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ARTICLE

The Contribution of Non-Governmental Organizations to International Cooperation for Environmental Protection within the Framework of Sustainable Development

Lecturer (Class A)

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Non-governmental organizations; environmental protection; international environmental law; civil society; human rights; sustainable development; environmental governance; Earth Summit.

Abstract

In recent decades, both global and regional actors have increasingly recognized the vital role of non-governmental organizations (NGOs) and civil society in advancing environmental protection. As states and international organizations struggle to effectively manage environmental degradation, natural disaster risks, and disease outbreaks, NGOs have emerged as essential contributors to sustainability governance. The establishment of the International Federation of Friends of the Earth in 1971 marked a significant milestone in promoting the fulfillment of basic human needs—such as access to clean water, air, food, and energy—without compromising the well-being of future generations.

NGOs, as voluntary associations, have worked extensively to advance environmental education, human rights, and sustainable development. The 1972 Stockholm Conference on the Human Environment identified poverty and underdevelopment as key environmental challenges, prompting NGOs to take on new responsibilities, including monitoring environmental risks, assessing impacts, and advising international bodies. Through their advocacy and practical engagement, NGOs have proposed viable solutions and shaped sustainable strategies on the international stage.

Globally, NGOs operating in countries such as Chile, Colombia, India, Malaysia, Turkey, and the United States have produced national environmental reports and contributed meaningfully to global forums. Notably, their active involvement in the 1992 United Nations Conference on Environment and Development (the Earth Summit) in Rio de Janeiro—through formal submissions and participation in preparatory processes—demonstrated their growing influence in shaping international environmental policy.

Citation

Eldjouzi, A. (2025). The Contribution of Non-Governmental Organizations to International Cooperation for Environmental Protection within the Framework of Sustainable Development. *Science, Education and Innovations in the Context of Modern Problems*, 8(9), 201–207. <https://doi.org/10.56352/sei/8.9.19>

Issue: <https://imcra-az.org/archive/383-science-education-and-innovations-in-the-context-of-modern-problems-issue-9-vol-8-2025.html>

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Received: 11.03.2025

Accepted: 25.06.2025

Published: 18.07.2025 (available online)

Introduction

Over the past few decades, increasing global concern has been directed toward the role of non-governmental organizations (NGOs) and civil society groups in environmental protection. The failure of states and the international community to adequately manage natural disasters, disease outbreaks, and environmental pollution has highlighted the growing relevance of NGOs. These actors have become indispensable contributors to environmental governance and sustainable development. Their engagement has significantly shaped the development of international environmental law by proposing solutions, developing key concepts, and collaborating with states to promote environmental standards that have increasingly gained international legal recognition.

Environmental NGOs operate actively at both national and international levels, initiating legal actions to combat environmental crimes, advocating for biodiversity preservation, and promoting resource conservation in defense of intergenerational equity. This study examines how NGOs influence the formulation and implementation of international environmental law while advancing ecological restoration through sustainable development strategies.

The urgency of this subject stems from the fact that environmental resources are fundamental to human survival. Rapid industrialization has led to an escalation in pollution levels, resulting in environmental degradation that poses existential threats to both humanity and the ecosystems upon which it depends. Across different countries, numerous NGOs have emerged to respond to these threats and advocate for global environmental justice.

1. Cooperation between Non-Governmental Organizations and States: A Contemporary Approach to Development and Environmental Protection

The evolution of the international community has been paralleled by the growing significance of NGOs in the field of environmental protection. This section examines their legal status in international law (Section 1.1) and their formal recognition in treaties and global instruments (Section 1.2).

1.1 Legal Status of NGOs under the United Nations Charter

The United Nations relies on active public participation in fostering international cooperation, as underscored by the phrase "We the peoples of the United Nations" in the UN Charter's Preamble. NGOs are instrumental in channeling global public opinion, serving as representatives of civil society in UN deliberations. Although they do not hold voting rights in UN decision-making, they are permitted to appoint representatives to attend discussions and contribute expertise.

Article 71 of the UN Charter empowers the Economic and Social Council (ECOSOC) to grant consultative status to NGOs, enabling their participation in the work of its subsidiary bodies, including agenda setting and session organization. This provision laid the groundwork for institutional NGO involvement in UN operations.

Successive resolutions have affirmed the importance of NGO participation. General Assembly Resolution 13 (I) (1946) directed the UN Department of Public Information to cooperate with both governmental and non-governmental bodies. ECOSOC Resolution 1296 (1968) granted consultative status to NGOs, while Resolution 1996/31 further formalized procedures allowing national NGOs to obtain such status, thereby strengthening their interaction with the UN system.

1.2 Recognition of NGOs in International Legal Instruments

Traditional international law confined legal subjectivity to sovereign states, as reflected in Article 34 of the Statute of the International Court of Justice, which stipulates that only states may appear before the Court. Consequently, NGOs have historically lacked standing in international legal proceedings.

This state-centric perspective began to shift following the 1972 Stockholm Conference on the Human Environment. Article 4 of the Stockholm Declaration proclaimed that "every individual has the responsibility to strive either individually, in associations, in cooperation with others, or through political participation to realize the principles set forth in this Declaration." This statement empowered NGOs to assume a broader role in environmental governance.

Subsequent decades have witnessed NGOs actively contributing to environmental monitoring, impact assessment, and policy development. Countries such as Chile, Colombia, India, Malaysia, Turkey, and the United States have supported these efforts by publishing national environmental reports in collaboration with civil society organizations.

In Europe, the legal personality of NGOs has been codified. Article 2(1) of the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organizations (1985) stipulates that “the legal capacity and legal personality which a non-governmental organization enjoys under the law of the state where it has its headquarters shall be recognized in the other States Parties to the Convention.”

The 1987 Brundtland Commission Report, *Our Common Future*, chaired by Gro Harlem Brundtland, underscored the vital role of NGOs in promoting sustainable development. It advocated for legal recognition of NGO rights such as access to environmental information, participation in environmental decision-making, and access to legal remedies.

The 1998 Aarhus Convention further reinforced these rights by mandating public participation in environmental governance and affirming the right of NGOs to access environmental justice.

The 1992 Rio Earth Summit institutionalized the role of NGOs in global environmental policymaking. Over 7,500 NGOs were present, with 1,300 receiving official UN accreditation. Their participation in preparatory meetings and proposal submissions significantly influenced the summit’s outcomes, fostering a multi-stakeholder model of global environmental governance.

2. The Role of NGOs in the Development and Implementation of International Environmental Law

The complexities of modern environmental challenges—resulting from industrialization and technological advancement—cannot be adequately addressed by states alone or through intergovernmental cooperation. NGOs serve as essential partners in the formulation of robust international environmental frameworks (Section 2.1) and in promoting environmental accountability through judicial and policy mechanisms (Section 2.2).

2.1 NGO-State Collaboration in International Conferences and Legal Frameworks

Contemporary international environmental law is increasingly shaped through partnerships between NGOs and states. NGOs, with their specialized expertise, often surpass state actors in technical knowledge and advocacy capacity during global environmental negotiations.

NGOs influence the drafting of environmental agreements by submitting policy proposals, technical reports, and legal drafts. These contributions are frequently incorporated into national strategies and later codified in international treaties and conventions.

2.1.1 NGO Support in the Conclusion of Environmental Agreements

NGOs often obtain observer status at international conferences, enabling them to deliver statements, submit proposals, and influence treaty outcomes. The International Council for Science (ICSU), for instance, helped establish three key scientific committees:

- Scientific Committee on Oceanic Research (1957)
- Scientific Committee on Space Research (1958)
- Scientific Committee on Problems of the Environment (1969)

NGO contributions may take the form of material support—such as funding participation for underrepresented nations—or technical assistance. The WWF, for example, financed delegate participation from Indonesia, Tanzania, and Zimbabwe in the 1986 CITES conference.

Additionally, NGOs assist in drafting treaty texts, organizing expert consultations, and providing scientific data. The 1979 Bern Convention facilitated NGO involvement in the Stockholm Conference, while the 1995 Vienna Conference on ozone layer protection benefited from NGO input during the negotiation of the Vienna Proposal.

NGOs have also played foundational roles in shaping soft law instruments and customary international law. In 1975, President Mobutu invited the IUCN to draft an environmental charter, which was later adopted by the UN General Assembly in 1982 as the *World Charter for Nature*.

The IUCN was instrumental in the development of several major treaties, including:

- The 1971 Ramsar Convention on Wetlands
- The 1979 Bonn Convention on Migratory Species
- The 1992 Earth Charter at the Rio Summit

Former French President Jacques Chirac acknowledged the IUCN's unique standing among NGOs due to its multi-stakeholder composition and legislative influence.

Other key organizations such as Greenpeace, the WWF, Ozone Action, and the Sierra Club actively contributed to the negotiation of the UN Framework Convention on Climate Change and the Kyoto Protocol. Their involvement continued even after the initial treaty cycle ended in 2012.

At the 1994 Cairo International Conference on Population and Development, NGOs were formally recognized as development partners. Chapter XV of the conference's Programme of Action emphasized the necessity of establishing broad and effective partnerships between governments and NGOs to facilitate population and environmental policy implementation.

2.1.2 Participation of Non-Governmental Organizations in the Implementation of International Environmental Agreements

Environmental education constitutes a foundational component emphasized by most international environmental agreements, often facilitated through the active involvement of non-governmental organizations (NGOs). These organizations play a pivotal role in implementing sustainable development initiatives by contributing to the formulation of national environmental regulations and awareness campaigns. One key example is Agenda 21, introduced at the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, which has since served as a principal framework for global sustainable development. Within this context, NGOs have led efforts to organize public consultations, collaborate with diverse stakeholders, and prepare reports intended to shape national policy agendas.

NGOs have also demonstrated enhanced efficiency in managing environmental protection and sustainable development funding compared to traditional state actors. In 1992, global funding dedicated to environmental initiatives reached USD 8.2 billion—representing approximately 13% of the total budget for environmental protection—of which a significant portion was administered by NGOs. Institutions such as the International Bank for Reconstruction and Development (IBRD) and other governmental bodies have increasingly relied on NGOs to implement environmental programs due to their contextual knowledge, technical capacity, and community-level engagement.

2.2 The Role of Non-Governmental Organizations in Invoking International Responsibility and Promoting Environmental Justice

The effective enforcement of international environmental law relies not only on the adoption of legal frameworks but also on mechanisms that hold states and multinational corporations accountable for environmental harm. NGOs play a dual role in this regard: first, in activating international responsibility for environmental violations (Section 2.2.1), and second, in promoting judicial protection of the environment and access to environmental justice (Section 2.2.2).

2.2.1 The Role of NGOs in Invoking International Responsibility for Environmental Harm

The doctrine of international responsibility for wrongful acts provides the conceptual basis for addressing state and corporate liability for environmental degradation, though the scope of this responsibility remains ambiguously defined. Under various international instruments, states incur liability when they breach environmental obligations. For example, Article 235 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) specifies that states are responsible for marine environmental damage resulting from non-compliance. Similarly, Article 21 of the 1972 Stockholm Declaration and Principle 2 of the 1992 Rio Declaration affirm the duty of states to avoid causing environmental harm beyond their borders.

NGOs have emerged as crucial enforcers of these norms. They conduct independent fact-finding missions, raise global awareness, and expose environmental violations through public campaigns. For instance, in 2015, Greenpeace condemned shale gas extraction in southern Algeria, warning—via its Arab region head, Safaa Al-Jiousi—of the high environmental risks posed by hydraulic fracturing (fracking), including the release of methane emissions potentially more hazardous than conventional natural gas or even coal.

Through such campaigns, NGOs exert pressure on both states and corporations by mobilizing public opinion and encouraging environmental accountability. Mechanisms such as the Kyoto Protocol institutionalize this role, allowing NGOs to report non-compliance to the Compliance Committee. Organizations like the Climate Action Network (CAN) closely monitor treaty implementation and propose evidence-based solutions to global warming.

Moreover, NGOs have publicly criticized the stance of the United States regarding its reluctance to commit to emissions reductions under the Kyoto Protocol, pointing to the critical role of NGOs in applying pressure where formal legal obligations have fallen short.

2.2.2 The Role of NGOs in Promoting Judicial Protection of the Environment

Access to justice represents a core principle of both environmental law and human rights. While NGOs do not possess standing before the International Court of Justice (ICJ)—as per Article 34 of its Statute, which limits participation to sovereign states—they have increasingly found legal pathways to support affected communities in pursuing environmental claims.

The 1998 Aarhus Convention significantly advanced this cause by mandating, under Articles 2, 6, 7, and 8, that NGOs be granted the right to participate in the development of environmental law and policy, decision-making processes, and judicial review mechanisms. These provisions acknowledge the instrumental role of NGOs in representing populations who often lack the financial resources or technical capacity to participate in complex environmental litigation independently.

The importance of access to environmental justice was further reinforced at the 2000 Malmö Ministerial Conference, convened under the United Nations Environment Programme (UNEP), where environment ministers affirmed that facilitating civil society participation through legal recourse is fundamental to effective environmental protection.

This right has since undergone considerable evolution, extending from the national to the international level. Notably, the European Court of Human Rights (ECtHR), empowered by Protocol No. 11 (1994), recognizes the standing of individuals and NGOs to file complaints regarding environmental rights violations. The Court's accessibility and procedural simplicity have made it a model institution for environmental justice, particularly in contrast with other regional courts such as the African Court on Human and Peoples' Rights.

The African Charter on Human and Peoples' Rights recognizes the right to a healthy environment, thereby providing a strong legal foundation for claims before the African Court. However, limitations remain: the Court's jurisdiction is subject to prior state consent, thereby constraining access for individuals and NGOs seeking to pursue environmental justice in states that have not ratified the relevant optional protocols.

Conclusion

Despite their consultative status in international law, non-governmental organizations have evolved into indispensable actors in the field of environmental protection and sustainable development. Their influence is evident in multiple domains: from participation in global negotiations and treaty drafting to continuous oversight of implementation and compliance through public advocacy and independent reporting. NGOs have significantly shaped the content and direction of international environmental law, transforming it from a state-centric framework to one that increasingly incorporates civil society actors.

Environmental protection is fundamentally an ethical imperative that requires both collective responsibility and voluntary action. NGOs embody this ethos by encouraging societies to acknowledge and correct ecological missteps of the past, ensuring environmental justice for future generations. As Professor Paul de Backer aptly observes: "It does not mean meeting the needs of the present generation without compromising the ability of future generations to meet their own needs. It therefore holds the individual accountable for what has been committed in the past."

To reinforce the role of NGOs in the global environmental governance architecture, the following recommendations are proposed:

- **Strengthen Public Awareness:** Governments and media outlets should collaborate with NGOs to develop comprehensive awareness campaigns on environmental protection, implemented at local, national, and international levels.
- **Enhance Negotiation Rights:** NGOs should be granted active participatory rights in international environmental negotiations. Given that environmental law increasingly reflects peremptory norms (*jus cogens*) derived from sustainable development principles, states should institutionalize collaboration with NGOs to benefit from their expertise.
- **Expand Legal Personality:** International NGOs should be granted legal personality and standing to initiate legal actions in both national and international courts. This reform would reflect the evolving nature of environmental soft law and the global consensus that environmental rights are integral to human rights and planetary survival.

Acknowledgements

The author would like to express sincere gratitude to the Faculty of Law and Political Science at Mouloud Mammeri University of Tizi Ouzou for providing institutional support and academic resources. Special thanks are extended to colleagues and peers who offered valuable insights and feedback during the preparation of this manuscript.

Conflict of Interest

The author declares that there is no known conflict of interest regarding the publication of this article.

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