

How China's Environmental NGOs Participate in Social Governance Research through Public Interest Litigation

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Abstract: There was a milestone significance when NGOs, the social organization was defined for the public interest litigation. It is the force for improving and protecting the environment in China. However, there are still many difficulties and challenges for NGOs to face such as the high cost of prosecution, the interference of local protectionism, or the funding and professionalism. Thus, NGOs should be changed and improved all the time. And an abundant of experts and researchers are trying their best to solve the problems as well as dealing with the risks. All the staff is trying their best to deal with the problems.

1. Introduction

According to the Chinese Journal of Environmental Law, one of the popular magazines in domestic about environment protection and concern, the related researchers and experts think it is necessary for NGOs to participate in the social governance such as environment cases through public interest litigation. Since the current social events especially the environment case has been more and more serious including heavy pollution of the air, water and soils, considerable ecological degradation and high environmental risks from industrial activities. For instance, 78.4% of the cities failed to meet the air quality standards set by the Chinese Government.[1] The force only from the government can't deal with the social problems completely since the environment case is one of the social events to manage. Thus, NGOs has been the extra power to help conduct environmental governance.

However, the nature of NGOs is a non-profit organization and it does not directly lead by the authorities of the government. It is registered as civil affairs and can't be involved in the conflict and cases without permission. Thus, it has been a formal and effective path for NGOs to take part in social governance through the way of public interest litigation. But there are still several problems and challenges for NGOs to face now. For example, the operation cost of the organization is much higher than the members have expected before. Meanwhile, there is still a lack of profession in the operation since most of the members have her jobs.

Hence, it is essential to have research about NGOs. And the analysis can help NGOs overcome the shortage and difficulties as well as attracting more volunteers who have abundant experience to join the organization.

2. The Current Situation about NGOs Participate in the Social Governance through Public Interest Litigation

In recent years, NGOs have participated in a large number of social cases through public interest litigation. For instance, in 2016, with the introduction of the new environmental protection law, the nationwide environmental public interest litigation cases have increased significantly compared with previous years.[2] It can be seen that public interest litigation has become one of the generally accepted judicial channels and a powerful weapon for safeguarding the public environment.

Among all the cases of social governance, some cases are well known to the public such as cooperating with the government to make the environment laws, devising the relationship between the government and the public, helping to limit the air pollution from all the factories in domestic and trying their best to fight for the action space in practice. In general, Chinese NGOs are in the stage of participation in national governance and policy advocacy, and many of these discussions take a macroscopic and categorization approach.

According to the latest data, from 2017-2019, there are about 500 cases of public interest litigation on the topic of social events. And among all the social events, the issues about the environment occupy the largest proportion. There is no denying that the winning rate about the environment cases is more than 75% since everyone in society is paying attention to the environment and all kinds of pollution now. One of the most impressive cases is that a chemical enterprise was fined about ¥ 5,000,000 since they produced toxic gases into the air and the amount of the toxic gases was over the limit.[3]

The government agrees with NGOs to help to deal with social causes. Since according to the definition of governance in the law, the nature of the governance is a process to deal with the issue in the society which is related to the public. Meanwhile, in the process, a lot of individuals and the institutions can be involved in public. No matter the individuals and the institutions are formal or informal. Last but not least, the aim for all the organizations which are involved in the public affairs is the same, they all try their best to deal with the public affairs better and make the public achieve more profit as well as improving the living standard.

3. The Analysis of NGOs to Participate in the Social Governance through Public Interest Litigation

3.1. The Advantage of NGOs to Participate in the Social Governance through Public Interest Litigation

There is no denying that a surplus of advantages which can make the public benefit a lot can be brought by NGOs. Meanwhile, they are good for the construction and operation of the NGOs itself.

One of the most obvious advantages is that participating in the Social Governance through Public Interest Litigation can receive an abundant of concern from the public.

First, the concern can be about the social cases. In other word, more and more individuals and institutions may pay attention on the social cases around us. For example, when NGOs tried their best to fight for the action space in practice, a large number of individuals were concerned about the case as well. They thought of plenty of ideas which can be the solution for NGOs and told them by phone and E-mail. [4] Thus, NGOs is the single force in the society. When all the individuals and institutions concern about the social cases, the force will be bigger and bigger.

From other aspects, the organization NGOs itself may be concerned a lot as well. NGOs are the non-profit organization and the members of the organization are from diverse classes and backgrounds. So, it is possible for them to make the structure and operation open to the public. At the

same time, it can attract more attention from the public so that the fund support and material support can be achieved. Later, the development of NGOs will be better and better as well as owning a better ability to help solve the social causes for the public.

Moreover, the existence of NGOs can work as the supervisor for the enterprises. For instance, for all the enterprises in domestic, the biggest social event is environment protection. It is related to the factory which is dependent on the enterprises. In recent years, there is a clear standard for all the factories to release the gas into the air as well as the sewage into the river. Most of the factories can keep the order and strictly control the emission amount of gas and sewage. However, there are still factories especially the tiny-scaled factories are always against the order and over releasing the gas and sewage. [5] Hence, based on the current situation, NGOs can supervise the factories and enterprises which are always against the rules and give them the correct standard and guidance.

In one word, the existence of NGOs can help solve social cases as soon as possible and collect more social resources.

3.2. The Disadvantage of NGOs to Participate in the Social Governance through Public Interest Litigation

However, it is no doubt that several disadvantages are in the daily operation of NGOs which can't be avoided. One of the most concerned disadvantages is the high cost of the operation. According to the definition of NGOs, it is the non-profit organization so that the capital is limited for them. And the resources of the daily capital are from the donation and the necessary fees from providing service. Thus, the conflict of the funding in the inner organization won't stop since a large amount of capital is needed for organization. NGOs is an ordered organization. To illustrate, when they deal with the social cases, they have a series of process to conduct. At first, they may have the meeting and make the plan, and then devise the plan. At last, someone will carry out the plan as well as analyzing the result. What I have mentioned above is the simple process and the currency is needed in every step such as the fee for place renting, transportation, materials and machine they need and so on. [6] Hence, it is easy to summarize that the cost of the whole operation is much higher. It can't be afforded by individuals. And the daily operation can't live without the fund.

Meanwhile, refer to the members of the NGOs themselves, lack of the profession is the biggest problem for them. It is the common knowledge that most of the members in NGOs are the members from diverse background. Hence, it is normal that they have their own career which is not related to the social cases. However, in order to deal with the social cases better, the professional knowledge is needed as well as the certain skills such as the cooperation skills, communication skills, planning skills and so on. At the same time, the practical experience should be collected since everything will be happen in the process of dealing with the social cases.[7] Hence, the professional skills and practical experience are needed for the members of NGOs. Sometimes, since the limit of the population, the members don't receive the professional training and take part in the tasks as soon as possible. Lack of the professional knowledge and skills may lead a series of problems in the process of dealing with the social causes. And the problems will be more and more as the development of NGOs.

4. The Approach to Optimize NGOs to Participate in the Social Governance through Public Interest Litigation

According to obvious disadvantage of the high cost in the daily operation, absorbing more funding is the core approach to solve the problem. In order to absorb more funding, it is necessary to expand the ways of collecting the fund and other materials as well as assistance. One of the most effective

methods is to achieve support of the government. The support can be divided into two kinds. One is the mental support, the other is capital support. It is easy to understand the capital support. To illustrate, the government can provide a certain amount of currency to NGOs in order to support NGOs have daily operation. And this part of the currency can be arranged into the capital budget every year. The other kind of support is to make more individuals and private enterprises know about NGOs so that it can attract the capital support from the individuals and private enterprises. There is no denying that there is a budget for most of the private enterprises which can be used for donation or any other social case in order to achieve an excellent frame to the public. So that under the introduction from the government, the private enterprises are willing to provide the capital to the NGOs. For individuals, some individuals can provide materials, meeting space and the experience of dealing with the social cases besides the capital. [8] In other words, the single force from NGOs is tiny, another daily task for NGOs is to collect the materials from the public and improve the ability as well as the currency rising so that they can help to deal with the social cases better.

Refer to the problem of the profession, NGOs can cooperate with other professional organizations. Some organizations which deal with social causes are profitable. Hence, they have enough currency to arrange for the professional training and simulate the social cases for members to achieve the experience. And NGOs can share human resources with other organizations. NGOs can invite professional lectures to have lessons with the members of an inner organization. So that the members can achieve professional training and have the base to deal with the social cases. And this is one way to deal with the problem of lack of the profession. The other way is that letting the members study the skills of the social cases in professional schools and organizations. [9] Nowadays, the social cases are around every one of us, so all the individuals and the institutions are needed to study the professional skills of dealing with the social causes. Based on the huge need, some educational institution designs a series of lessons for the public to learn about the social cases. At the same time, they don't only teach the theory in the books, the educational organizations which are responsible for the social causes learning will cooperate with the departments of the government, they can get some real cases for the members to deal with in order to study the practical experience. But the educational organizations are not the charity fair so that the expense may be high and enough currency so that it could be the burden for NGOs, the non-profit organization.

Last but not least, the government should try its best to provide support the development NGOs. To illustrate, the law is one of the most direct ways to provide NGOs' development space. The clear rules can make NGOs follow the standard and develop further. [10] At the same time, to some extent, the approach of the law gives the NGOs the rights to have informal negotiation with the enterprises. Meanwhile, the enterprises may follow the direction and the supervision of NGOs under the pressure of law.

5. Conclusion

It is no doubt that it is necessary for NGOs to exist and develop since the nature of NGOs is to share the certain responsibility and the working amount from the government to assist supervisor the all society in the aspect of the social cases. Although there are still a large number of shortages for NGOs now, it will develop further and better under the support of the public and the government. It is common knowledge that the public's living will be better under the progress of NGOs.

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