental NGOs in the world and modeling them for implementation of projects and experiences in implementation of the country's projects.
- Consulting with experts in the field of social sciences to understand the factors affecting the growth of NGOs.
- Awareness of global changes and programs and in environmental and urban development such as Agenda 21, the Rio Declaration, the Johannesburg implementation plan and implementing their principles.

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