

# **The role of NGOs in the protection of environment**

## **Abstract**

The topic of this thesis is the role of civil societies in the protection of environment. The civil societies, the most common type of NGOs in the Czech Republic, are legal persons of the private law that, unlike public administration bodies, contribute to the protection of environment voluntarily. This fact however does not undermine the significance of their involvement. In fact, in order to achieve the highest level of the protection of environment, it is necessary that the state treats the civil societies and other subjects of the non-profit sector as its partners.

This thesis is divided into two parts that are consequently divided into chapters, subchapters and sub-subchapters. In the first part, the general starting points, in particular legal aspects of the non-profit area and the law of civil societies, including their assessment, are dealt with. Subsequently, the attention is moved to the position of civil societies in the area of environmental law, and to general starting points concerning the public participation in the environmental matters and its division.

The second part looks into the roles of the civil societies in the protection of environment itself. Two types of these roles are distinguished: the conflict roles and the not-conflict roles. The difference between these two roles lays in the fact whether or not the civil societies come or may with high probability come to the conflict with private interests of other subjects. The category of non-conflict roles, which is addressed in a separate chapter, consists of the practical protection of environment, the environmental education, the environmental research and the information and documentation activities of the civil societies. In the category of conflict roles, the role of civil societies as *watchdogs* that control the public administration and other subsequent roles, are included. The attention is focused mainly on three areas that civil societies use – exerting influence on the public, transnational corporations and public officials, the public participation in the environmental decision making and the access to the justice. The chapter that deals with exerting influence on the public officials includes two topics in separate subchapters, namely the involvement of NGOs in the preparation of the government's draft legislation and other documents, and lobbying.

As the area of public participation in the environmental decision making and access to the justice is the most problematic from the legal point of view, two extensive chapters of this thesis

are devoted to these topics. In addressing the public participation in the environmental decision making, the two types of public participation that are present in the Czech legal order – the consultative participation and the full-rights participation - are dealt with one by one. They are analysed in detail taking into account the obligations of the Czech Republic deriving from the international (the Aarhus convention) and the European law. The possible changes in interpretation and legislation concerning problematic provisions are offered. The same approach is applied in the chapter concerning access to the justice in the environmental matters. The problematic aspects of the legislation and case law in this area are focused on, namely the legal standing, protection against the omission of a public authority and granting suspensive effect to legal actions. In the last chapter, mainly while analysing the accessible case law, a lively debated issue regarding the obstructive acts of civil societies, that allegedly extend the length of administrative procedures and carrying out building projects, is addressed.

**Key words: Non-governmental organisation, public participation, protection of environment**