Article

- Why cannot we use our rights?
- Because we hardly know them!

[Brussels, December 20th 2013]

The Context

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/

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.

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

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 54 answers.
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.

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

**Findings**

The third question wanted to uncover if the Aarhus Convention is a live part of an environmental CSO’s everyday life. It tries to measure it by asking if the Convention has ever been in fact used by the respondents. It seems that there are more who do not use the Convention than those who apply it. This shows the first alarming sign that there is need for an awareness raising.

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

**Findings**

The fourth question targets those who have already used the Aarhus Convention and asks about the purpose of using the Convention. The majority of the answers show the following reasons: getting environmental information from government (78%) and participation in environmental decision-making (78%). This shows that most of the respondents use the Convention in extra-judicial processes.
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?

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

**Findings**
The sixth question wanted to measure public awareness through the judgment of the civil society organizations. In their evaluation, only very few people know about the Aarhus Convention and even they do not know it in detail (53%). This is a clear sign of a need for awareness raising.

**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.
Question
Please identify your country!

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.

EU Environmental Law

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

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%.
Do you follow the development of EU environmental law?

Findings
The second question measures the consciousness on the developments of EU environmental law. Most of the respondents follow such developments only if their CSO is affected, however, at least in this case they do follow changes. This is a positive sign.

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

Findings
The third question is a kind of checking question that measures the depth of knowledge. In this case, most of the respondents (80%) are correct, especially regarding access to environmental justice (34%). However, still a high level of responses is incorrect (33%) on e.g. noise emissions. This again calls for awareness raising efforts.
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.

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%).
**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.

**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.
Please identify your country!

The eighth question finally asked about the nationality of the respondents. The answering system ensured anonymity, and only 4 respondents did not discover their nationality.

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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