

UFZ-Discussion Papers

11/2008 – GoverNat 4, November 2008

From Government to Governance for Biodiversity: The Perspective of CEE Transition Countries

Tatiana Kluvankova-Oravska, Veronika Chobotova, Ilona Banaszak,
Lenka Slavikova, Sonja Trifunovova

“Multi-level Governance of Natural Resources: Tools and Processes for Water and Biodiversity Governance in Europe” (GoverNat)

Objectives

The **overall objective** of GoverNat is to develop new solutions for multi-level environmental governance and to facilitate their use by decision makers in an enlarged EU. The **central research objective** is to test the hypothesis that certain participatory processes and analytical decision tools are particularly useful for improving multi-level environmental governance. **Specific research objectives** therefore address the enhanced understanding of multi-level governance of natural resources, the development of methods of public and stakeholder participation to be used in such contexts, the effective utilisation of specific analytical decision tools in multi-level governance, and the reflective evaluation of such use. These four tasks are necessarily interdisciplinary. The **central training objective** is to give 9 doctoral and 3 post-doctoral fellows an interdisciplinary training 1) in research on environmental governance, particularly of biodiversity and water, in Europe, and 2) in designing legitimate and effective solutions for communication between policy makers, scientists and the public in science/policy interfaces.

Consortium

1. UFZ – Helmholtz-Centre for Environmental Research, Germany (F. Rauschmayer);
2. ECOMAN - Ecological Economics and Management, Lisbon, Portugal (P. Antunes);
3. NERI - Danish Environmental Research Institute, Copenhagen, Denmark (M. S. Andersen);
4. SRI - Sustainable Research Institute, Leeds, United Kingdom (J. Paavola);
5. ICTA – Institute for Environmental Science and Technology, Barcelona, Spain (S. van den Hove);
6. CSWM – Centre for the Sustainable Water Management, Lancaster, United Kingdom (W. Medd);
7. UStutt - Institute for Sociology, Stuttgart, Germany (O. Renn);
8. IF - Institute of Forecasting, Slovak Academy of Sciences, Bratislava, Slovak Republic (T. Kluvánková-Oravská);
9. IELM-SIU - St. Istvan University, Budapest, Hungary (G. Pataki);
10. IREAS - Institute for Structural Policy, Slovak Republic (V. Chobotova).

Characteristics

- EU Marie Curie Research Training Network with 9 doctoral and 3 post-doc fellows
- Duration: 4 years (10/06 – 9/10)
 - Doctoral fellows: 4/07-6/10
 - Post-docs: 7/07-1/10
- 10 partners and several praxis affiliates in 9 European countries
- Coordination: Helmholtz-Centre for Environmental Research – UFZ (Dr. Felix Rauschmayer)
- Total contribution of European Commission: 2.4 Mio €
- Links water and biodiversity, participation and decision tools in a governance perspective

Contact

Dr. Felix Rauschmayer
coord.governat@ufz.de

Helmholtz - Centre for Environmental Research – UFZ
OEKUS - Division of Social Science
Postfach 500136
04301 Leipzig
Germany

Tel.: ++ 49 - 341 - 235 1656
Fax: ++ 49 - 341 - 235 1836
<http://www.ufz.de/index.php?de=1660>

From Government to Governance for Biodiversity: The Perspective of CEE Transition Countries

*Tatiana Kluvankova-Oravska¹, Veronika Chobotova¹, Ilona Banaszak¹,
Lenka Slavikova², Sonja Trifunovova¹*

November 2008

Submitted to *Environmental Policy and Governance*

¹ Institute for Forecasting, CETIP
Slovak Academy of Sciences
Sancova 56
81105 Bratislava
Slovak Republic

² Institute for Structural Policy (IREAS)
Stepanska 45
110 00 Prague 1
Czech Republic

Corresponding author:

Tatiana Kluvankova-Oravska
Tel.: +421 2 52495 300
progkluv@savba.sk

Abstract:

The primary objective of the paper is to address the problems of institutional changes in governance and biodiversity conservation policy framing at the level of the enlarged European Union. The paper offers a cross-country analysis in several Central and Eastern European countries in the process of transition from hierarchical to democratic and market governance. These are three new EU member states: Poland, the Czech Republic, and Slovakia as well as countries characterized by different socialist regimes and transition histories, such as Serbia, and the Belarus. The theoretical basis for the paper is the institutional rebuilding in Central and Eastern Europe in the context of emerging multilevel environmental governance of the EU. The results show that the decentralization together with the increasing role of non-state actors results in cross-scale coordination and information problems in all the countries. The appearance of formal and informal institutions operating at multiple levels and involving a multitude of groups of actors is an example of multilevel governance that is likely to prove more resilient than the traditional hierarchical governance.

Acknowledgements. We would like to thank Jouni Paavola, Richard Filcak, Peter Kurfurst, and others for their insightful comments on an earlier draft of this paper. We are also grateful to the help of all interviewees and in particular Jiri Moravec who contributed to the data collection and analyses. We are entirely responsible for any remaining errors and omissions.

Key words: Multi-level governance, institutional rebuilding, Central and Eastern Europe, biodiversity, EU enlargement, institutional change.

1. Introduction

The complexity of socio-economic systems is among the most challenging problems of today. This is particularly the case of governance. In the European policy there is a growing interest in promotion of shared decision-making, which implies that interested parties not only intervene in planning but also become partially responsible for the policy outcomes (Bouwen and Taillieu 2004). This is related to the concept of multilevel governance, which describes “the dispersion of central government authority both vertically to actors located at other territorial levels, and horizontally, to non-state actors” (Bache and Flinders 2004).

The aim of this paper is to analyze how new approaches to natural resource and biodiversity governance at the level of the enlarged EU are evolving, in particular with respect to multilevel governance. The paper argues that socialist regimes in the Central and Eastern Europe (CEE) countries, which substituted internal institutions of civic society by externally designed institutions for top-down control, seriously affected the capacity of the new democratic regimes to develop appropriate institutions for multilevel actors’ interactions. The paper traces back the historical development of institutions governing natural resources and biodiversity and searches for elements of evolving multilevel governance in CEE transition countries, where democratization and decentralization are rather new processes.

The empirical evidence has been collected in Poland, the Czech Republic, and Slovakia: three new EU member states where EU legislation has already been implemented, with the addition of countries characterized by different socialist regimes and transition histories, such as the Potential Candidate Countries (Serbia) and Near Neighbours (Belarus). The analysis covered the period mainly between 1990 and the present. The data has been collected based on a desk-study research involving secondary data and personal consultations in the respective countries, using common questions developed by a research team. In particular, we focused on the management of National Parks.

The paper is structured into six sections, including this introduction. The theoretical concept of institutional change, in particular co-evolution of new democracies in Central and Eastern Europe with relation to multilevel governance in the EU, is

discussed in Section 2. The evolution of environmental governance in the Central and Eastern European countries are subject of Section 3. The institutional rebuilding of old socialist institutions in biodiversity governance is analyzed in Section 4. Section 5 discusses the role of the EU enlargement in the development of multilevel governance for biodiversity. Finally, Section 6 concludes this paper. The paper is based on research undertaken within the 6th EU FMP Project Governat.

2. Institutional Changes and Multilevel Governance in an Enlarged EU

The term governance denotes new forms of regulations that differ from traditional hierarchical activities of central bodies. Governance implies involvement of various actors who are independent from central power and operating at different levels of decision-making. We are observing the democratic quality of the decision-making process or a transformation from traditional governments to governance. The boundaries between these two terms are well documented by Rosenau (1992); he suggests that both government and governance refer to purposive behavior, but while government is linked to activities backed by formal authorities, governance refers to larger processes including informal mechanisms and actors. Additionally, governance is not tied to any temporal or spatial scale, thus it can travel easily across categories and disciplines and allows one to use different spatial scales (Jordan 2008).

Ongoing processes as part of the European integration and rationalization have shifted authority from national states upwards to the European level and downwards to sub-national levels, with an increasing role of non-state actors. The dispersion of central government authority across multiple jurisdictions both vertically and horizontally is seen as more flexible than concentration of governance in one jurisdiction and such a concept is known as multi-level governance (Hooghe and Marks 2003). Multi-level governance thus pulls authority away from national governments and empowers supra-national and sub-national actors (Bache and Flinders 2004)¹.

¹ Similarly the term *condominio* was introduced by Schmitter (1996) to describe dispersed overlapping domains to solve common problems for multilevel governance in the European Union.

Vincent Ostrom (1961) proposes a similar term, known as polycentric governance, and describes a co-existence of many centers of decision-making that are formally independent of each other. The polycentric approach emphasizes that governance systems that manage to distribute capacities and duties across levels will achieve better outcomes than either highly or fully decentralised or centralised systems, and can thus be understood as governance systems under which actors are able to organise multiple governing activities at different scales and across the scales (Ostrom et al. 1961, 1997).

Four common stands can be summarised for the above described concepts of governance. Firstly, decision-making at all territorial levels is characterised by the increased participation of non-state actors. Secondly, the complexity and dynamics of actors and their networks make identification of territorial levels more difficult. Thirdly, the role of the state is being transformed from a regulator to a coordinator of power and authority. Finally, the multi-level character of the governance is challenging the traditional representative nature of accountability (Bache and Flinders 2004).

Governance for natural resources and biodiversity as part of environmental governance (Paavola and Adger 2005) implies establishing compatibility between ecosystems and social systems. It involves the establishment and enforcement of governance institutions as essential links for maintaining the capacity of ecological systems to support social and economic systems. Institutions for biodiversity governance can be defined as systems of established and embedded social rules that structure interaction between social and ecological systems (Hodgson 2004). Interaction between complex social and ecological systems is understood as a process of evolution and co-evolution. Such a notion refers to the characteristics of the process of institutional change and institution building, which are dynamic, complex and a result of co-adaptation. A major challenge is to understand the process of institution building for biodiversity governance that allows adaptive and thus sustainable management of local, regional and global ecosystems. The connectivity pattern within and between social and ecological systems plays an important role in designing institutions for sustainable resource use (Gatzweiler and Hagedorn 2002).

In the Central and Eastern European transition countries, the institutional changes of the late 1980s represent a massive political, economic and social transformation². The two most important institutional changes in the CEE countries are the transformation and the EU accession. The transformation, which started in the late 1980s and is still ongoing, can be understood as a mixed process of top-down institution building (new political and economic institutions implemented by international actors on post-socialist institutions) as well as the evolution of informal rules or shared mental models. The EU accession is rather seen as an externally imposed process of legal harmonization, where the time given was not sufficient for the evolution. Thus the main actors of multi-level governance in the CEE transition countries are mainly different governmental agencies, their economic agendas or international actors and institutions created by them (Perraton, Wells 2004).

As a matter of fact, the process of institution building for sustainability in CEE is affected by the particular procedures and problems arising from the process of transforming the former political and economic systems (Gatzweiler and Hagedorn 2002). The transition process in CEE has been given names like ‘jump start’, ‘institutional gap’ (Gatzweiler and Hagedorn 2002) and ‘institutional vacuum’ (Stark 1996; Hanisch et al. 2002) in literature, and the Western model of privatisation as essential institutional transformation was intended to be implemented instantly, thus ignoring the importance of interaction within social-ecological systems and the co-evolution of institutions (Chobotova 2007).

As Bromley (2000) pointed out, people believed that capitalism would appear magically from the morning mist if only the heavy hand of the government would get out of the way. According to Evans (2004), such imposition of uniform institutional blueprints based on idealized versions of Western institutions can be called ‘institutional monocropping’. Such an oversimplified view that transition involves the unproblematic imposition of Western blueprints is contested as being shaped by existing informal institutions and social conflicts (Gowan 1995; Smith and Pickles 1998). The routines and practices endure from the socialist period.

² Socialism is a system of economic institutions in which the property rights to the means of production are predominantly held by state agencies. To facilitate top-down control, many internal institutions of civic society have to be replaced by externally designed, predominantly prescriptive institutions, and central planning substituted for spontaneous coordination in markets (Kasper, Streit 1998).

Thus, the transformation cannot be viewed as a replacement but rather a recombination; in other words, actors in the post-socialist context have been rebuilding institutions not *on the ruins* but *with the ruins* of communism (Stark 1996). Others may say that transition involves not the imposition of a blueprint on a ‘blank’ social and economic space, but a reworking of institutions of central planning (Williams and Balaz 2002).

To understand the process of institutional changes in the Central and Eastern European transition countries from hierarchical to democratic systems with market economies, we have to underline the necessity of assuming the prior existence of some other institutions (Chobotova 2007) and their interplay. The building of institutional arrangements for achieving sustainability cannot be established easily as there was no ‘institution-free space’. The period of transition in the CEE countries is a slow, complex and dynamic process that requires evolution, co-adaptation and learning rather than ‘shock therapy’. In our view, rather than centralised or decentralised governance systems, long-lasting institutions with a multi-tiered system of actors operating at various scales and a set of independent self-governed systems with centres of power can be seen as an appropriate structure to address the needs of multilevel governance.

The key question is how these processes influence the restructuring of the previous hierarchical governance structure in CEE to hybrid and multilevel governance, and in particular, what institutional solutions might be appropriate to address these challenges and support multi-actor interaction on one scale or across various scales.

3. Evolution of Environmental Governance in Central and Eastern European Countries

To be able to understand the process of institutional changes in biodiversity governance in the CEE countries, we have to take into consideration the influence of the past and the prevailing institutional factors on the durability of newly established institutions. Thus, we see it as important to start from the most serious problems of environmental protection during the socialist period in the CEE countries, which were related to the overexploitation of the protected areas and a lack of environmental awareness among the state officials.

In most socialist regimes, environmental objectives were very much supported in legal regulations. In reality, intensive economic activities such as tourism, timber production or agriculture were expanded in protected areas (see e.g. Mirek 1996; Kasprzak and Skoczylas 1993; Kluvánková-Oravská, Chobotová 2006). For example, the protected primeval forest of Belovezhskaya Pushcha in Belarus was transformed in 1957 into a game preserve used on an illegal basis by top Party officials (Luchkov et al. 1997).

In most CEE countries, land was nationalized shortly after the introduction of the socialist regimes and private property in fact ceased to exist. All protected areas were owned and regulated by the state, with some imitated resource use for citizens. The only exception was Poland, where small-scale private property rights were mostly respected and there was no massive land nationalization. This was due to a combination of historic and political factors and a danger of losing peasant support to the communist government in its early years.

Transformation processes in the early 1990s, such as democratization, decentralization and changes in the property right structure, created a diverse effect on biodiversity governance in the studied countries. In Poland, restrictions on property rights could only be introduced based on legal agreements which entailed compensations for the land owners. The State Treasury took the responsibility for damages caused by such species as bisons, bears, and beavers (Kasprzak and Skoczylas 1993). Thanks to the compensation programs for land owners and to National Park authorities, which try to cooperate with local communities, the local actors generally see the protected areas as assets.

In the Czech Republic most land in the national parks has remained in state ownership after the transformation, with the decision-making authority allocated in the park administration. This was due to the fact that the territories of the current national parks, especially in the Šumava and the Podyjí National Parks located in border regions, were subject to the displacement of German population after World War Two and were subsequently used by the Czechoslovakian Army. The continuity of the human settlement and of the historical property rights was interrupted (Mikšíček 2007).

In the Slovak Republic (after the split of Czechoslovakia in 1993), land privatization was fully implemented with the absence of appropriate institutions for market

operation. Thus, the protected areas have a diverse ownership structure but lack appropriate incentives to encourage sustainable behavior of non-state owners, such as effective compensation for removal of opportunities for income generation by private and municipal owners. Decisions within the protected areas are also influenced by the multiple ownership conditions. At present, biodiversity governance in Slovakia is subordinated to regional administration and centralized state nature conservancy (contrary to other Central European countries such as the Czech Republic and Poland). Each National Park administration acts as an advisory body to the respective authority. As each national park lies on the territory of more than one administrative unit³, this has a significant effect on the coordination of responsibilities, resulting in various conflicting situations such as forest fires, overuse, and illegal activities in the parks.

The development in Belarus and Serbia was rather retrograde. The transition initiated in the early 1990s was interrupted by the emergence of authoritative leaders, and in the case of Serbia also by war. This has had serious implications for environmental protection.

In Belarus, for example, the interruption of the land reform after the election of Alexander Lukashenko as President in 1994 and the designation of national parks along with all national estates under the presidential administration resulted in massive overexploitation.

In Serbia, difficulties with identification of land parcels and the absence of proof to claim ownership of the land before communism caused a delay in the land reformation until 2006. It is specific to Serbia that natural resource management is decentralised to various types of organisations, usually public enterprises (Todic, 2005). The main reason for such a practice is the long-lasting experience with public enterprises, where the primary tendency to follow short-term economic interests still persists.

³ In the Slovensky Raj NP, for example, the general territorial competences presiding over the park are shared by 15 municipalities and two regional governments; specific competences are held by several state organisations, such as the water management, fire and forest authorities. As a result, unique park territories have been seriously affected by fire and/or by uncontrolled numbers of visitors.

4. Institutional Rebuilding in CEE Transition Countries

The decentralization of previous hierarchical and centralized governance can be seen as a rather top-down process, in most cases heavily influenced by external political forces or factors. The time given to rebuild institutions from the socialist period or to build new institutions was not adequate. Thus, a basic question to address in this chapter is how pre-existing institutions and organizational heritage of the post-socialist regimes in CEE affect the evolution of new democratic regimes and, specifically, multilevel governance of biodiversity. In particular, we will concentrate on key institutional barriers and positive examples of institutional rebuilding.

Mechanisms for effective communication and interaction of actors from various decision-making levels are not very widespread in the CEE countries, where democratization and decentralization are new processes. An example of large conflicts in the recent years is the dispersion of competencies and forest management practices among state agencies. Such conflict has been prevalent in the Czech Šumava National Park, where park administration concentrates both biodiversity protection and forest management and logging (Správa NP a CHKO Šumava 2006). In the Slovak High Tatras National Park, the former park authority was divided into State Forests, managed by the Ministry of Agriculture, and biodiversity management, controlled by the Slovak Ministry of the Environment. As the division of competencies of these two governmental bodies has never been decided, the constant tension between them has expanded. The catastrophic windstorm in 2004, which affected large parts of the forest ecosystems, resulted in an enormous pressure to reconsider the size of the core zone and the implementation of intense forest practices by State Forests in two nature reserves designated as NATURA 2000 sites. The main argument was that there is a considerable risk of a bark beetle outbreak, potentially damaging also a neighboring forest which is not under the full protection regime. The case ended up with EU infringements against the Slovak Government for a potential violation of the Habitats Directive and reconsideration of the NP status by IUCN.

In Serbia, biodiversity governance is subject to state-public partnerships⁴, but the post-socialist influence and a lack of democracy result in an institutional mismatch. The structure in place is largely based on informal institutions and thus the influence

⁴ Management of protected areas is done by public enterprises.

of power groups with links to the former and present political elites is strong. An alarming example is a large-scale ski resort constructed by the Serbian Government with the support of international bodies in the Stara Planina Mountains, violating six national acts of law and affecting the largest protected area in Serbia with biodiversity significance related to the whole Balkan Peninsula.

The socialist influence still persists in the exclusion of non-state actors from decision-making. In most of cases, National Parks find a way to hold a dialog with the local communities, but environmental NGOs are still perceived by them as “orthodox” and are not incorporated in consultations or real decision-making (Pracownia na Rzecz Wszystkich Istot 2008). Similar tension exists on the part of NGOs, which often report that the National Park Directorates have in practice too much authority, overusing their decision-making powers. For example, in Poland legislation oftentimes refers to the persons of the “Park Director”, the “Minister”, or the “Inspector”, not to the administration body as a whole. It emphasizes the key position and leadership of the person appointed as the chief of the unit (Pracownia na Rzecz Wszystkich Istot 2008). The exclusion of non-state actors from biodiversity governance is particularly significant in Near Neighboring countries. In Belarus, there are no formal communication and cooperation channels between national park administrations, local governments and environmental NGOs. Most tourist facilities are located within National Parks and run by the Park administrations subordinated directly to the Management Department of the President, operating on annual business plans. In contrast, the management and protection plans are developed only every ten years.

The institutional mismatch between post-socialist and new institutions is still prevalent, resulting in coordination problems between actors, as documented by the mismatch between inter-governmental agencies over forest and biodiversity governance in the Czech Republic and Slovakia or the various examples of non-state actors being excluded from decision-making. The lack of institutions for actors’ interaction and effective governance, such as the collective choice mechanism, sanctioning and monitoring, can be named as the key aspects of this mismatch. Such findings are comparable to other regions with short democratic histories, such as community forest studies in developing countries, (Andersson 2003). It has been documented that even if legal and financial conditions of decentralised forestry regimes in Bolivia were favourable, institutional and socio-economic barriers such as

free riding, weak monitoring or sanctioning still persisted. Motivation of local politicians and decentralisation combined with democratisation were seen as effective drivers of institutional consolidation (Andersson 2003).

There are also positive experiences with multi-actor interaction. In Poland, elements of multi-actor interaction are derived from the long-term tradition of market structures, which survived the socialist period on a small scale. In the Czech Republic, the existence of networks of actors (NGOs, interests groups, etc.) and various non-state actors' consultation mechanisms, such as state and NGO partnerships, are due to the effect of historically determined informal civic movements. The most visible example was in the Bohemian Switzerland National Park, where the national park administration initiated the foundation of a non-profit organization designated for the cooperation and communication with municipalities, NGOs and other non-state actors⁵.

A new formal institution in Polish and Czech biodiversity governance is the National Park Council⁶, acting as an advisory body to the park administration in all important management processes (especially zoning, management plans, visiting rules, forest management, land-use plans, etc.). The membership aims to achieve representation of non-state actors in decision-making processes so as to fulfill the legal obligation to agree on the main park management practices with the representatives of the municipalities. These structures are seen as accelerators of cross-scale interactions.

In Slovakia, where biodiversity governance is subordinated to regional level and central state authority, Associations of Municipalities operating in some national parks can be considered new multilevel institutions. For example, in the Slovensky Raj NP such an association is called the 'Microregion' with voluntary membership of municipalities around the park. The Microregion supports nature conservation, cultural activities and traditional crafts, and cooperates on the provision of tourism services. Any decision made within the Microregion is based on the consensus among all the members. The Park Administration is also a member and can interact with the non-state actors and be better informed about the actions planned within the national

⁵ This organization, České Švýcarsko, o.p.s., attempts to integrate interests of the state administration, municipalities and NGOs. Its typical activities are, for example, the preparation and coordination of the project Integrated Protection of Ecosystems in Bohemian Switzerland, the operation of the National Park Information Center, etc. (Správa NP a CHKO Šumava 2006).

⁶ In Poland, however, National Park Councils were functioning also before the transformation but primarily for scientific reasons only.

park. This assures at least informal cooperation in the decision-making process and biodiversity governance.

Multilevel governance elements existed in most of the CEE biodiversity governance structures prior to the transition. In Poland and Slovakia hierarchical elements still dominate. In Slovakia, additionally, the absence of appropriate incentives to encourage sustainable behavior of non-state owners results in the expansion of unsustainable economic activities (Chobotová, Kluvánková-Oravská 2006). In the Czech Republic, the jurisdiction is a combination of the general and the task-specific with a relatively high degree of self-organization, which enables the system to evolve into a polycentric system. The capacity for transfer of knowledge and institutions across the scales remains in question in all the countries studied in our paper.

5. The role of the EU enlargement

The primary legal framework for the present biodiversity policy at the EU level is formed by the Habitats and Bird Directives. The Habitats Directive provides for the creation of a European network of special areas of conservation (SACs), which is also known as Natura 2000. The implementation process has been connected with various problems and conflicts in both the old and new member states (see e.g. Alphanterý and Fortier 2001; Gibbs et al. 2007; Hiedanpää 2002; Krott et al. 2000; Paavola 2004; Stoll-Kleemann 2001). In the new Central and Eastern Europe member states that joined the EU in 2004 and 2006, Natura 2000 was an example of an entirely new institution planted in the post-socialist governance structures. As documented in the previous section, multiple-actor cooperation seems to be the most challenging.

The Habitats and Bird Directives leave the consultation process with non-state actors involved in the definition of the Special Protection Areas and Special Areas of Conservation up to each member state (Article 6 of the Habitats Directive). The absence of any standards for non-state actors' involvement documented previously allows for country-specific solutions being implemented depending on each country's practice in public consultation and the state of democratic decision-making. In some cases, non-state actors become part of governance consultation, but not decision-making.

The Habitats Directive, designed at the EU level to integrate the economic, social and environmental dimensions, delegated to the member states the task of promulgating procedures for designating sites for the Natura 2000 network. Member states followed the (mainly environmental) orientation of the Directive and designated sites on the basis of scientific criteria and existing scientific information without consulting local land owners, civic groups or others who were affected by the site designation and thus could not see in Natura 2000 any economic and/or social benefits (Article 8 of the Habitats Directive). The designation of SACs upon scientific criteria still increased the overall frustration of non-state land owners in the new Member States as their aversion to follow biodiversity protection. Compensation schemes as well as their monitoring require cooperation between many governmental units and also with interest groups, which has not yet evolved in the New Member States. In Poland, for example, an attempt to extend the Natura 2000 areas was opposed by the Polish Prime Minister Jaroslaw Kaczynski, who declared that “Natura 2000 has expanded so much that it is practically impossible to build anything”. Mistakes occurred also in the process of SAC designation (Article 3, Annexes I and II. etc.). Most new member states reported that some areas were appointed without detailed knowledge of what was in them and some local governments did not agree on many of the sites (Banaszak et al. 2008).

The Czech Republic, Poland and Slovakia declared more difficulties with the designation and management of Natura 2000 sites in areas not previously protected (Weigle and Kiczynska 2003). The reason is most likely derived from the fact that in contrast with old sites, already covered by national networks managed by professional bodies, the management of the new sites was given to the local governments and community forest owners, who are newly established bodies and often lack the professional skills and knowledge. To stimulate active engagement of actors in the management of the SACs in the new member states will require more assistance. Positive examples from the Life program can provide inspiration.

Designation of SAC sites was thus conflicting (Young et al. 2007) and in most of the new members states resulted in preparing “shadow lists” by NGOs. The immediate reason for these conflicts was the top-down and non-inclusive site designation process.

Despite the serious difficulties with the Natura 2000 implementation described in this paper, there are several positive aspects. Based on the countries’ experience

documented in our paper, the Habitats Directive provides incentives for internalization of consultations with non-state actors into the decision-making process. Similarly, the EU's monitoring of compliance is seen as an incentive for the evolution of internal monitoring and sanctioning mechanisms as experienced for example in the case of forest management in the Slovak High Tatras NP. Other examples of assigning Natura 2000 sites catalyzed regional development (WWF Polska 2008). Such a situation can be observed in the area covered by the network Barycz Valley in Poland. The inhabitants recognize and utilize benefits from the Natura 2000 network such as wide-scale free promotion of the region, development of environmentally friendly tourism and agri-tourism, and development of a label for local products (Chmielewski and Krogulec 2007). Moreover, Natura 2000 improves access to information and public participation provisions particularly at the local level.

Thus we may sum up that the EU integration, in particular the implementation of Natura 2000, can contribute to the development of multilevel governance, particularly stimulate multi-actor interaction, monitoring and sanctioning as documented in Poland, the Czech and Slovak Republics.

In Belarus and Serbia, the effect of the EU is determined by external financial schemes such TACIS and INTERREG. Monitoring and sanctions applied to these programs provide certain incentives to follow rules. Nevertheless, most of the international programs are time-specific and carried out by outside experts who are not aware of local circumstances. Thus the EU has very little influence on the institutional changes in the countries' jurisdictions and informal institutions. This is also catalysed by hierarchical governance systems due to the authoritative political systems in Serbia and Belarus.

6. Conclusions

Multi-level governance in the CEE countries can be characterised by specific features such as a prevailing hierarchical structure determined also by a limited tradition of decentralization and self-government, lower public awareness and institutional co-evolution, rapidly affected by the transformation and integration processes. The

situation varies from country to country, depending on historical determinants such as the role of property regimes or the existence of formal collective choice mechanisms prior to or during the socialist period. These aspects determine the overall effectiveness of the institutional changes undertaken to transform the hierarchical governance structures of socialism into hybrid systems that are common in European democracies.

Based on empirical evidence from the studied countries, we might conclude that the mismatch between the old hierarchical institutions developed under socialism and the new decentralized institutions introduced during the transition process still persists and is visible, such as the cases illustrated in our paper of forest management conflicts between state actors, or exclusion of non-state actors from decision-making.

The examples of natural resources and biodiversity overexploitation by large-scale state actors in Belarus and Serbia also provided evidence that decentralization accompanied by democracy are the key aspects of effective multilevel governance and sustainable economy.

The EU integration has been found to be the key driving force of changes and synchronization in the governance of natural resources. In Poland, Slovakia and the Czech Republic, the implementation of Natura 2000 has brought about some changes, especially in that the management of sites has to be negotiated with non-state owners and compliance is a matter of EU monitoring.

In Belarus and Serbia, the effect of the EU is determined by external support and is limited to the duration of international assistance. In both countries, state executives remain the pivotal actors as the authoritative regimes prevent institutional reform, in particular re-scaling of power to supra-national and sub-national actors.

However, the decentralization, together with the increasing role of non-state actors, results in most of the countries in cross-scale coordination and information management problems. This was in particular highlighted during the designation of Natura 2000. The process was run in a rather top-down way, the lower levels of government were under-informed and NGOs were practically excluded from the decision-making. The emergence of multilevel governance in the new democracies of Central and Eastern Europe has demonstrated the absence of an accountability mechanism, in particular for non-representative participation, such as non-state actors. Evidence in our study, also documented by Gouldson, Kluvánková-Oravská, Paavola (2008 in this issue), indicate that a complex multi-level governance framework

characterised by multiple-actor interaction is prone to create tensions and dynamics of its own but this is not necessarily a disadvantage. The appearance of new institutions operating at multiple levels and involving a multitude of groups of actors, such as National Park Councils in Poland and the Czech Republic, is an example of multilevel governance which is likely to prove more resilient than the traditional hierarchical governance structure.

7. References

Alphandery P, Fortier A. 2001. Can territorial policy be based on science alone: the system for creating the Natura 2000 network in France. *Sociologia Ruralis* **41**: 311-328.

Andersson K. 2003. What motivates municipal governments? Uncovering the institutional incentives for municipal governance of forest resources in Bolivia. *The Journal of Environment Development* **12**: 5-27. DOI: 10.1177/1070496502250435

Bache I, Flinders M. 2004. Multi-level governance: conclusions and implications. In *Multi-level Governance*, Bache I, Flinders M (eds). Oxford University Press: New York, pp 195-206.

Banaszak I, Chobotová V, Kluvánková-Oravská T, Slavíková L, Moravec J. 2008. From government to governance for biodiversity in the European Union: the experience in the new member states. Working Paper No1, Institute for Forecasting, SAS, Bratislava.

Bouwen R, Taillieu T. 2004. Multi-party collaboration as learning for interdependence in natural resource management. *Journal of Community and Applied Social Psychology* **14**: 137-153.

Bromley D. 2000. A most difficult passage: the economic transition in Central and Eastern Europe and the Former Soviet Union. Paper presented at the KATO Symposium. Berlin, 2-4 November.

Chmielewski TJ, Krogulec J. 2007. Creation of a bottom-up nature conservation policy in Poland. In *Legitimacy in European Nature Conservation Policy: Case Studies in Multilevel Governance*. Keulartz J, Leistra G (eds). Springer Verlag: Berlin, pp 137-147.

Chobotová V. 2007. Evolution of institution for sustainable tourism in the context of transition process of Slovakia. Working Paper No1, Institute for Forecasting, SAS, Bratislava.

Evans P. 2004. Development as institutional change: the pitfalls of monocropping and the potentials of deliberation, *Studies in Comparative International Development* **39**: 30-52.

Gatzweiler F, Hagedorn K. 2002. The evolution of institutions in transition. *International Journal of Agricultural Resources, Governance and Ecology* **2**: 37-58.

Gibbs D, While A, Jonas A.E.G. 2007. Governing nature conservation: the European Union Habitats Directive and conflict around estuary management. *Environment And Planning* **39**: 339-358.

Gouldson, Kluvánková-Oravská, Paavola 2008 European Governance of Natural Resources: Institutions, Scales and Biodiversity. ENVIRONMENTAL POLICY AND GOVERNANCE. FORTHCOMING.

Gowan P. 1995. Neo-liberal theory and practice for Eastern Europe. *New Left Review* **213**: 3–60.

Hanisch M, Beckmann V, Boger S, Brem M. 2001. In search of the market: lessons from analyzing agricultural transition in Central and Eastern Europe. Paper submitted for the 10th EAAE Congress. Exploring diversity in the European agri-food system. August 28-31 2001, Zaragoza (Spain).

Hiedanpää J. 2002. European-wide conservation versus local well-being: the reception of the Natura 2000 reserve network in Karvia, SW-Finland. *Landscape and Urban Planning* **61**: 113-123.

Hodgson G. M. 2004. The evolution of institutional economics: agency, structure, and Darwinism in American institutionalism. Routledge: London and New York.

Hooghe L, Marks G. 2003. Unraveling the central state, but how? Types of multi-level governance. *The American Political Science Review* **97**: 233-234.

Jordan A. 2008. The governance of sustainable development: tacking stock and looking forwards. *Environment and Planning C: Government and Policy* **26**: 17-33.

Kasper W, Streit M. E. 1998. Institutional economics. Social order and public policy. Edward Elgar: Cheltenham, pp 514.

Kasprzak K, Skoczyła 1993. Rozwój ochrony przyrody nieożywionej i ożywionej, historia i współczesność. Poznań: Fundacja "Warta".

Klůvánková-Oravská T, Chobotová V. 2006. Shifting governance. Managing the commons: the case of Slovensky Raj National Park. *Sociologia* 2006 **38** : 221-244.

Krott M, Julien B, Lammertz M, Barbier J-M, Jen S, Ballestreros M, de Bovis C. 2000. Voicing interests and concerns. Natura 2000: An Ecological Network in Conflict with People. *Forest Policy and Economics* **1**: 357-366.

Luchkov A, Tolkach V, Berwick S, Brylski P. 1997. Descriptions of the Belovezhskaya Pushcha. In *Belovezhskaya Pushcha Forest Biodiversity Conservation*, Luckov A, Tolkach V, Berwick S, Brylski P (eds). Minsk, pp 69-137.

Mikšíček P. 2007. Krajina s odsunem. *Sedmá generace* **5**

Mirek Z. 1996. Tatry i Tatrzański Park Narodowy – wiadomości ogólne. In *Przyroda Tatrzańskiego Parku Narodowego. Tatry i Podtatrze 3*, Mirek Z, Głowaciński Z, Klimek K, Piekos-Mirkowa H (eds). Tatrzański Park Narodowy: Zakopane-Kraków.

Ostrom V, Tiebout C, Warren R. 1961. The organization of government in metropolitan areas. *American Political Science Review* **55**: 831-842

Ostrom V. 1997. The meaning of democracy and the vulnerability of democracies: a response to Tocqueville's challenge. University of Michigan Press: Ann Arbor.

Paavola J. 2004. Protected areas governance and justice: theory and the European Union's Habitats Directive. *Environmental Sciences* **1**: 59-77.

Paavola J, Adger W.N. 2005. Institutional ecological economics. *Ecological Economics* **53**: 353– 368.

Perraton J, Wells P. 2004. Multi-level governance and economic policy. In *Multi-level Governance*. Bache I, Flinders M (eds). Oxford University Press: New York, pp 179-194.

Pracowania na Rzecz Wszystkich Istot 2008. <http://www.pracownia.org.pl/dz/index.php?d=archiwalne&e=artykuly&rok=2004&nr=120&id=498> Download Date: 02.01.2008

Rosenau J. 1992. Governance, order and change in world politics. In *Governance without Government*, Rosenau J, Czempiel E-O (eds). Cambridge University Press: Cambridge, pp 1-29.

Schmitter P. 1996. Examining the present Euro-polity with the help of past theories. In *Governance in the European Union*, Marks G, Scharpf F, Schmitter P, Streeck W (eds). London Thousand Oaks, CA: Sage, pp 121-150.

Smith A, Pickles J. 1998. Introduction: theorising transition and the political economy of transformation in Eastern and Central Europe. In *Theorizing Transition: The Political Economy of Post-communist Transformations*, Pickles J, Smith A (eds). Routledge: London, pp 1–24.

Správa NP a CHKO Šumava 2006. Ročenky správy národného parku a chránené krajinné oblasti Šumava 1997-2006. Správa Národného parku a CHKO Šumava: Vimperk.

Stoll-Kleemann S. 2001. Barriers to Nature Conservation in Germany: A Model of Explaining Opposition to Protected Areas. *Journal of Experimental Psychology* **21**: 369-385.

Stark D. 1996. Recombinant property in East European capitalism. *American Journal of Sociology* **101**: 993-1027.

Todić D. 2005. Upravljanje zaštitom životne sredine u Srbiji. In *Evropeizacija Institucija: Zaštita Životne Sredine u Grčkoj i Srbiji*, Mijalković A (eds). Beogradski centar za evropske integracije (BeCEI): Beograd, pp 93-134.

Weigle A, Kiczynska A. 2003. Kto moze zarzadac obszarami Natura 2000? In *Ekologiczna Siec Natura 2000. Problem czy szansa*, Makomska-Juchniewicz M, Tworek S (eds). Instytut Ochrony Przyrody PAN: Krakow.

Williams AM, Balaz V. 2002. The Czech and Slovak Republics: conceptual issues in the economic analysis of tourism in transition. *Tourism Management* **23**: 37–45

WWF Poland 2008. <http://wwf.pl/informacje/news.php?idn=207>, Download Date: 04.02.2008

Young J, Richards C, Fischer A, Halada L, Kull T, Kuzniar A, Tartes U, Uzunov Y, Watt A. 2007. Conflicts between biodiversity conservation and human activities in the Central and Eastern European countries, *Ambio* **36**: 545-550.