

Article

Major gap in public awareness regarding the Aarhus Convention and EU Environmental Law

[Brussels, December 20th 2013]

The Context

The Central European Initiative (CEI) Action Plan, in particular the Environment Topic under the Area of Intervention of Economic Development states that: "Although the majority of the CEI Member States have made significant progress in sustainable development and environmental protection with regard to rules and norms, there is still a need to raise awareness among the general public and decision-makers."

Justice and Environment (J&E) has set two goals in this respect:

- to conduct a survey on the public awareness of the Aarhus Convention that is a cornerstone of the environmental access rights and a powerful international legal tool for the public to protect the environment and promote sustainable development, and of the implementation of EU environmental law as an important leverage for the proper protection of access rights and the environment;
- to raise the low level of awareness among the public and the environmental civil society on what the Aarhus Convention and the EU environmental legislation contain and what can be attributed to the foregoing legal regimes, thus fighting the growing Euro skepticism.

J&E has made a brief popular survey with major national environmental NGOs in a number of EU Member States and accession countries.

The online survey intended to measure the awareness by the public in 8 European countries of the Aarhus Convention and EU Environmental Law. Some questions asked about the awareness of the targeted environmental NGO while others asked about the awareness of the general public. The latter questions were indicated accordingly. The questions were proofread by sociologists and were presented within an online survey framework to enable easy answering. These were the questions:

1. Question: The Aarhus Convention

Have you heard about the Aarhus Convention?

YES

NO

2. Question: The Aarhus Convention

Can you mark what topics the Aarhus Convention primarily regulates? (multiple answers, maximum 5)

- ☐ Illegal movement of hazardous wastes
- ☐ Protection of endangered species
- ☐ Access to information in environmental matters
- ☐ Pesticides and chemicals
- ☐ Long range air pollution
- ☐ Child labor
- ☐ Participation in environmental decision-making
- ☐ Access to justice in environmental matters
- ☐ Climate change and greenhouse gases
- ☐ Fiscal austerity measures

3. Question: The Aarhus Convention

Have you ever invoked the rights provided by the Aarhus Convention in formal proceedings or have you ever invoked the Aarhus Convention in campaigns?

YES

NO

4. Question: The Aarhus Convention

In what kind of cases did you refer to the provisions of the Aarhus Convention in your communication with authorities or courts? (multiple answers)

- ☐ Access to environmental information
- ☐ Participation in environmental decision-making
- ☐ Access to justice against refusal of environmental information
- ☐ Access to justice against environmental decisions (permits)
- ☐ Access to justice against violation of environmental law

5. Question: The Aarhus Convention

In case you used the Aarhus Convention in your work, what would best describe the impact of the reference to the Aarhus Convention in the above cases? (multiple answers)

Reference to the AC has made no impact on public authorities/courts

Access to environmental information was granted after reference to the Aarhus Convention

Access to environmental information was still refused and we had to seek other remedies or quit requesting information

Public participation was guaranteed after reference to the Aarhus Convention

Public participation was still refused and we had to seek other remedies or quit willing to participate

Court granted access to information due to reference to the Aarhus Convention

Court still refused access to information

Court provided for participation due to reference to the Aarhus Convention

Court still refused providing for participation

Court has dealt with alleged violation of environmental law

Court still has refused to deal with alleged violation of environmental law

6. Question: EU Environmental Law

What describes the best the level of your knowledge of EU Environmental Law?

Non-existent

Know some pieces of EU environmental law superficially

Know a large number of EU environmental laws superficially

Know some pieces of EU environmental law in-depth

Know a large number of EU environmental laws in-depth

EU law expert

7. Question: EU Environmental Law

Do you follow the development of EU environmental law?

NO

YES, if a case of my NGO makes it necessary

YES, regardless of the affectedness of my NGO

8. Question: EU Environmental Law

Mark the areas of environmental protection that are NOT directly regulated by EU environmental law

Environmental Impact Assessment

Water quality

Air quality

Noise emission

Land use planning

Environmental liability

Hazardous wastes

Access to environmental information

Participation in environmental decision-making

Access to environmental justice

9. Question: EU Environmental Law

In what areas of EU environmental law is there a legislative proposal being drafted/discussed in the years 2010-2013?

Air quality

Water quality

Environmental impact assessment

Environmental liability
Access to environmental information
Participation in environmental decision-making
Access to environmental justice
Don't know

10. Question: EU Environmental Law

What does the "direct effect" of EU law mean?

EU law can be applied directly by EU institutions to Member States
EU law can be applied in non-EU Member States also
You can refer to EU law directly before national authorities and courts in certain circumstances

11. Question: Public awareness

How would you describe the awareness of the public contacting your NGO about the Aarhus Convention?

Non-existent
Very few people heard about it but do not know it in detail
Many people heard about it but do not know it in detail
Most of the people heard about it but do not know it in detail
A few people know it in detail
Many people know it in detail
Most of the people know it in detail
We have no contact to the public

12. Question: Public awareness

How would you describe the awareness of the public contacting your NGO about the EU Environmental Law (any piece of environmental legislation or more laws)?

Non-existent
Very few people heard about the rights it provides but do not know it in detail
Many people heard about the rights it provides but do not know it in detail
Most of the people heard about the rights it provides but do not know it in detail
A few people know it in detail
Many people know it in detail
Most of the people know it in detail
We have no contact to the public

13. Question: Identification

Please identify your NGO according to the following options (multiple answers)!

national
regional
local
environmental
nature conservation
animal welfare
cultural heritage
human rights
transparency and accountability
other

The Findings

Survey on the Aarhus Convention

The survey was conducted using a free online surveying tool (www.surveymonkey.com) applying 8 questions, sending the links alongside with a request for further spreading and distribution to national environmental civil society organizations in 8 countries such as Austria, Croatia, Czech Republic, Hungary, Macedonia, Romania, Slovakia and Slovenia. The survey produced 134 answers out of which the results are analyzed referring to the first 100 answers, expressed in percentages of the possible answers.

Survey on EU Environmental Law

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Aarhus Convention

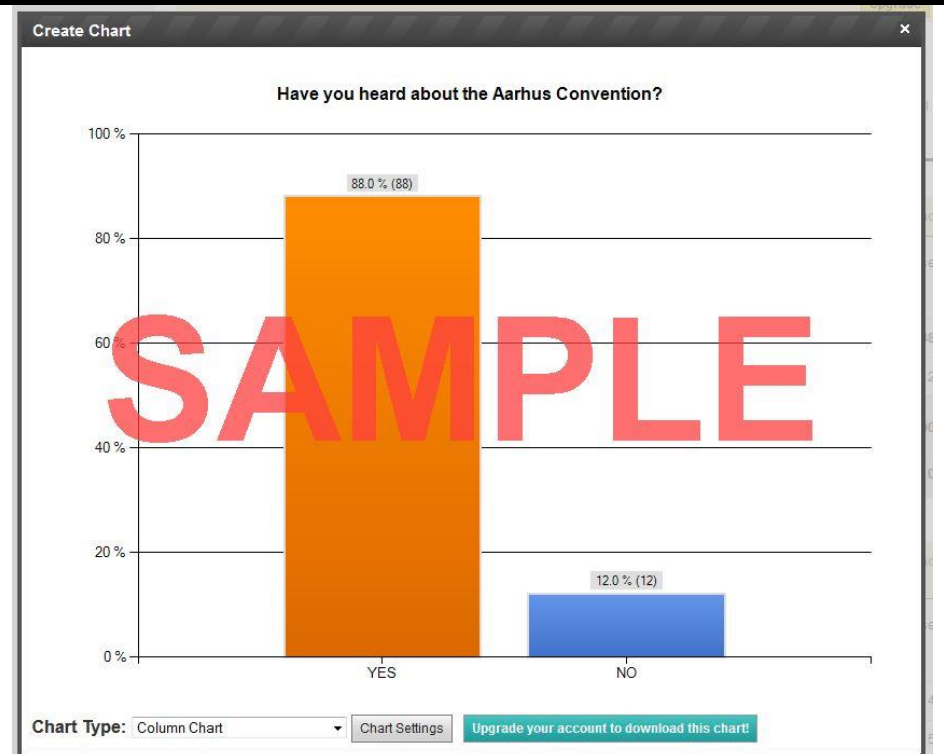
Question

Have you heard about the Aarhus Convention?

Findings

The first question only intended to clarify if there is knowledge on the existence of the Aarhus Convention whatsoever. Clearly the overwhelming majority of the respondents have already heard of the Aarhus Convention and there is only a small minority for whom the existence of this international legal instrument is a novelty. This is already a positive sign in the beginning.

Answers



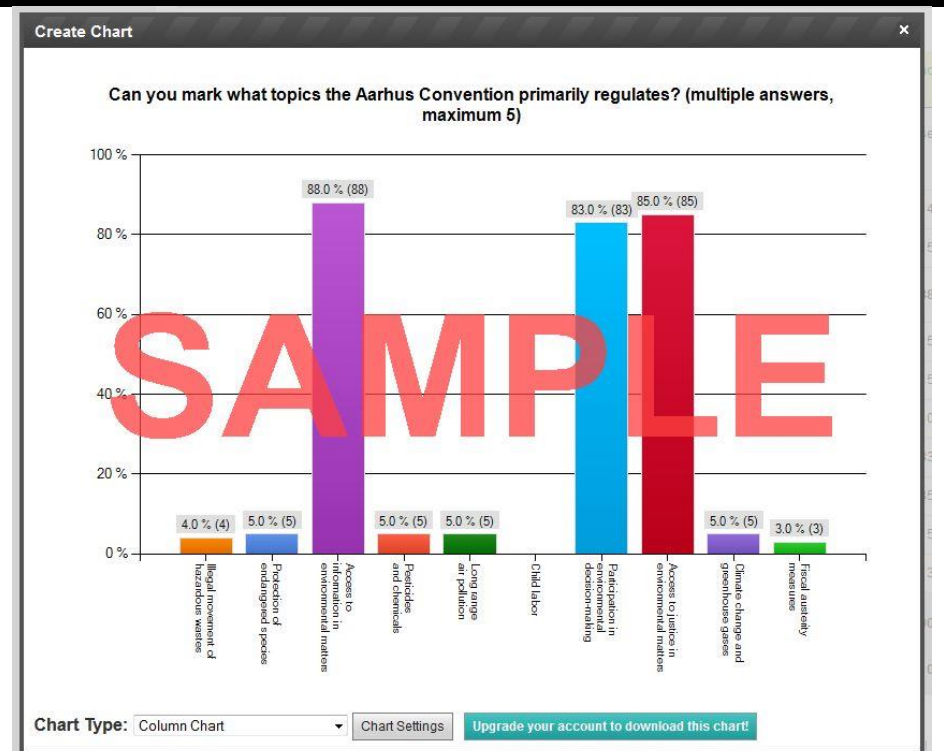
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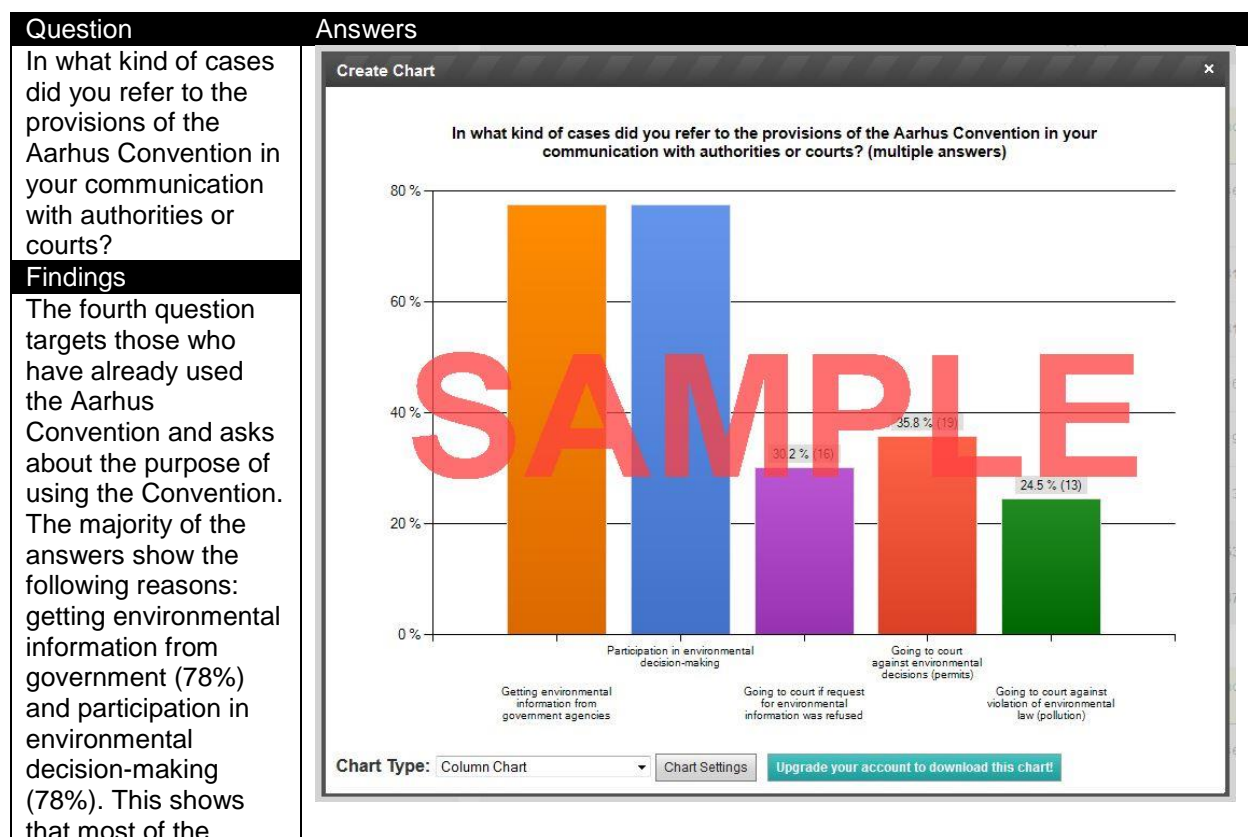
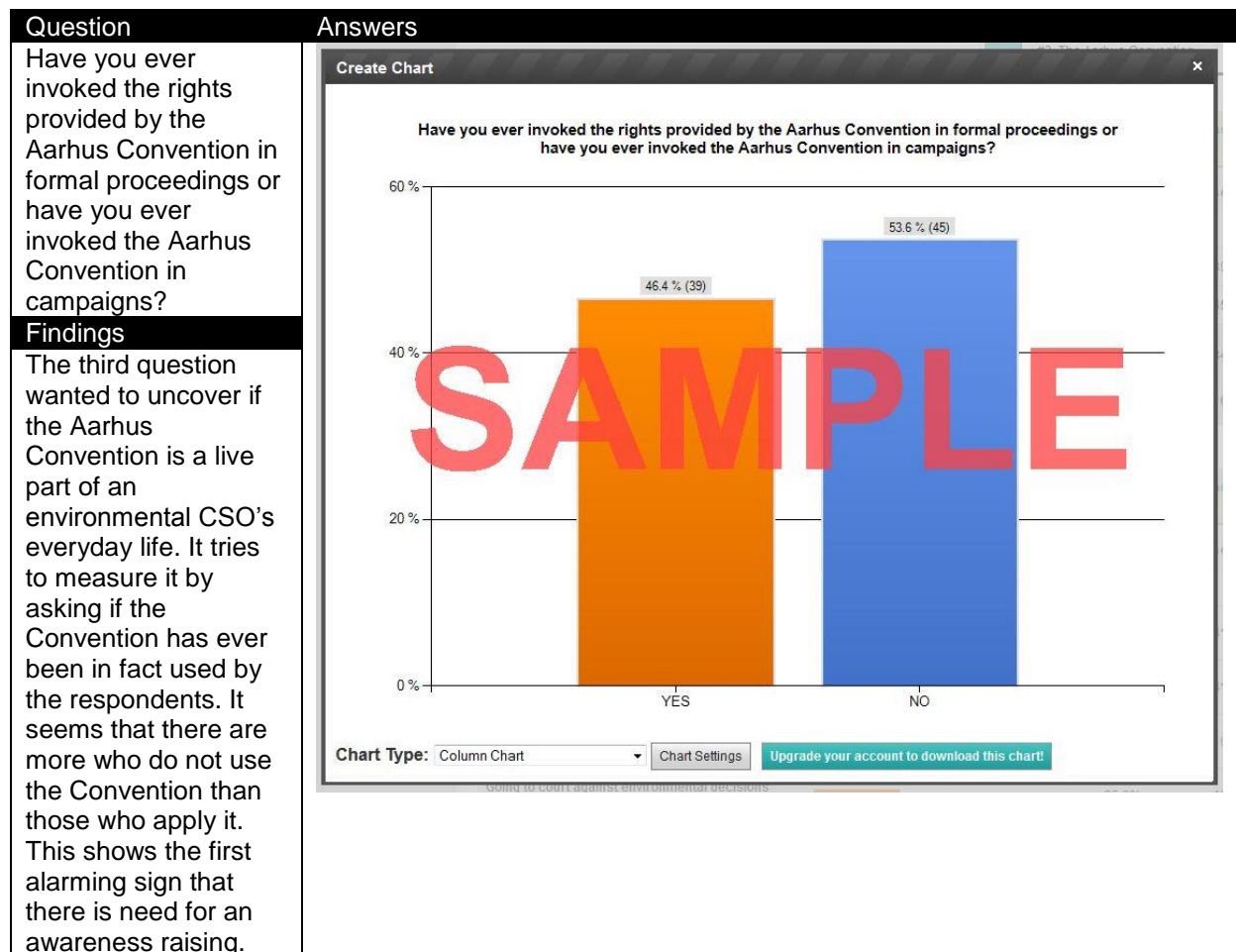
Can you mark what topics the Aarhus Convention primarily regulates?

Findings

The second question wanted to go deeper and test the knowledge of the respondents by offering 10 different topics from which they had to find out what the Aarhus Convention regulates. Again, the great majority did know that it is about access to environmental information, participation in environmental decision-making and access to environmental justice. All other responses that were incorrect are only an insignificant minority which is a good sign again.

Answers





respondents use the Convention in extra-judicial processes.

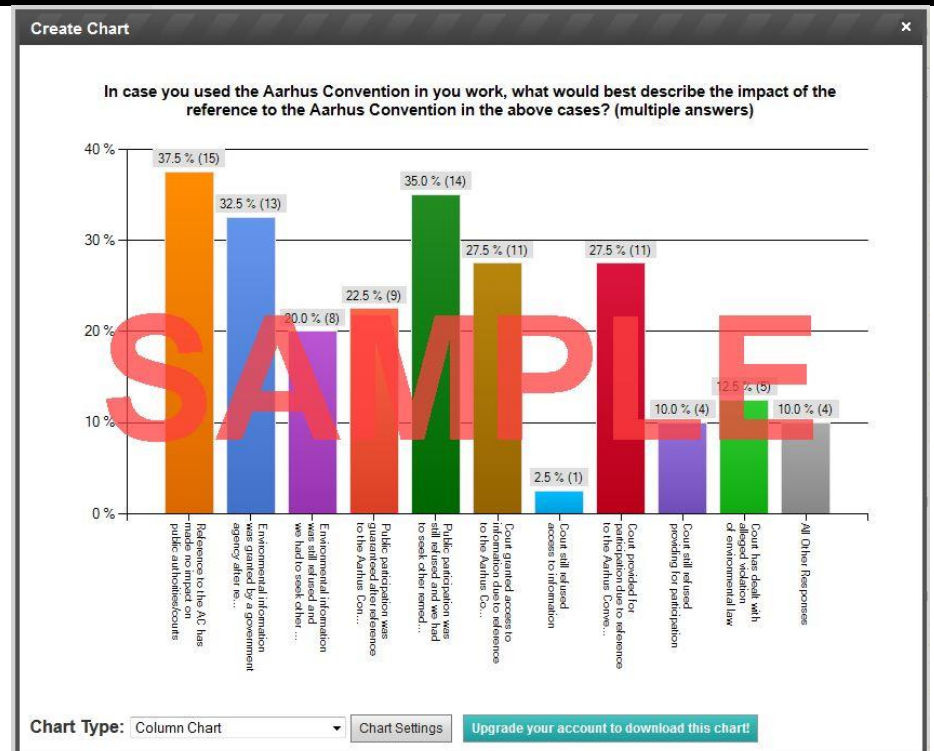
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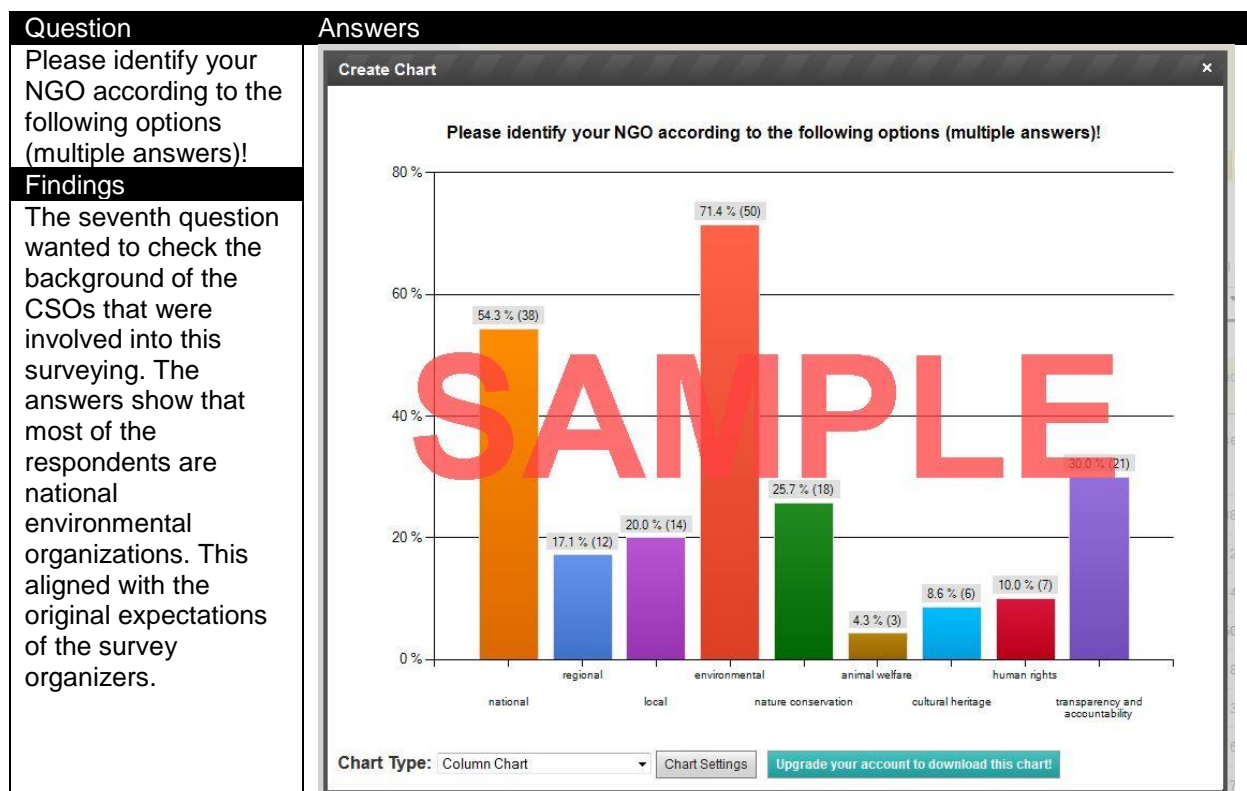
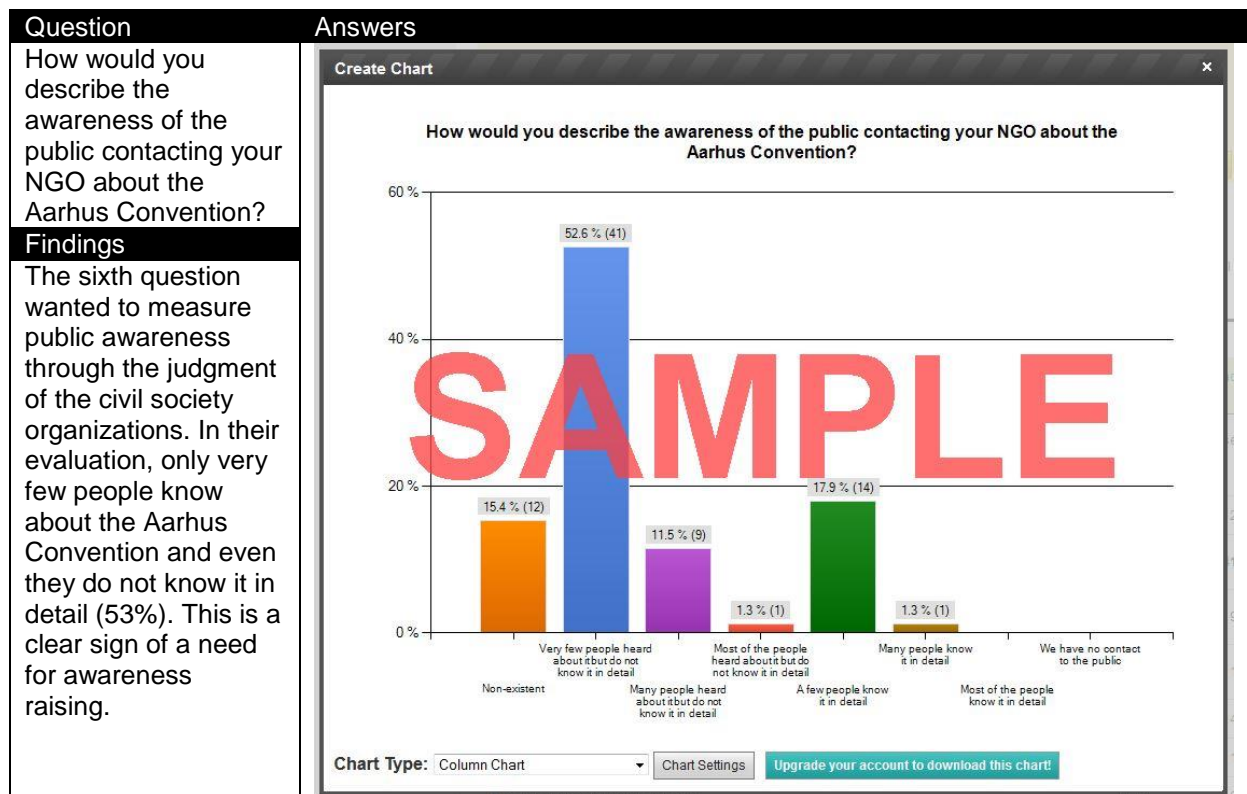
In case you used the Aarhus Convention in you work, what would best describe the impact of the reference to the Aarhus Convention in the above cases?

Findings

The fifth question tests the effectiveness of the application of the Aarhus Convention. The majority of the respondents think or experience that reference to the Convention had made no impact on public authorities (38%), public participation was still refused (35%) or as a maximum, access to environmental information was granted (33%) as a result of referencing the Aarhus Convention. This is really disappointing and requires action.

Answers

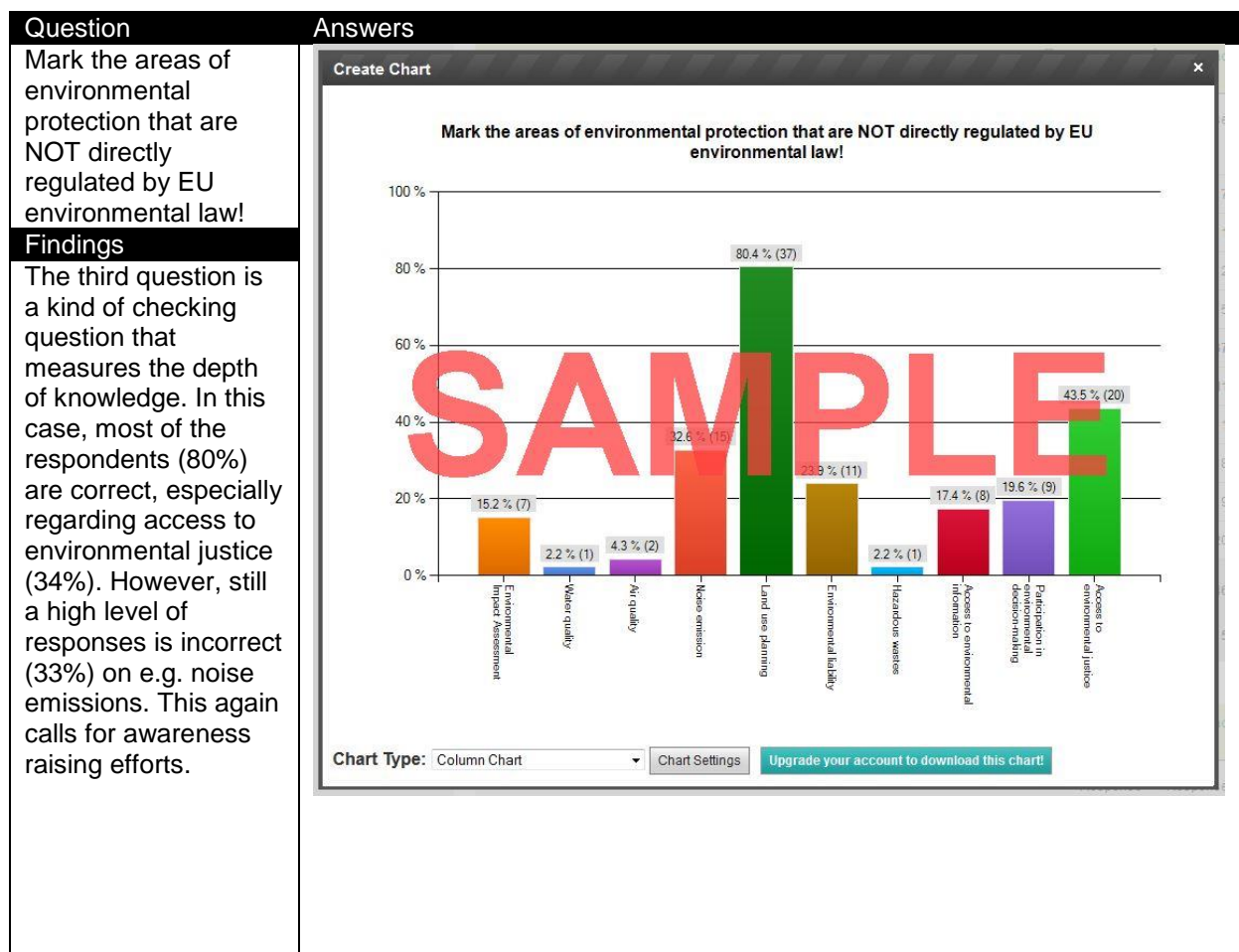




Question	Answers								
Please identify your country!	8. Please identify your country! Download								
Findings									
The eighth question finally asked about the nationality of the respondents. The answering system ensured anonymity, but even like this, one third of the respondents did not discover their nationality.	<table> <tr> <th>Response</th><th>Count</th></tr> <tr> <td>Show Responses</td><td>70</td></tr> <tr> <td>answered question</td><td>70</td></tr> <tr> <td>skipped question</td><td>30</td></tr> </table>	Response	Count	Show Responses	70	answered question	70	skipped question	30
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	Select a page to view below or view all pages : <div> ◀ #5. Identification ▶ </div>								

EU Environmental Law

Question	Answers																					
What describes the best the level of your knowledge of EU Environmental Law?	<div><div>Create Chart</div><div><p>What describes the best the level of your knowledge of EU Environmental Law?</p><table><thead><tr><th>Knowledge Level</th><th>Percentage</th><th>Count</th></tr></thead><tbody><tr><td>Non-existent</td><td>3.9 %</td><td>2</td></tr><tr><td>Know some pieces of EU environmental law superficially</td><td>45.1 %</td><td>23</td></tr><tr><td>Know a large number of EU environmental laws superficially</td><td>11.8 %</td><td>6</td></tr><tr><td>Know some pieces of EU environmental law in-depth</td><td>27.5 %</td><td>14</td></tr><tr><td>Know a large number of EU environmental laws in-depth</td><td>7.8 %</td><td>4</td></tr><tr><td>EU law expert</td><td>3.9 %</td><td>2</td></tr></tbody></table></div><div><div>Chart Type: Column Chart</div><div>Chart Settings</div><div>Upgrade your account to download this chart!</div></div></div>	Knowledge Level	Percentage	Count	Non-existent	3.9 %	2	Know some pieces of EU environmental law superficially	45.1 %	23	Know a large number of EU environmental laws superficially	11.8 %	6	Know some pieces of EU environmental law in-depth	27.5 %	14	Know a large number of EU environmental laws in-depth	7.8 %	4	EU law expert	3.9 %	2
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Findings																						
The first question only intended to clarify the level of knowledge of the CSO approached on EU environmental law. Unfortunately, the majority (45%) responded that they only know some pieces of EU environmental law, and even only on a superficial level. Those having an in-depth knowledge are only 28%.																						



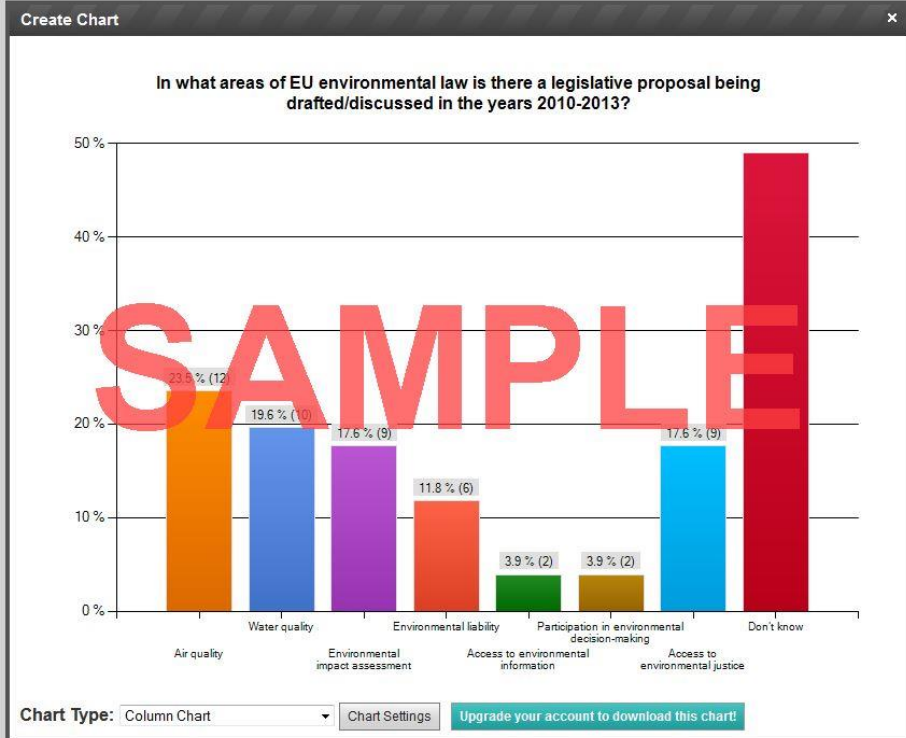
Question

In what areas of EU environmental law is there a legislative proposal being drafted/discussed in the years 2010-2013?

Findings

The fourth question is really an expert one, and no wonder that the majority of the respondents (48%) replied “don’t know”. Those who responded positively, did not always know the right answer.

Answers



Question

What does the “direct effect” of EU law mean?

Findings

The fifth question is a very legal one, however, it seems that this has already entered into some kind of common knowledge, despite its very legalistic nature. This must be the reason why most of the respondents replied correctly (54%) over those who did not know it properly (46%).

Answers



Question

How would you describe the awareness of the public contacting your NGO about the EU Environmental Law (any piece of environmental legislation or more laws)?

Findings

The sixth question measures public awareness in the judgment of the CSOs. As with the Aarhus Convention, the result is that only a very few people know EU environmental law at all, and even they do not know it in detail. But contrary to the Aarhus Convention, at least many people heard about the EU environmental law, although they do not know what it provides.

Answers



Question

Please identify your NGO according to the following options (multiple answers)!

Findings

The seventh question wanted to check the background of the CSOs that were involved into this surveying. The answers show that most of the respondents are national environmental organizations. This aligned with the original expectations of the survey organizers.

Answers



Question	Answers								
Please identify your country!	8. Please identify your country! Download								
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Conclusions

Briefly, the conclusions of the two surveys are the following, according to topics:

- › **Aarhus Convention:** most of the respondents know the Aarhus Convention and know what it regulates, however, most of them do not use it and even if they do, they do it outside judicial procedures, in interactions with public authorities; the outcomes are questionable, the Convention not producing the desired effects; the general public has a lower level of knowledge, few of them having heard about the Convention but not even knowing in detail what it is about.
- › **EU environmental law:** most of the respondents know some pieces of EU environmental law but not in detail, and they do not follow the legal developments; they do know what the EU law is about, and sometimes also how it develops, in addition to some basic legal concepts but the general public has a lower level of knowledge, few of them knowing in detail what EU environmental law is about, but at least having heard of it in general.

Recommendations

In order to achieve the goals of a more united Europe and to contribute to the implementation of the CEI Action Plan via raising the awareness of the public in terms of access rights and the environmental law of the EU, we suggest to do the following:

- › start a public awareness campaign on what the practical use of the Aarhus Convention is and on the benefits of EU environmental law against Euro skepticism;
- › raise the knowledge of the CSOs in order to be able to monitor the development of EU environmental law;
- › support public interest law organizations that can contribute to the proper application of the Aarhus Convention by ensuring its rights even via judicial remedies, and that can give expert advice to other CSOs on EU environmental law.

A communication and outreach strategy for the above purposes is in the Annex to this document.

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ANNEX

Communication and Outreach Strategy

THE BENEFITS OF EU MEMBERSHIP IN ENVIRONMENTAL PROTECTION

1 - What are the major obstacles to public awareness?

In a context where the number of Euro sceptics is on the rise and making the benefits of EU membership hardly credible, putting forward the environmental benefits of EU membership is all the more challenging. Most Europeans being unaware of their rights related to their everyday life (such as consumer goods, contracts, etc.) they know even less about their rights in terms of environment – a far less tangible aspect of their lives. Indeed, the environment becomes visible only when a problem arises: e.g. the construction of a new airport/dam nearby, floods, disease outbreak among a population, problems in a nuclear power station, etc. The question should be asked the other way around: what happens to a country if unprotected by EU laws? Examples of environmental misfortunes in non-MS that could have been prevented had the country been a member of the EU can be good illustrations.

2 - What is the public unaware of?

J&E has conducted a survey among European NGOs, most of them working at national level and dealing directly with environmental issues. The results show that almost 90% of respondents had heard about the existence of the Aarhus Convention but sceptical about its impacts on the ground. On the public side, the great majority of the NGOs declared that the public who contacted them were barely aware of the existence and content of the Aarhus Convention. Surprisingly, more than 30% of the surveyed NGOs think the EU law does not directly deal with noise emissions and more than 20% this alike about environmental liability. It is thus necessary to enhance the visibility of the respective EU directives. Both have a direct impact on people's lives as they aim at ensuring proper living conditions.

3 – Dealing with message opacity

As both legal and environmental matters tend to be highly specialised (i.e. cryptic), it is of paramount importance to adapt the language when communicating to non-specialised audiences. To ensure the communications person succeeds in doing this, policy experts should supply understandable background information in a timely manner. Communicating in a simple language is not enough to make the topic attractive. It also needs to catch the audience's attention by making the information relevant to their own lives so they can identify with the issue. It is important to show, based on concrete examples, that environmental justice is more than a concept and does bring tangible benefits both to the environment and the Europeans.

Fiction example: Thanks to the EU law XYZ, the construction project for a dam was stopped in a given country. It had a positive impact on the local fauna as large proportions of fish stocks came back to populate the region's waters. This previously endangered species has regained a fairly satisfying rate in the area.

4 – External communications

Social media

Anyone desiring to convey a message cannot ignore social media nowadays. However, we should keep in mind that social media targets a restricted fringe of the public, i.e. the persons who already have an interest in legal and environmental matters in this instance. The following paragraphs compare the two main social media tools: Facebook & Twitter:



Maintaining a Facebook account is time consuming if we want to raise the profile of the organisation and maintain its credibility. Creating a project-specific fan page would enable interested parties to find information at a later stage – i.e. when the project has ended – but would look outdated. Facebook is mostly considered by its users an entertainment tool rather than a professional platform where to find credible information. It also requires a dedicated person with sound scientific knowledge to be able to interact professionally with fans asking specific questions.



Setting up a Twitter account would be an opportunity for Justice & Environment to expand its network while advertising the project. The help of valuable partners like the EEB is to be taken into account. Having a Twitter presence could help disseminate information about a project, engage with interested parties, announce events, publications, mentions press quotes, etc. Again, it would be a way to gather people/organisations with a special interest in environmental issues, not to spark new interests. On a practical aspect, tweeting daily would be ideal (J&E resources availability to be investigated). Language must be kept simple and catchy.

Traditional press

To reach out to the greater public, it is crucial to resort to traditional media such as TV and radio. Newspapers are also a major dissemination channel. For more technical aspects, it is also valuable to get in touch with specialised press (like ENDS for instance) and bloggers. Promoting the project on platforms with wide readership would be of great added value. E.g. it is possible to have an opinion piece published on the Euractiv website for free. However, the publication date is to be chosen in accordance with EU landmarks such as EP Committee votes for instance.

Notes

Justice and Environment (J&E) is an association of public interest environmental law organizations. The objective of J&E is to contribute to a better status of environment and human health in Europe where J&E is active through the use of law (European and national environmental laws) and the improvement of access to information, public participation and access to justice in environmental matters by legal means. To learn more visit <http://justiceandenvironment.org/>

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