DEVELOPING SKILLS OF NGOS

The Right to Know
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THE REGIONAL ENVIRONMENTAL CENTER for Central and Eastern Europe
About the REC

The Regional Environmental Center for Central and Eastern Europe (REC) is a non-partisan, non-advocacy, not-for-profit organisation with a mission to assist in solving environmental problems in Central and Eastern Europe (CEE). The Center fulfills this mission by encouraging cooperation among non-governmental organisations, governments, businesses and other environmental stakeholders, by supporting the free exchange of information and by promoting public participation in environmental decision-making.

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Introduction

One of the tenets of democracy is that people have the right to participate, either directly or indirectly, in the decisions that shape their future. In much of the world, the public is being called on to participate in environmental decision making more than ever before, and therefore public access to accurate information is critical. The right to know has been identified as the key to seeing that people receive the information they need to protect their own future. In addition to the right to know, the public also needs access to the decision-making process and, when these rights are denied, to justice.

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention) was written with these ideals in mind. It provides signatory countries with a framework for drafting environmental legislation that provides citizens with these rights. The Aarhus Convention was negotiated with the participation of non-governmental organisations (NGOs) representing the public’s needs and concerns.

This guide examines the right to know and how it fits into an environmental context. Aspects of public participation, consensus building, decision making and access to justice are all tied into this important feature of a functioning democracy. NGOs play an important role in this process by influencing social change. Setting ambitious yet realistic goals is the first step towards improving society, but equally important is the ability to sway public opinion and follow a campaign through to the end of the decision-making process. Although complete success is the ultimate goal, the more common result is compromise. NGOs must be able to recognise situations where conciliation is needed and negotiate the best possible compromise.

Objective of the Guide

Without information gathering and negotiating skills, NGOs cannot fulfil their missions as watchdogs over the public interest. This guide provides the trainer with material that introduces, illustrates and reinforces concepts related to the right to know and negotiating environmental solutions, in order to increase the effectiveness and efficiency of environmental NGOs. Special attention is given to the obligations placed on public authorities by the Aarhus Convention.

Skills to be Developed

A participant who successfully completes a training programme based on this guide will be able to:

• find sources of environmental information;
• improve an organisation’s public image;
• conduct constructive negotiations;
• build consensus;
• understand the role of a mediator; and
• refer to the rights and obligations presented in the Aarhus Convention.
Contents
This guide contains an introduction to the Aarhus Convention, with emphasis on the right to know and the obligations it bestows upon public authorities. It also contains information on:

- conducting a public campaign;
- working with the media;
- negotiation techniques and guidelines;
- consensus building;
- public participation;
- decision making; and
- mediation.

Delivering the Training
The material in this guide and the toolkit which follows should be used as a basis for training members of environmental NGOs in the right to know. An agenda is presented to assist the design of a training programme adapted to fit the group’s skills, knowledge and needs.

Learning the Right to Know
The ideal behind the right to know is that the public should have accurate information about events that affect their lives. Granting the public access to environmental information, however, is only part of the equation. Requirements are therefore placed on public authorities to provide relevant information to the public proactively. The distinction may seem trivial, but it is important that the burden of knowing be shared between provider and receiver. Environmental NGOs play an important role in this process by keeping up to date on events in their community and establishing a system whereby they transmit this information to the public. NGOs must therefore familiarise themselves with the various sources of information available to them.

The Public and Public Authorities
The Aarhus Convention is based on the premise that all citizens have the right to know and make decisions about the environment they live in. The document classifies groups and individuals in society into the categories found below.

Public
According to the regulations of the Aarhus Convention, the public refers to one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organisations or groups.

Public concerned
The public concerned means the public affected or likely to be affected by, or having an interest in, environmental decision making. For the purposes of this definition, NGOs promoting environmental protection and meeting the requirements under national law
shall be deemed to have an interest. Some procedural rights, such as the right to participate, might depend on whether the person or legal entity is or might be in some way affected by the decision in question. For example, an urban development plan will affect local residents, property owners, businesses who operate in the area, etc.

The Aarhus Convention confers a special role to environmental NGOs: it is assumed that if at least one of the NGO’s goals is environmental protection (e.g. in accordance with its establishment documents) it is concerned with any decision that may impact the environment. For example, an NGO that is interested in an urban development plan does not need to be based in the area affected by the plan; it is enough to claim that the plan might have environmental implications.

Public authority

The term public authority does not only refer to governments. According to the Aarhus Convention, public authorities could be any of the following:

(a) Government at national, regional or other levels. It is important to note that these are not necessarily environmental institutions, such as environmental ministries or inspectorates. The definition includes any governmental institutions that make decisions which might impact the environment. Ministries of health, industry and regional planning, for example, often preside over areas with environmental relevance, as do municipal and local authorities. These types of institutions therefore qualify as public authorities.

(b) Natural or legal persons performing public administrative functions under national law, including specific duties, activities or services in relation to the environment. These are normally private entities that are granted decision-making powers. Such authority might be given to them in legislation (e.g. a public utility corporation established by ministerial decree or parliamentary resolution).

(c) Any other natural or legal persons having public responsibilities or functions, or providing public services, in relation to the environment, under the control of a body or person falling within subparagraphs (a) or (b) above. This category relates to individuals or companies to whom certain public authorities or institutions, such as public utility corporations and other bodies, delegate one or more of their public functions or responsibilities.

(d) The institutions of any regional economic integration organisation which is a party to this Convention.

Seeing the Convention in action

In order to better understand how the Aarhus Convention can assist the participation process, including environmental decision making, let’s look at how an environmental NGO might employ it.

Greens for Reducing Our Waste Naturally (GROWN) is an environmental NGO in Pickettville, a small city with no proper landfill. One day, plans to open a landfill are briefly announced over the radio. The limited information spreads through the town, causing confusion and varied reactions from the public. Some people are outraged about the harm it will cause to the environment, others dispute the location chosen, others worry about the smell, while others think all the garbage should be incinerated and processed into energy. They turn to GROWN with their concerns.

Because a landfill clearly will have environmental effects, GROWN qualifies as public concerned, and therefore enjoys all of the rights granted by the Aarhus Convention.

The first task for GROWN’s staff is to find accurate and complete information about the landfill. They contact the responsible person at the local level — a representative of the public authority in charge of the project — and request all documents and plans for the landfill. They ask if the plans were made available to the public and whether public hearings were held. If so, how was the public informed?
GROWN understands that the Aarhus Convention (within the framework of national legislation) provides the right to:

- get not only information, but also available documentation about where it may be found;
- get the information as soon as possible and at the latest within one month of the request;
- get the information without stating why it is being requested; and
- receive an explanation as to why a request cannot be met.

Sources

Where can appropriate information be found? Formal sources include national and local institutions and organisations. The most obvious institutions are environmental ministries, their inspectorates and their agencies. Their annual or monthly reports must be transparent and made readily available. GROWN expects to find specific documentation and environmental impact assessments at the environmental ministry.

Other relevant ministries or public bodies with conferred authority, such as ministries of urban planning, forestry, waters, industry and agriculture, are good sources of information. GROWN knows that the site of the landfill will be the old quarry on the edge of town, which leads them to believe that other ministries, perhaps urban planning and industry, may have valuable information.

Scientific institutions often conduct studies that produce relevant data and conclusions. GROWN plans to consult their publications to find valuable background information on landfills and their environmental effects. GROWN also contacts the waste management experts they have worked with in the past.

Local authorities have some control over planning. GROWN is on good terms with the local environmental authorities and therefore knows who to contact directly.

Other less formal, but no less important sources might be:

- the media;
- environmental NGOs;
- other NGOs; and
- associations of citizens or experts.

Informing others

GROWN carefully considers how it will reach the public. Presenting information for general consumption takes time, thought and energy — resources an NGO cannot afford to waste. It is critical to decide who the main targets of the information are going to be, as well as which groups and individuals could serve as valuable partners in this process.

Those angry and suspicious people from Pickettville may react in a much more constructive way once they receive accurate information. GROWN considers the many options available for increasing public participation, including:

- organising discussions, debates, etc.;
- inviting experts to explain the importance and advantages of building a proper landfill, if that option is chosen;
- stimulating the media to support a transparent and fair process; and
- working in partnership with all the actors in waste management in the area.
The Aarhus Convention (especially when harmonised with national/local regulation) requires that comments, opinions and results of the public participation process be taken into account as much as possible. Its regulations also protect the public display of criticism and comments (unless they commit a criminal act).

**Improving the decision-making process**

GROWN can improve the decision-making process by:

- encouraging citizens to get directly involved in decision making;
- representing citizens’ interests (pressuring authorities, lobbying, partnership in projects with experts, etc.);
- finding creative and useful ways to monitor and influence the decision-making process (such as encouraging a “green chair” on executive boards, municipal committees, etc.).

According to the Aarhus Convention, the public must be informed (in time and adequately) of any decision-making procedure concerning specific activities which may affect the environment. GROWN knows that waste management is included in this list and will therefore fight to postpone any decision until steps have been taken to adequately inform the public. The public must also be informed of the final decision, with a clear explanation of the reasons why a particular decision has been made.

Figure 1 describes how Serbia and Montenegro’s new environmental legislation incorporated the tenets of the Aarhus Convention.

**Communications**

The right to know is lost if information is not communicated effectively to the public. Understanding and cooperating with the media are therefore indispensable for NGOs that distribute information.

**Communication strategy**

Organisations need to choose a consistent communication strategy that best presents its image and relays the messages it provides. This strategy should provide the organisation’s:

- communication goals;
- target groups;
- means for two-way communication; and
- methods for monitoring results.

**Implementing the Convention in Yugoslavia**

In addition to the presentation of urban and master plans, public hearings may be used to extend participation in environmental decision making for many other important issues. Such was the case with the presentation of new environmental legislation in Yugoslavia (now Serbia and Montenegro), where discussions in the form of public hearings were organised not only for the general public, but also for targeted non-governmental sectors and local authorities. A number of comments and critiques were used to correct the drafts of the legislation before a final version was chosen.
An effective communication strategy can only be formed after considerable research into the needs of the target groups and the capacity of the organisation. Once adopted, the strategy should become an integral part of the organisation's planning and image. It should offer a framework for distributing information and place clear responsibilities on individuals who deal with the media.

**Media relations**

The use of mass media is one of the most flexible means for quickly informing the widest public possible. Taking into account that proper information is a prerequisite for motivating the public and involving it in environmental solutions, NGOs must engage journalists who are willing to report on their activities. Contact with the media usually takes the form of:

- press releases;
- public appearances;
- press conferences;
- meetings; or
- publications.

Press releases need to be written in a form that journalists can use. They should be brief and provide basic information on the activity (who, what, where, when, why and how). First and foremost, the event must be newsworthy, i.e. it must be of interest to the regular reader of that publication. The importance of understanding different forms of media and how to work with them cannot be overstated.

Public appearances can increase the profile of an NGO, but they need to be planned carefully. A high-ranking member of the NGO must conduct the appearance. This speaker's demeanour, physical appearance and knowledge of the topic will become the public's image of the organisation more than any of its activities, so practice and preparation are essential. No public appearance should ever be taken lightly.

Press conferences carry many of the same risks and rewards as public appearances. It is again essential that an important member of the organisation provides an authoritative image of the organisation. Topics to be discussed, the time and venue of the event and material to be distributed must be carefully selected. It is also important that press material contains a clear list of people to take part in the conference, including main elements of the problem in question and contact information. Press conferences should be reserved for important announcements or anticipated responses. They are usually facilitated by a member of the public relations team who gives the floor to journalists after an introductory speech. Speakers at press conferences are strongly encouraged to rehearse the event in advance with the public relations team.

Informal meetings with journalists are used to inform and motivate journalists. They are usually organised to call attention to celebrated dates (Earth Day, Bike-to-Work Day, etc.) or to familiarise journalists with the activities of the NGO. These meetings present an excellent opportunity to inform journalists about the right to know in general and how they as journalists can take advantage of its implications. Informal meetings should be combined with electronically distributed information.

Publications play a critical role in fostering the image of an organisation. Brochures, fact sheets, campaign posters and other promotional materials draw attention to the activities of an organisation and often provide its critical first impression. Promotional items must reflect the communication strategy and clearly present the mission and activities of the NGO.

Magazines and bulletins are the organisation’s regular contact with its interested public, and books are the permanent contribution that an organisation makes in its field. Poorly edited or badly designed publications give the impression that an organisation is
unprofessional while squandering an opportunity to inform the public. Funding organisations are particularly interested in the integrity of publications since their name will also appear on them.

**Daily communications**

The majority of NGOs communicate with the outside world on a daily basis. This contact often puts NGOs on both sides of the right to know: as providers and seekers. In both cases, it is important for the organisation to pursue its objectives aggressively but with the principles of public relations in mind.

The term *public relations* relates to the practice of creating, promoting or maintaining good will and a favourable image among the public towards an institution. Businesses maintain a positive image to give their brands a competitive edge over similar products. Large organisations, especially businesses, have entire departments devoted to public relations.

NGOs also need to foster a positive public image to ensure that the public trusts the information they disseminate. They, like businesses, need their investors — donors — to believe that their funds are being well spent. Their consumers — the public — must believe that their products are genuine. People are sceptical and cynical when they receive information, especially when it contradicts commonly held beliefs. When an NGO distributes a fact sheet about an upcoming environmental issue, for example, the public will take interest in the information only if they feel the NGO has integrity and authority.

Journalists, researchers and other members of the public will often contact an NGO for information. NGOs should treat these inquiries as opportunities to distribute information and foster public relations. They should therefore have a mechanism in place for responding to these requests quickly and accurately. A good public relations manager stays up to date on the activities of the organisation as well as related events in the world. Environmental disasters like the Tisza River poisoning, for example, focus the world’s attention on specific issues (here, mining activities and water eco-systems) and offer an excellent opportunity to raise public awareness.

**Involving the public**

Public campaigns are coordinated efforts to effect change and influence public behaviour. For example, a campaign may put pressure on local services to provide more recycling facilities, while simultaneously raising public awareness of the importance of separating waste and encouraging manufacturers to use recycled materials.

These types of campaigns target a vast spectrum of groups (children, parents, citizens, etc.) and partners (city communal services, municipal authorities, the forestry sector, citizens associations, environmental protection organisations, the media, etc.). They use diverse forms of public activities (advertisements, actions, video clips, exhibitions, etc.) and mobilise a broader community of donors seeking to display their concern for the environment.

Organising a successful campaign requires:

- defining and selecting a topic;
- designing a precise plan of activities;
- selecting forms of strategic communication;
- selecting implementation partners;
- monitoring and evaluating;
- assessing the final results; and
- informing the public.
It is important to choose a topic for the campaign that lends itself to the skills of the NGO and the realities at hand. The sidebar to the left gives useful criteria for choosing a campaign issue.

People with high social profiles can provide a strong boost to a campaign, but they must be selected carefully. Popular entertainers, for example, are much more useful for raising awareness than for lobbying politicians. Appearances by popular figures should be strictly controlled to ensure that attention stays focused on the issue at hand.

A highly respected local figure with expertise in the area in question could also serve the interests of the campaign. With proper preparation this person could serve as an excellent spokesperson for a campaign. However, media interest may be considerably lower than for a popular entertainer.

Communication techniques

Once accurate information has been distributed and a successful campaign is in motion, an NGO can move on to more advanced forms of advocacy.

NGOs can represent marginalised social groups to bring forth latent issues. Members of NGOs usually represent a more active and engaged part of the general public. Even in the cases of non-expert NGOs, they have more information on environmental problems and more experience in solving them. For their part, citizens at the local level will often have acute insight into local issues, making them excellent partners for NGOs. A strong public relations effort can create the atmosphere needed for fruitful cooperation between these two groups.

Lobbying is a coordinated effort to influence decision makers on a specific issue. Normally, professional lobbyists are employed to pressure government officials when a particular vote is drawing near. Big businesses spend enormous amounts of money on professional lobbyists, which NGOs cannot hope to match. However, lobbying efforts in the public interest serve notice to politicians that a vote against their wishes may have serious political consequences. A coordinated effort by an NGO to express the will of the people and interest groups is often needed to complete a long-sought change in legislation.

Public Participation

Decision making

Offering the public a voice in the decision-making process is key to maintaining a healthy environment. It is critical that NGOs understand their position in the decision-making process, especially when challenging business interests. Although there are a few exceptions, businesses act first and foremost in self-interest. It is the mandate of management to try to maximise profits, and therefore any economic development that has reached the implementation phase will already have vested interests strongly pushing for its completion. A company in need of the consent of the public will surely enact a public relations effort to sway public opinion. The message they send out will undoubtedly highlight the positive effects and downplay any negative aspects.

It is the NGO’s role to gather facts on both sides of an issue and thereby try to balance the pro-business message. This does not mean that NGOs need to be anti-business at every turn, but they should be aware that businesses are not likely to advertise the downsides of their own projects. Faith in democracy means believing that a properly informed public will, at least most of the time, make responsible decisions regarding its future.

In general, decisions may be reached in a number of ways, but there are some general guidelines, as listed in Figure 2, that should be followed.

A successful decision-making process takes into account all parties, which decreases
the likelihood that implementation will be impeded at a later date. Participants should always be equipped with timely, adequate and accurate information. Documents such as the Aarhus Convention reflect the belief that all important decisions should involve all relevant stakeholders, even when authority to make the final decision clearly rests with one public authority. One process that is gaining popularity for both internal and external decision making is consensus building.

Consensus building

The concept of consensus accepts the fact that complete agreement is rare, and therefore it is an unrealistic goal. Instead, consensus building seeks a decision with which everyone is comfortable. To find this solution, all parties should be given a fair opportunity to be heard, and troublesome issues must be explored to the satisfaction of the group.

Many different tools can be used to build consensus. For example, a well-run brainstorming session can produce numerous options and give everyone a chance to contribute their opinions. Nevertheless, negotiations inevitably reach a point where one option, or a combination of options, must be chosen. Several techniques are employed to reach this stage.

Effective consensus-building techniques can:

- help to structure discussion and to keep it from going in circles;
- downplay the link between an idea and its “author”;
- reduce the tendency to conform to group opinion;
- protect against reprisals for open disagreement;
- encourage respect for strong opinions; and
- allow valid options to be compared.

Useful Web Sites for More Information

- The Regional Environmental Center for Central and Eastern Europe <www.rec.org>
- REC Country Office Yugoslavia <www.recyu.org>
- WWF <www.wwf.org>
- A section of the UNECE website devoted to the Aarhus Convention <www.unece.org/env/pp>
- International Union for Conservation of Nature and Natural Resources <www.iucn.org>
- Centre for Community Organising <www.cpkp.cz>

Procedural Guidelines for Making Decisions

1. Agree on a method for arriving at the decision.
2. Define the problem clearly and from all perspectives.
3. Identify possible solutions and assess them.
4. Agree on the best solution and confirm the agreement.
5. Decide on how to implement the decision with clear activities, time lines and responsibilities.
For long lists of items which must be whittled down to a few contenders, multi-voting is one of the quickest tools. In a multi-vote, each voter picks a set number (often one-third or one-half of the total) of items from the pool. The items picked by the most voters stay on the active list; the others drop out.

Rating scales, in which each item is rated on a scale from say 1 to 5 or 1 to 10 tend to be more accurate. A proper scale must be chosen because wider scales encourage gaming, whereby factions work the system to their advantage, and may allow the votes of extremists to distort group decisions. Narrow scales, though, may not allow enough scope for voters to express their real judgments. Since voting is not intended to make a decision, but to structure discussion and thought, narrower scales that dampen extreme opinions are often most useful.

It is also a good idea to decide which criteria are most important to the final decision and then to rate each option with respect to each criterion. For example, the group could rate three different cars with respect to price, safety, cargo capacity, performance and styling. To make this method even more powerful, each criterion can also be rated, thus weighting the item ratings each voter makes. This division of the decision into manageable pieces can be helpful and will often bring out latent criteria or opinions. More sophisticated decisions can be reached by comparing pairs of alternatives and recording votes in a matrix. These matrices can be quite powerful and are not very difficult to use, as long as the discussion over how to use them does not overshadow the real issues.

The general idea is to vote to reduce a list to a manageable size, not to make a decision directly. Discussions should be held to elicit opinions and gain insight. A vote should not be the final step in the attainment of consensus. Instead, a course of action should emerge, and everyone should have a chance to assent to the group’s pursuit of it.

The sidebar to the left lists the steps to follow when building consensus.

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### Brainstorming

Brainstorming is a group technique for generating new, useful ideas and promoting creative thinking. It involves suggesting solutions spontaneously and presenting ideas without explanations, justifications, discussions or censorship. Although all attempts should be made to encourage participants to put any ideas forward, a brainstorming session can be improved by setting an appropriate tone and controlling the parameters of the process.

There are three roles for participants in a brainstorming session: leader, scribe and team member.

The leader needs to be a good listener. Before the session the leader refines a statement to help the others on the team focus on the reason for the brainstorming and prepares the warm-up activity. During the session the leader will need to relay the ground rules of the session and orchestrate it.

The rules of a brainstorming session must be adhered to closely or the whole activity will be in jeopardy:

- All ideas are welcome. There are no wrong answers. During brainstorming, no judgments should be made of ideas.
- Be creative in contributions. Change involves risk taking, so it is important to be open to new, original ideas. Every point of view is valuable.
- Attempt to contribute a high number of ideas in a short amount of time.
- Participants are encouraged to run with others’ ideas.
The scribe needs to write down every idea clearly and where everyone in the group can see it. The number of participants should be no less than five and no more than 10. Team members should follow this brainstorming procedure:

- Team members will make contributions in turn.
- Only one idea will be contributed each turn.
- A member may decline to contribute during a particular round, but will be asked to contribute each round.
- Participants should not provide explanations for their ideas during the storm. Doing so would both slow the process down and allow premature evaluation of ideas.

Although brainstorming requires a relaxed atmosphere, there are rules to follow in order to keep the group focused on the issue at hand. Figure 3 lists the steps to follow when leading a brainstorming session.

**Figure 3**

**Brainstorming Steps**

1. Introduce the session by reviewing the reason for the brainstorming session. Discuss the ground rules and the procedure to be used.

2. Provide a warm-up activity (five to 10 minutes) that introduces the group to the excitement of a brainstorming session. This activity should be a mini-brainstorming activity on a neutral subject that will encourage participants to be creative. The leader may want to end the warm-up by having the members discuss what could have been said about the ideas that would have prevented the session from being successful.

3. Storm away! This is the creative part. Set a time limit of 20 to 25 minutes. Sometimes it is effective to call time and then allow five more minutes. Stop when there is still excitement; do not force the group to work. Guide the group to generate as many ideas as possible. All suggestions made must be noted by the scribe in the speaker’s own words. If the speaker’s idea is long, the leader may need to summarise it and verify that the summary is correct.

4. Process the ideas. Review ideas for clarification, making sure everyone understands each item. Similar ideas should be combined and grouped. At this point you can eliminate duplicate ideas and remove blatantly unsuitable suggestions. The group should then agree on the criteria for evaluation. This could include time allotments, talents and skills of the group, etc.

5. Establish a consensus if appropriate. Have the group vote on 10 ideas to consider. Then have the group vote on five of the ideas and tally the results to get a priority of feelings of the group. After refining ideas give each team member 100 points to allocate on the idea list. Team members can use their points however they wish. Then prioritise ideas according to the point totals.
Negotiating
Negotiations take place when two or more parties must reconcile their differences and agree on a common solution to a problem. Negotiations are complex events. Preparations and observations are just as important as expressing an opinion clearly and firmly. The following rules are indispensable when negotiating:

- Define the problem clearly.
- Listen, observe and determine the positions of the other party.
- Start from what you want and move to what you can realistically achieve.
- Hold on to your bargaining chips as long as possible.
- Present proposals and shape them according to reactions of the other party — bargaining is expected, but do not go below what you have established as a minimal level.
- Be prepared to face resistance — remember that the other side also has an obligation to their interests.
- Keep the negotiations civil — suggest a break when tensions rise.
- Be open to communication and show readiness to reach an agreement.

The first step in preparing for any negotiations is to question your own position. Self-criticism not only allays internal fears about the correctness of a stance, it also draws out the likely arguments to be used by the other party. NGOs must be aware of their limitations, withdrawing at this stage from a conflict that they are incapable of winning.

Once negotiations have begun, active listening is essential. The appearance of disinterest or excessive opposition will spoil the atmosphere. It is also important to let the other party retain their sense of dignity to avoid personal grudges from developing. As negotiations develop, tangible ways to realise proposals must be fully explored. When the options for a given solution have been exhausted, go back to points that have been made and explore them as well. Once a decision has been reached, phrase the decision and its implications clearly and check that everyone is in agreement. The sidebar to the left lists some important rules of thumb to honour during negotiations.

Guidelines for Effective Negotiating
- Do not rush proposals.
- Offer concessions strategically.
- Define the solution and formulate the agreement clearly.
- Use creative techniques to explore possibilities.
- Display open readiness to reach a consensus.
- Communicate regularly and clearly with your own team.

Mediation
It can happen that negotiations break down for reasons that the parties cannot overcome. A mediator is often introduced at this point to bring the parties back to the table. As a neutral third party, a mediator can provide objective opinions and suggest alternatives to the current proposals. NGOs are sometimes called upon to act as mediators in environmental matters because of their disinterested status.

A good mediator will:
- listen actively;
- empathise;
- identify zones of possible agreement;
- work to open up communications;
- promote flexibility and tolerance;
• identify group dynamics;
• take people’s feelings into account; and
• respect both sides.

A mediator must go beyond maintaining actual neutrality. Extra effort should be made to establish the appearance of neutrality as well. The perception of bias by itself is enough to cause further rifts in negotiations. A mediator should therefore refrain from adding personal opinions or insight, staying focused on the goal of resolution. A mediator who is unable to dissociate him or herself from one of the parties should relinquish that role.

For example, imagine that an organisation that deals with forestry and forest management has been entrusted to protect an old-growth forest. Recent negotiations between protectionists and the forest’s custodians have reduced several risks to the forest. Nevertheless, economic interests are also prevailing, the most recent example being a decision by the custodians to allow a firm to cut down hectares of oak trees.

Protectionists are protesting the decision, saying that the potential harm to habitats and biodiversity is serious enough to merit public participation in this process. They feel that the public’s right to know obligates the public authorities — in this case the organisation entrusted with the protection of the forest — to inform the public and allow for its participation in the final decision.

The custodians respond with a media campaign that claims the oak trees are in decay and that the best solution would be to cut them down while they still have economic value. They claim that they have a responsibility to manage the forest in the public interest, and in this case they are obligated to mitigate losses.

Negotiations quickly deteriorate as protectionists accuse the custodians of selling out to corporate interests. The custodians insist that they have carried out their duty to inform the public and see no reason to delay the process any further. The business that is buying the oaks claims that it has signed a valid contract and threatens to close its logging operations in the area and send scores of local workers to the unemployment lines.

The only agreement that can be reached is to call in Future Holds, an NGO specialising in sustainable development, to mediate the talks. Future Holds contacts all of the parties involved for their side of the story and researches the situation. It then invites all three parties to a neutral location.

At the meeting Future Holds paraphrases the arguments of all three groups. It takes time to remind the corporation and the forest custodian that although they may have fulfilled minimal requirements of providing information to the public, the situation has the potential to damage their public image if people feel that the local environment has been exploited for corporate greed.

It then reminds the NGO that it may be harming its own image if jobs are lost because a bunch of “oak-huggers” ignored the facts and halted a viable operation just to propagate their own values.

The mediator’s candid, yet objective remarks set a new constructive tone and allow all sides to direct their energies toward a solution and away from each other. The neutral location also offers a more level playing field, which reduces tensions. At the end of the meeting, the mediator suggests that an independent analysis should be performed by a disinterested expert and that its unedited findings be published on Future Holds’ website. A public meeting would then be held before a single oak is cut.
**Improve access to justice**

No matter how well a project with environmental impact, such as a landfill, is planned, it may happen that public dissatisfaction occurs because people feel that their request for information:

- has been ignored or wrongfully refused;
- has been inadequately answered; or
- otherwise has not been dealt with in accordance with national legislation or rights given by the Convention.

In such cases, the public needs to know it has rights and legal opportunities to reach satisfaction. In accordance with the Aarhus Convention and national legislation, access to a review procedure before a court of law or another independent and impartial body established by law is guaranteed. Also granted is access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law.

In addition, authorities must provide citizens with a simple, inexpensive and fair procedure. To make this process viable, authorities must provide the public with information on existing and appropriate legal procedures. They must also inform the public about available sources of environmental information and provide appropriate support to associations, organisations or groups promoting environmental protection, while ensuring that the national legal system is consistent with this obligation.

NGOs can aid the implementation of national environmental regulations and the Aarhus Convention in a number of ways. Figure 4 lists ways an NGO can help if the right to access to information have been violated.

**FIGURE 4**

Make it Easier

There are a number of ways that NGOs can help not only their members, but the general public and concerned individuals as well, to use the legal opportunities available, including:

- establishing a green hotline for citizens to call for information, where legal experts answer calls about procedural questions and legal mechanisms;
- helping establish an environmental ombudsman;
- placing sustained pressure on authorities to improve information systems; and
- monitoring how obligations from the Aarhus Convention are being incorporated into national legislation.
Training Toolkit
Tool 1: News Report

**Description:** Working with the media to improve public relations  
**Participants:** Individually  
**Duration:** 30 minutes

**Procedure:**

1. Have all participants choose one form of media and write a news report on an important event to be held by an NGO.

2. Have participants read their reports.

**Discussion:**

Which reports were believable and why? Which reports made you want to learn more about the topic or get involved in the event? What other types of media coverage would enhance the image of the organisation in the story?
Tool 2: Talk Show

**Description:** Practicing live interviews

**Participants:** Individually

**Duration:** 30 minutes

**Materials:** Tape recorder and audiocassette

**Procedure:**

1. Divide participants into groups of three.

2. Assign roles to the groups: radio journalist, assistant to the journalist and a guest representative of the NGO that will be presented in the radio broadcast.

3. The news reports written for Tool 1 will be used as the basis for the discussion.

4. The guest leaves the group while the journalist and assistant journalist finalise the set of questions for the interview.

5. Simulate a radio talk show. Each pair (radio journalist and the guest) has five minutes for the show, which is recorded. During the presentation other members of the group turn away from the interview. They play the role of listeners and can “call in” with questions.

**Discussion:**

What were the difficulties in giving radio interviews? How can you prepare for a live interview? Is it worthwhile to practice beforehand?
Tool 3: The Crisis

**Description:** Working through the media in a crisis situation

**Participants:** Small groups

**Duration:** 40 minutes

**Materials:** A map of the area where the action is going to be conducted

**Procedure:**

1. Divide participants into small groups.

2. Divide the roles and tasks within the group playing the crisis coordination group. There will be a representative of the NGO and a coordinator of the group, while other group members are representatives of relevant groups responsible for solving the situation in question (representatives of the government, experts, etc.).

3. Explain to participants that they will play the roles of representatives of an organisation responsible for addressing a sudden, unexpected situation threatening the local environment. Local journalists are very persistent and are not favouring the organisation in question. The public is anxious.

4. As a group, participants should select a crisis and prepare accurate information for the public on the event. They should design a joint action plan that addresses all relevant sectors of the public.

5. They should then present the results of the action plan at a press conference and how it will help prevent similar situations in the future.

6. The two group leaders design the press release. They inform the public about the new situation, possible consequences and the plan for preventing large-scale accidents.

7. The other members of the group design the plan for involving interested persons in reconstruction activities.

8. The group jointly decides on the action plan and responsibilities of all parties in the action for the quick and efficient reconstruction of the affected area and prevention of further adverse effects.

9. They jointly organise a press conference to present the results of the action and the plan for preventing such situations in the future.

10. Groups take turns to simulate a press conference. Other participants act as journalists, questioning the plan.

**Discussion:**

Which elements of the plans were poor? How thoroughly can an organisation prepare for such a press conference in a crisis situation? Can an organisation ready itself for such situations before they occur?
Tool 4: The Debate

Description: Seeing both sides of an issue

Participants: Two equal groups and a six-member jury

Duration: 40 minutes

Procedure:

1. Explain that this activity will be conducted in the form of a debate with strict rules of action.

2. Select six participants to be members of the jury. The other participants should be divided into two groups.

3. Participants are given a stand that one group is going to defend and the other group to negate. For example:
   - An elected NGO board should be able to veto plans that will improperly exploit natural resources.
   - High taxes should be levied on businesses and individuals for solid waste disposal to encourage recycling.
   - A cap should be placed on the salaries of workers in the non-profit sector.

4. Hand out the rules for the debate (Figure 5).

5. Give the groups 20 minutes to prepare their arguments.

6. Run the debate and record pros and cons on a blackboard.

7. Allow the jury five minutes to reach a decision.

8. Have the jury present their decision and individual remarks.

Discussion:

Which arguments were most persuasive? Were pertinent points missed? Given more flexibility, would the jury have chosen solutions somewhere in the middle of the two sides?
Rules for the Debate

1. Three elected members represent the group during the debate. Representatives of opposing groups are seated across from each other, with their group members behind them. Members of the jury are seated in the middle.

2. The first representative of the first group opens the debate by presenting the group’s stand and arguments.

3. The floor is given then to the first representative of the second group, who responds to argument.

4. The second representative of the second group then communicates the stand of their group, to be answered by the second representative of the first group.

5. Closing remarks are made by the third representative of the first group followed by the third representative of the second group.

6. Other members of groups may provide additional arguments to their representatives, but may not take the floor.

7. Representatives of groups may not interrupt speakers from the other group or speak out of the agreed sequence.

8. After the discussion is closed, members of the jury leave the room to make a decision on which side used better arguments in the debate. The jury communicates its joint decision to other participants.

9. Each member of the jury then remarks on the decision. The members of the jury give their individual opinions on the procedure used for reaching the decision.
Tool 5: Building Consensus

Description: Building consensus at the planning stage

Participants: First in small groups, then all together

Duration: 50 minutes

Procedure:

1. Explain to the group that a large theme park is being planned 30 kilometres outside of a major city in an area of high unemployment. The park will have rides and activities that require a great deal of resources, especially water and electricity. Given the large number of visitors needed to support the park, vast areas of parking will be needed, as well as a highway in all four directions. In one direction the highway will need to be cut through an old-growth forest in order to reach an important population centre. The park would be a boon for the local population in terms of jobs and infrastructure development, but some relocation would be necessary. Investors have seen similar projects cancelled in the past due to local, mainly environmental concerns, and are therefore eager to build consensus on terms of the project during the planning stage. The theme park’s planners have invited NGOs (who will voice environmental concerns and other worries of the local population) and local authorities to a meeting for this purpose.

2. Split the participants into four groups: the theme park’s planners/investors, NGOs, local authorities and representatives of the local population. Give the groups 30 minutes to compile a list of priorities in preparation for the meeting. During this time, the NGOs meet with leaders of the local population, who will not attend the negotiations.

3. Have the planners conduct a meeting of no longer than 30 minutes that follows the rules and procedures for consensus building. Make it clear that by the end of the meeting, clear terms of agreement must be reached on environmental and economic concerns.

Discussion:

Did the meetings adhere to the rules and procedures? Did the techniques for consensus building work better at the preliminary stage? Were the representatives willing to compromise? How could preparations have been improved? Were NGOs able to represent both environmental and local residents’ concerns evenly?
Tool 6: **Brainstorming**

**Description:** Generating campaign strategy ideas

**Participants:** Two groups

**Duration:** 40 minutes

**Materials:** Blackboard, tape recorder and handout Before We Begin

**Procedure:**

1. Divide participants into two groups. Inform them that they will be brainstorming ideas for a public campaign.

2. Have the groups designate a leader and a scribe. Follow the procedure found in the guide.

3. Hand out Figure 6: Before We Begin.

4. Give the groups 10 minutes to warm up and 25 minutes to complete the task.

5. Have groups present their campaigns.

**Discussion:**

Did the brainstorming technique used here differ from the way you have done it in the past? Did the warm-up activity help?
Your NGO has decided to conduct a local campaign to encourage the use of an environmentally friendly product. A local lake that supports rare species of fish and birds is under special protection, but a recent discharge of poisonous chemicals is threatening many of the endangered species. The lake is also used as the main source of water for cattle. A large portion of the human population around the lake area breeds sheep. Analyses show that the poisonous agent is a chemical agent used to protect sheep from certain diseases. The local population is resisting the change to a more expensive agent that would reduce environmental harm. The aim of the campaign is to encourage the local population to stop using the harmful agent in favour of a harmless one. Good contact with the local population is essential for the success of the campaign and further protection of the lake environs.

In order to make the workshop productive the groups are provided with “mind maps” (a graphic technique for organising ideas). The scribe should fill out the mind map when the group has decided on goals to pursue.

**Mind Map**

**Define the challenge**

<table>
<thead>
<tr>
<th>GOAL</th>
<th>METHOD</th>
<th>EQUIPMENT</th>
<th>PRODUCT</th>
<th>PARTNERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>2</td>
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<tr>
<td>3</td>
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</tbody>
</table>

Each idea should be expressed using only one key word to be written in the box. When filling in the boxes, the scribe is free to combine different ideas, using numbering, different colours, arrows, etc. Circulate the map among the participants to generate additional ideas.
Sample Workshop Agenda
How to Deliver the Training

This sample agenda is intended to further help you tailor a training event on the right to know using different elements of this manual and toolkit. The exact use of it, in combination with other activities, should be based on what you know about the expectations and experiences of your trainees, as well as on the time available to carry out the training activity. In addition to the training topics, the sample agenda proposes activities that can provide interactive elements to your training event.

### Sample Workshop Agenda

#### Part 1 Introduction

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PURPOSE</th>
<th>SUGGESTED ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>Introduce participants to the training and get to know each other</td>
<td>Roll call/introductions</td>
</tr>
<tr>
<td>Expectations</td>
<td>Express and clarify expectations</td>
<td>Discussion</td>
</tr>
<tr>
<td>Definitions</td>
<td>Ask: What is the right to know? What is the Aarhus Convention?</td>
<td>Discussion</td>
</tr>
<tr>
<td>Agenda overview</td>
<td>Clarify training plan and methods, relating them to expectations of trainees</td>
<td>Lecture</td>
</tr>
</tbody>
</table>

#### Part 2 The Public and Public Authorities

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PURPOSE</th>
<th>SUGGESTED ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>Who is the public? Who is the public concerned?</td>
<td>Discussion</td>
</tr>
<tr>
<td>Sources of information</td>
<td>Introduce available means of information</td>
<td>Lecture</td>
</tr>
<tr>
<td>Example</td>
<td>Show how NGOs can make use of various sources of information</td>
<td>Lecture/discussion about GROWN</td>
</tr>
</tbody>
</table>

#### Part 3 Communications

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PURPOSE</th>
<th>SUGGESTED ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>Introduce basics of communication strategy</td>
<td>Lecture</td>
</tr>
<tr>
<td>Media</td>
<td>Present different ways to work with the media</td>
<td>Lecture</td>
</tr>
<tr>
<td>Activities</td>
<td>Practice working with the media</td>
<td>Tool 1 News Report</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tool 2 Talk Show</td>
</tr>
</tbody>
</table>

#### Part 4 Informing the Public

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PURPOSE</th>
<th>SUGGESTED ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>Introduce basics of public relations and daily communications</td>
<td>Lecture</td>
</tr>
<tr>
<td>CATEGORY</td>
<td>PURPOSE</td>
<td>SUGGESTED ACTIVITIES</td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Public relations campaigns</td>
<td>Present elements of a public relations campaign</td>
<td>Lecture</td>
</tr>
<tr>
<td>Activity</td>
<td>Putting together a campaign that addresses an unexpected event</td>
<td>Tool 3 The Crisis</td>
</tr>
</tbody>
</table>

**Part 5 Decision Making**

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PURPOSE</th>
<th>SUGGESTED ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>Introduce role of public participation in decision making</td>
<td>Lecture</td>
</tr>
<tr>
<td>Decision making</td>
<td>Present procedure for making decisions</td>
<td>Lecture</td>
</tr>
<tr>
<td>Activity</td>
<td>Practice public debating and decision making</td>
<td>Tool 4 The Debate</td>
</tr>
</tbody>
</table>

**Part 6 Consensus Building**

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PURPOSE</th>
<th>SUGGESTED ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>Ask participants how they make decisions and if they employ consensus building</td>
<td>Discussion</td>
</tr>
<tr>
<td>Consensus building</td>
<td>Present the role and philosophy of consensus building</td>
<td>Lecture</td>
</tr>
<tr>
<td>Activity</td>
<td>Practice the technique</td>
<td>Tool 5 Building Consensus</td>
</tr>
</tbody>
</table>

**Part 7 Brainstorming**

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PURPOSE</th>
<th>SUGGESTED ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>Discuss when and why to brainstorm</td>
<td>Discussion</td>
</tr>
<tr>
<td>Brainstorming</td>
<td>Present brainstorming technique</td>
<td>Lecture</td>
</tr>
<tr>
<td>Activity</td>
<td>Practice the technique</td>
<td>Tool 6 Brainstorming</td>
</tr>
</tbody>
</table>

**Part 8 Negotiating**

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PURPOSE</th>
<th>SUGGESTED ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>Discuss negotiations the participants have faced</td>
<td>Discussion</td>
</tr>
<tr>
<td>Brainstorming</td>
<td>Choose a few examples and brainstorm solutions</td>
<td>Brainstorming</td>
</tr>
<tr>
<td>Discussion</td>
<td>Practice decision making by choosing a solution to one of the examples</td>
<td>Activity</td>
</tr>
</tbody>
</table>
## Sample Workshop Agenda

### Part 9 Mediation

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PURPOSE</th>
<th>SUGGESTED ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>The role of the mediator</td>
<td>Lecture</td>
</tr>
<tr>
<td>Calling for mediation</td>
<td>Discuss when mediation would be needed</td>
<td>Discussion</td>
</tr>
<tr>
<td>Activity</td>
<td>Choose an example from the previous session and bring in a mediator</td>
<td>Activity</td>
</tr>
<tr>
<td>Review</td>
<td>Review main points of the training</td>
<td>Discussion</td>
</tr>
<tr>
<td>Evaluation</td>
<td>Hand out evaluation forms</td>
<td>Evaluation</td>
</tr>
<tr>
<td>Closing</td>
<td>Close the session</td>
<td>Closure</td>
</tr>
</tbody>
</table>
THE REGIONAL ENVIRONMENTAL CENTER FOR CENTRAL AND EASTERN EUROPE (REC) is a non-partisan, non-advocacy, not-for-profit organisation with a mission to assist in solving environmental problems in Central and Eastern Europe (CEE). The Center fulfills this mission by encouraging cooperation among non-governmental organisations, governments, businesses and other environmental stakeholders, by supporting the free exchange of information and by promoting public participation in environmental decision-making.

The REC was established in 1990 by the United States, the European Commission and Hungary. Today, the REC is legally based on a Charter signed by the governments of 27 countries and the European Commission, and on an International Agreement with the Government of Hungary. The REC has its headquarters in Szentendre, Hungary, and local offices in each of its 15 beneficiary CEE countries which are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, FYR Macedonia, Poland, Romania, Serbia and Montenegro, Slovakia and Slovenia.

Recent donors are the European Commission and the governments of Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Italy, Japan, Latvia, Lithuania, the Netherlands, Poland, Serbia and Montenegro, Slovenia, Sweden, Switzerland, the United Kingdom and the United States, as well as other inter-governmental and private institutions.