

SUMMARY OF WORKSHOP 1H: COMMUNICATIONS POLICY AND PRACTICE

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Rapporteur: Meredith Reeves, INECE Secretariat

GOALS

To give participants the opportunity to discuss how their organizations use effective communications to promote or advance environmental compliance and enforcement.

1 INTRODUCTION

The facilitators opened the workshop by stating that, in the context of this workshop, the term "effective communications" means communications that promote or advance environmental compliance and enforcement.

For a person working to communicate information about compliance and enforcement activities, there are three main groups of target audiences. The first is civil society, including the public, non-governmental organizations, and the media; the second is the regulated community; and the third is government agencies and related authorities.

Furthermore, regardless of the intent of your communications strategy, information is only as good as far as your audience understands it and can use it. Therefore, education and training should be an essential component of effective communications.

2 DISCUSSION SUMMARY

Ms. Krystyna Panek-Gondek began the discussion by describing Poland's experience with its innovative "List of 80" program, which makes public the names of the country's 80 worst polluting companies. The List is also used by the

environment agency to target inspections and enforcement actions towards the worst polluters.

The List sent the message that the worst polluters are the focus of the Inspectorate's interest, and enterprise got the message that government and the public are in control. The List created public legitimacy for enforcement, as well as public support for the program.

Companies are included on the List based on the following criteria: (1) how many times the emitted pollutants exceed the allowed limits, (2) the degree of concentration of the pollution; and (3) the location of the plant and the range of its adverse effects. A company can be removed from the list if it meets and maintains the terms and conditions established by its ecological permit.

Mr. John Cruden brought the participants back to the three target audience groups, by pointing out that what you say depends greatly on which of the three audiences you are targeting – for each, you need a separate communications plan.

Mr. Cruden went on to describe the relationship between the United States Department of Justice (U.S. DOJ) and companies. When a company settles litigation with Justice following an environmental dispute, the company agrees to take some action, e.g., to meet environmental stan-

dards or clean up pollution. U.S. DOJ invites civil society to comment on the settlement by posting a public notice and providing a 30-day comment period.

2.1 Why Is It Necessary To Communicate With Civil Society?

The workshop participants developed a list of reasons of why it is important to communicate with civil society (the public, NGOs, and the media), including:

- to raise public awareness;
- to educate the public about new laws and provisions;
- to make the public understand what enforcement agencies are doing;
- to obtain legitimacy for enforcement actions;
- to deliver to nongovernmental organizations (NGOs) and media information necessary to trigger supportive action;
- to prove that enforcement agencies work efficiently and spend public funds in an appropriate way;
- to involve people in the decisionmaking process;
- to create public support that influences government, parliaments, and international organizations.

Ms. Brenda Brito (Imazon, a Brazilian NGO) and Mr. Kenneth Cook (Environmental Working Group, a Washington, D.C., “think tank with an attitude”) both made the point that non-governmental organizations can play a key role in translating governmental records and data into useful public information.

Ms. Brito discussed Imazon's experience with researching the effectiveness of criminal law on illegal logging. Two central challenges to the project have been (1) the difficulty of obtaining data on judicial decisions and (2) the difficulty in finding alleged violators due to the length of time it takes to prosecute a case.

Ms. Brito described how dangerous the work of the NGO can be, particularly in terms of giving tips to the government

about illegal logging activities. Imazon tries to work with the “help” of the loggers. The Brazilian government does not know anything about the number of loggers, where the permit boundaries are, or what is permissible to take. In many cases, it is easier to get information from the loggers. Imazon does not ask direct questions about illegal activities, and considers itself to be more of a think tank than an active participant in prosecution.

Ms. Brito described Imazon's use of “policy briefs” to communicate to policy makers and the public about illegal logging. Imazon is also exploring the use of the Internet in communicating to its target audiences; although the World Resource Institute's Global Forests Initiative posts Imazon policy briefs and news stories, Imazon is currently planning a Web site on “The State of Amazonia”.

Mr. Kenneth Cook discussed Environmental Working Group's (EWG) use of information from the US government (frequently obtained through Freedom of Information Act (“FOIA”) requests), along with discovery evidence from tort actions, and original laboratory tests and other research, to inform the public and the media about threats to human health and the environment. EWG is unique in that it has made an equal investment in its media staff and its research staff, and selects projects based on their appeal to the media. Mr. Cook emphasized that it is very important for NGOs to have both external and internal communications. Internal communications include sharing exciting news regularly with funders.

Mr. Jonathan Allotey (Environmental Protection Agency, Ghana) and Mr. Mohamed Ben Hassine (Tunisia) described their countries' efforts to involve the public in environmental decision-making, including through the Environmental Impact Assessment process. Both countries invite public comments and input on the scoping process, as well as on the draft impact statements. The opportunity for comments and feedback often can result in the public supporting the ultimate outcome of the impact assessment process.

2.2 Why Is It Necessary To Communicate With Regulated Communities (Both Enterprises And Authorities Responsible For Implementation Of The Law)?

Participants' suggestions on the reasons it is important to communicate with the regulated community included:

- to educate the regulated community about new provisions;
- to promote best practices;
- to involve both enterprises and responsible authorities in the regulatory chain;
- to establish cooperation among different compliance and enforcement bodies (vertically and horizontally);
- to optimize the practice and implementation of environmental policy.

2.3 Why Is It Necessary To Communicate With Government Organizations, International Bodies, And Regional Groups?

Participants' ideas on the reasons to communicate with governmental organizations, international bodies, and regional groups included:

- to prove the effectiveness of inspection work (in the scope of compliance and enforcement);
- to check if the objectives established in environmental policies are being met;
- to prove good performance among organizations.

Mr. Allotey and Mrs. Mihaela Beu (Regional Chief Commissar, Romania) described the role of training workshops in communicating with the regulated community and with government inspectors. Mr. Allotey described the training workshops held in Ghana to introduce companies to new rules and requirements. Mrs. Beu discussed how, in Romania, the government works hard to communicate with the regulated community to achieve compliance. The government shares the enforcement resource allocation plan with the regulated

community, which details how many resources are involved in promoting compliance and how many resources are dedicated to enforcement activities.

2.4 How Should Communication Be Done?

Participants also described methods that resulted in effective communications. Participants agreed that the three main criteria for effective communications were that they be (1) comprehensive and comprehensible, (2) open/transparent, and (3) an honest representation of the event or activity.

The communications should also be shaped to the needs of the recipient. In describing the challenges faced by the United Nations Environment Programme's (UNEP's) regional environmental compliance and enforcement officers, Mr. Jim Curlin (an Information Officer at UNEP's Division of Technology, Industry and Economics) noted that in most developing countries, the Internet has limited reach, and that it is critical to modify communications policies in response to each country's social context, and to utilize appropriate media, including radio, television, banners in the marketplace, and other methods. Mr. Allotey commented that pamphlets and brochures (which may need to be pictorial and/or in the local language) are also appropriate communications tools. Ms. Meredith Reeves (INECE Secretariat) briefly described the role of Environmental Compliance and Enforcement Indicators as tools for communicating complex information in a straight-forward, easily-understood manner. Mr. Kenneth Cook added that it is critical to the success of the communication effort to not allow much time to pass between discovery and sharing the announcement, and to have a media plan in front of the research.

Mr. Matthew Cooper (an independent environmental media consultant) described the role of storytelling in effective communications. Mr. Cooper noted that when a message is presented in a human

context (e.g., through a story that relates directly to a real situation), it is more likely to be understood and received by the intended audience.

Mr. Allotey described the use of public award programs to companies that put in the effort to clean up their activities. Ghana's EPA uses a rating scale of Red (non-compliance), Green (operating in compliance), and Gold (achieved compliance) to share information about the environmental performance of companies in the mining and manufacturing sectors. Mr. Allotey also said that, in Ghana, the EPA communicates directly with the press and responds to press inquiries on the position of the government on issues.

Ms. Francesca Di Cosmo discussed the US Environmental Protection Agency's seven rules for risk communications, noting that the rules apply to environmental compliance and enforcement communications as well. The rules are:

1. Accept and involve the public as a partner.
2. Plan carefully and evaluate your efforts.
3. Listen to the public's specific concerns.
4. Be honest, frank, and open.
5. Work with other credible sources.
6. Meet the needs of the media.

7. Speak clearly and with compassion.

Ms. Di Cosmo continued by emphasizing the importance of understanding the target audience for any communication effort, and of understanding your own message before sharing it with others. Ms. Di Cosmo noted that it was important to communicate the basic message clearly, without using confusing terminology or jargon.

Participants in the workshop agreed that there is a need for elaborating communications strategies for every target audience.

3 RECOMMENDATIONS FOR INECE

- Develop a communications strategy, which could be based on a survey of best practices from around the world. By extension, participants recommended that INECE collect and promote strategies for developing messages to the three groups of target audiences.
- Look at ways that environmental compliance and enforcement indicators can be used as a tool to communicate messages about effective enforcement activities to diverse audiences in a clear and concise manner.