

# Agency of NGOs in the implementation of Natura 2000 in Hungary

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## **Abstract**

Environmental NGOs have been important actors in nature conservation governance since the beginning of the environmental movement in the 1970ies. In recent years there has been an increasing attention on civil participation and the role of NGOs in the evolving multi-level governance system of the European Union. In Hungary nature conservation NGOs have been core actors for the implementation of the Birds and Habitats Directive, which together make up the Natura 2000 network.

This article analyses how and why NGOs could exercise agency at different stages of the still ongoing implementation process. The analysis is based on qualitative expert interviews conducted with NGO members, as well as with ministry and national park officials.

In the phase of site designation NGOs played a significant role: The Special Protection Areas of the Birds Directive are based on the list of Important Bird Areas prepared by Bird Life Hungary. For the Sites of Community Interest of the Habitats Directive, which were agreed upon in the Pannonian biogeographic seminar the NGO representative succeeded to have almost all sites important to them included into the list. Hungarian nature conservation NGOs were satisfied with the outcome of the designation process. During the preparation of the site designation NGOs were in close cooperation with the ministry for environment and water. Bird Life Hungary could exercise agency based on long term personal contacts with the ministry and on the fact that Bird Life has the most acknowledged expertise and authority in the field, so based on their knowledge. Through a good cooperation among the four major national nature conservation NGOs, and between the national NGOs and the European level NGOs, Hungarian NGOs were well informed about NGOs participation rights granted by the EU and established the capacities to successfully influence the process.

So like in other EU countries the cross-scale cooperation between the EU level and national NGOs has been important for the designation of Natura 2000. With Natura 2000 NGOs gained participation rights they did not previously have before in national nature conservation. As the ministry welcomed the help of NGOs with the work of preparing the lists of sites for designation, it was relatively easy for NGOs to influence this first part of the process. NGOs did, however, not succeed to gain understanding for rural development opportunities of Natura 2000, and so to change the norms behind nature conservation towards a more inclusive approach, neither with the environmental nor with the agricultural ministry. So while they were influential and powerful, and so acted as agents, in the first part of the implementation process, NGOs have fewer possibilities to influence the management regime for the Natura 2000 network to their satisfaction.

## **Introduction**

Over the last 150 years, human activities have put pressure on the earth system and its subsystems, such as the climate, the water system or biodiversity (Biermann, 2007; Rockström et al, 2009). The rate of biodiversity loss now exceeds the naturally occurring extinction rate of 0.1 to 1 species per 1 million species per year by 100 to 1000 times (Rockström et al., 2009). According to the IUCN “the scientific evidence of a serious extinction crisis is mounting” (IUCN, 2009) and the CBD target to reduce biodiversity loss by 2010 cannot be met (IUCN, 2009). Apart from an ethical importance of the protection of nature, biodiversity is also functionally crucial for ecosystem resilience. Biodiversity loss or its protection is, therefore, closely interlinked with the development of other earth system components such as the local or global climate. A decrease in biodiversity will limit the adaptation options of future generations. So biodiversity conservation is especially relevant in terms of adaptation to climate change.

Global environmental change poses problems which transgress national borders and, therefore, cannot be adequately addressed by single states alone but require coordination on a supranational level. To become effective, international agreements, however, need to be implemented nationally and locally. So global changes of the earth system require “earth system governance” (Biermann, 2007) involving all governance levels and all concerned or affected actors in order to prevent dramatic and harmful changes of the earth system and foster a sustainable human use of the earth system. Earth system governance as defined by Biermann (Biermann, 2007; Biermann et al. 2009) is at the same time an empirical phenomenon and political programme, as well as a challenge for research. In order to better understand processes of earth system governance, the Earth System Governance Project has been established as a core project of the International Human Dimensions Programme on Global Environmental Change (IHDP) (Biermann et al., 2009). The GoverNat Project (Multi-level Governance of Natural Resources: Tools and Processes for Water and Biodiversity in Europe), under which the research for this paper has been conducted, is an affiliated project of the Earth System Governance Project looking at the interplay of participation and multi-level governance of the natural resources biodiversity and water in Europe (Rauschmayer et al., 2007; GoverNat, 2009).

For the field of biodiversity protection, the most important international agreement, which was agreed upon at the 1992 Rio Conference of the UN, is the CBD (Convention on Biological Diversity, with its three goals –protection of biodiversity, its sustainable use and fair benefit sharing. The main nature conservation directives at European level are the Birds Directive of 1979 (79/409/EEC) and the Habitats Directive of 1992 (92/43/EEC). Together these two directives constitute the legal basis for the establishment of the Natura 2000 network of protected areas for specific habitats and species listed in the annexes of the directives. The establishment of this European ecological network is regarded by the European Commission as the European implementation of the CBD. With its accession to the European Union in 2004 Hungary –now being part of the European multi-level governance system– was obliged to implement all European regulations.

In their analysed the effectiveness of Hungarian nature conservation Bela and Pataki (2008) found that NGOs are important actors in Hungarian biodiversity governance today. Environmental NGOs have been important actors in nature conservation governance since the beginning of the environmental movement in the 1970ies. In recent years there has been increasing attention on civil participation and the role of NGOs on the international as well as in the evolving multi-level governance system of the European Union (Betsill and Corell, 2008; Brühl, 2003; Weber and Christophersen, 2002; Fairbrass and Jordan, 2001). With their study of the implementation of the Birds Directive in the UK, Fairbrass and Jordan (2001)

showed that The Royal Society for the Protection of Birds played a decisive role in the process.

Based on the initial finding that environmental NGOs are core actors in Hungarian biodiversity governance (Bela and Pataki, 2008), this research analysed how Hungarian NGOs have been active in nature conservation governance, and specifically during the implementation of the Natura 2000 directives in Hungary. Applying the concept of agency as defined in the Earth System Governance Science Plan (Biermann et al., 2009) this paper asks whether and why NGOs could exercise agency at different stages of the still ongoing implementation process. So this research contributes to a better understanding of the role of non-state actors in earth system governance.

### ***Analytical challenge of agency of non-state actors in earth system governance***

The Earth System Governance Project was founded because there is an urgent need to develop strategies for earth system management yet the current institutions which govern the relationship of humans and their natural environment are not only insufficient but also poorly understood (Biermann et al., 2009). Therefore, the Earth System Governance Project in cooperation with many scientists around the world (e.g. Werners et al., 2009) addresses this research gap to build a basis for developing more sustainable governance and management strategies. For the project, earth system governance has been defined as: “The interrelated and increasingly integrated system of formal and informal rules, rulemaking systems, and actor-networks at all levels of human society (from local to global) that are set up to steer societies towards preventing, mitigating, and adapting to global and local environmental change and, in particular, earth system transformation, within the normative context of sustainable development.” (Biermann et al., 2009, p. 22)

According to Biermann (2007) an earth system governance system for the 21<sup>st</sup> century should be built on the four overarching governance principles of credibility, stability, adaptiveness and inclusiveness. This is necessary to build management institutions (“institutions” are understood here as formal rules and informal norms) that are at the same time effective in managing the earth system in a sustainable way and enjoy a broad support by societies. Inclusiveness means including also non-state actors in governance processes from the local to the global level as public agents alone cannot successfully deal with the complexity and uncertainty of earth system governance (Biermann, 2007). Biermann (2007) further emphasises that this inclusion of private actors and civil society needs to be perceived as legitimate, effective and fair by all stakeholders.

Based on the problem structures of earth system governance (i.e. uncertainty, functional, spatial and temporal interdependence, and extreme effects of earth system changes; Biermann, 2007) and on the four governance principles Biermann identified five research challenges or analytical problems for the Earth System Governance Project: (1) architecture, (2) agency, (3) adaptiveness, (4), accountability and legitimacy and (5) allocation and access (the “five A’s” of earth system governance research; Biermann, 2007; Biermann et al., 2009). Additionally the Earth System Governance Project highlights four cross-cutting research themes, namely power, knowledge, norms and scale, which play a role for each of the five analytical problems and are crucial for their understanding (Biermann et al., 2009).

In the following only these parts of the Earth System Governance framework will be discussed in more detail, which are relevant to the question of agency of NGOs during the implementation of Natura 2000 in Hungary.

In a most general sense, the term “governance” describes “new forms of regulations that differ from traditional hierarchical state activity and implies some form of self-regulation by societal actors, private –public co-operation in the solving of societal problems, and new forms of multilevel policy” (Biermann, 2007, p. 328). So the main difference between government and governance concerning policy-making is that new actors, especially non-state actors, come into the decision making arena. Therefore, the discussion of governance is linked to the question of participation in policy-making. Non- state actors are no longer only active in lobbying or advising but increasingly negotiate their own standards (Biermann, 2007). In the field of biodiversity governance, an example for a consortium of state and non-state actors, which sets its own standards, is the IUCN (International Union for Conservation of Nature and Natural Resources). The IUCN is a “hybrid” organization of NGOs, governments and state agencies (Christoffersen, 1994).

Biermann (2007) identified a lack of knowledge on the behaviour of non-state actors and the institutions they create, especially on institutions and agents that cause environmental change, and the institutions that are or should be created to steer global development in a way that secures a “safe” co-evolution with natural processes (Biermann, 2007). To achieve a better understanding of how actors can form institutions which lead to more or less sustainable earth system governance structures, it is first of all important to distinguish between “actors” and “agents”. Following Biermann et al. (2009, p. 38) an agent is an “authoritative actor”; authority is the “legitimacy and capacity to exercise power”; power is “the capacity to influence outcomes with or without the legitimacy to do so” (Biermann et al., 2009, p.38). So agents are actors who really have an influence on the outcome of the governance process and are legitimized to act in the decision making process.

The question of agency is, therefore, closely related to the analytical problem of accountability and legitimacy. So, if non-state actors like NGOs could have influence on the outcome of governance processes, how are they legitimized to exercise influence? Biermann et al. (2009, p. 53) stated that in the domestic context, i.e. at the level of national states, private organizations may derive legitimacy by representing their members and donors, and through the environmental good they seek to protect. The second point is especially relevant for the case of environmental NGOs, as they claim to speak in the interest of nature and of protecting natural resources for future generations. Both, nature and future generations are stakeholders (the question whether nature can be a stakeholder is of course debated though), who cannot represent themselves. Therefore, the idea that it is important to have someone speak in their name cannot be dismissed. The question of accountability is more problematic, however, since nature does not have a will, for the representation of which it could hold anybody accountable, and future generations have no possibility to hold today’s actors accountable. So what exactly lies in the “interest” of nature remains open to the beliefs of each actor. Regarding future generations though, there is a common agreement that they should enjoy the same chances for development which we enjoy today. So trying to manage earth systems in a sustainable way which guarantees some degree of stability of the earth system is therefore a moral obligation. Environmental NGOs usually have no problems with their credibility, one of the overarching governance principles, as they are mainly driven by their beliefs. Connected to credibility is also the cross-cutting theme of knowledge, since knowledge can be a source of authority (Biermann et al, 2009). Expertise in a certain field gives actors credibility and may legitimate their involvement into decision-making processes. Political knowledge or the knowledge of how certain governance systems are organized enables actors to represent their interests more effectively. A question concerning knowledge and agency is: “How important is access to information for the exercise of agency?” (Biermann et al., p. 70). Knowledge and information can be important sources of power. The cross-cutting theme of knowledge, therefore, links the two elements of authority, legitimacy

and power. Certain kinds of knowledge, like expertise, can give legitimacy, while others, like procedural knowledge can increase the power of actors.

The opportunity of actors to exercise agency in a governance system, however, depends not only on their knowledge of the system but also on the structure of the system itself, on what norms the system is built, i.e. on who is considered as a legitimate agent. Through institutions, i.e. formal rules and informal norms, agents create and change the structure of a governance system. “Agents both constitute structure and are constituted by structure” (Biermann et al., 2009, p. 39). The analytical problems of architecture and agency are therefore so closely linked that they cannot be studied independently. To better understand the agency of actors it is thus necessary to have a closer look at the structure of the governance system. A question for earth system governance, addressing this agency-structure dynamic is: “How does agency relate to structure and how does an actor exercise agency?” (Biermann et al., 2009, p. 72f.)

Concerning its evolving multi-level architecture the European Union is a special case world wide as over the last decades supra-national institutions have developed, through which binding policies for all member states can be agreed upon. Jessop (2004) described the EU as an increasingly important supranational instance of multi-level meta-governance in the emerging complex and chaotic system of global governance. In EU policy-making the common European bodies and bureaucracies (the European Council, the European Commission, the European Parliament and the European Court of Justice) set the agenda, search for compromises and supervise compliance of common policies. The European institutions offer many points of access for interests, which results in a mobilisation of sub-national actors, like NGOs (Hooghe and Marks, 2001, Fairbrass and Jordan, 2004). EU level bodies have encouraged sub-national actors to inform them about the state of implementation of European directives at the national and local level. NGOs have, therefore, been called “watchdogs” of the European Commission. The process in which sub-national actors are in direct exchange with the European level bodies, i.e. not via national bureaucracies, has been termed “scale jumping”. Scale jumping is likely when actors perceive their interests to be better addressed at a higher (or lower) level of governance than the next hierarchical one, as agents try to locate problems at the level of governance which best fits their interests (Weber and Christopherson, 2002; Biermann et al., 2009). The cross-cutting theme of scale is therefore a core issue for architecture and important to take into account when aiming to understand agency.

Finally, another important question of architecture is how the performance of environmental governance is affected by its embedding in larger architectures (Biermann et al., 2009), and what environmental consequences result from non-environmental governance systems (Biermann et al., 2009). Addressing the research challenges of adaptiveness, as well as of allocation and access, it is important to ask: Adaptiveness for whom, and by when? Who benefits and who loses from changed governance arrangements? What are the side-effects of new governance solutions? (Biermann et al., 2009). The answers, or assumed answers, to these questions determine the interests of today’s actors and therefore the scope of earth system governance transformations. In terms of agency of environmental NGOs this is important because whether they are successful to influence environmental governance should be measured against their aim to achieve more sustainable and adaptive governance solutions. So do changes in earth system management, which were initiated by NGOs, lead to more sustainable governance outcomes, e.g. less biodiversity loss?

## **Agency of NGOs during the Natura 2000 implementation process in Hungary**

In the following paragraphs a case study on the role of NGOs during the implementation of the Natura 2000 directives in Hungary will be analysed with the aim to answer the question whether NGOs could exercise agency as defined in the Earth System Governance framework. The analysis presented in this paper is based on qualitative expert interviews conducted with NGO members, as well as with ministry and national park officials.

The implementation process of Natura 2000 in Hungary can be distinguished into two main phases – (1) the designation of sites and (2) the implementation of protection measures in the field. The procedure for site designation is different for the Birds and for the Habitats directive. The Special Protection Areas of the Birds Directive (SPA) are directly designated by the member states according to the criteria of the Birds Directive. For the protected sites of the Habitats Directive member states first prepare a list of proposed Sites of Community Interest (pSCI), which is discussed in the so-called biogeographic seminar, for which the European Commission invites representatives of the member states which have some part of the respective biogeographic region (as all of Hungary is located in the Pannonian biogeographic region, there was only one biogeographic seminar for Hungary), as well as stakeholders –so NGOs are invited to discuss the list in the seminar. The List of Sites of Community Interest (SCI) which was agreed upon in the biogeographic seminar is then adopted by the member states in national legislation as Special Areas of Conservation (SAC). The sites for the Birds and Habitats directive are supposed to be designated solely on the basis of scientific criteria (i.e. of species and habitat endangerment and protection requirements). From the date of accession to the EU new member states are required to protect all possible Natura 2000 sites.

In the preparation of Special Protection Areas for birds Bird Life Hungary was strongly involved:

*“Bird Life Hungary prepared a proposal for site designation, the IBA, the Important Bird Areas network in Hungary –this was prepared, maybe in 2001. This was received from Bird Life Hungary as a proposal; and the state conservation bodies, that means the national park directorates and this ministry, started to work with this proposal and we refined it.”* (Ministry official)

The involvement of Bird Life in the designation process was common practice in EU member states:

*“In almost every EU country the SPAs were designated along the IBAs, these Important Bird Areas.”* (NGO official)

In Hungary, like in most new EU member states, 80% of the IBAs are designated as SPAs, which is a result with which NGOs are very satisfied:

*“We have been very successful in Central European accession countries in identifying the IBAs together with the governments almost, sometimes contracted by the governments. We published the inventories on time, and we have been working hard to lobby them before and after accession to get these designated.”* (NGO official)

So the designation of the SPAs is based on standards developed by Bird Life. The reason for this is the recognized expertise of Bird Life Hungary in the field. The exact translation of the Hungarian name of Bird Life Hungary is Hungarian Ornithological and Nature Conservation Society (MME). Bird Life Hungary was founded in 1974, so under the socialist regime, originally mainly as an experts organisation than as a political one. Therefore all professional

or hobby ornithologists of the country are members of Bird Life, which makes Bird Life Hungary an important authority in the field of bird protection in Hungary:

*“So it was sure that no one knows better the Hungarian birding sites than the Bird Life Hungary, so it was sure that this kind of data base should be used for this proposal.”* (NGO official)

*“They (NGOs) have an important role, well, at least in Hungary as a sort of scientific background institution, in bird protection certainly.”* (Ministry official)

Another reason for Bird Life’s successful influence on the SPA list is its good working relationship with the ministry of environment, which is based on long standing informal contacts. Many state officials are members in NGOs, especially in Bird Life Hungary and WWF Hungary. In several cases senior officials changed their positions from working for an NGO to working for state nature conservation bodies and vice versa.

Moreover, Bird Life Hungary was supported by Bird Life Europe, which provided its national level member NGOs with information about the process of site designation for the Birds Directive. Therefore, Bird Life Hungary not only possessed the technical knowledge which legitimised its involvement as experts, but also the procedural knowledge, which enabled it to successfully negotiate with the ministry. So Bird Life Hungary should be regarded as an agent in the process of SPA designation. More precisely, one should also speak of shared agency since the list was discussed with and finally agreed upon by the ministry of environment.

The Hungarian list of proposed site of Community Interest was prepared by the ministry and the national park directorates. This list, i.e. the percentage of the coverage of sites for protection of the species and habitat on the Habitats Directive annexes, was then discussed with EU officials from the Commission and the European Topic Centre and stakeholders, i.e. an NGO representative and a representative from the ELO (European Landowners’ Organisation), in the biogeographic seminar for the Pannonian region in fall 2006. In the Pannonian biogeographic seminar there was one NGO representative per country (i.e. Hungary, the Slovak and the Czech Republic, as Romania was not yet an EU member at the time of the seminar it was not attending). Hungarian NGO officials were very satisfied with the result of the biogeographic seminar:

*“In Hungary almost all of the NGO proposals were accepted by the EU at the end of the day.”* (NGO official)

*“So I think more than 95% of our proposals were passed.”* (NGO official)

*“I think NGOs were quite successful. I was –to be honest- more or less satisfied; I had some deals with the ministry.”* (NGO official)

NGO officials were also satisfied with their participation rights in the process:

*“The result has been very good from our perspective because NGOs rarely really have so many opportunities to actually influence the things. Well, that doesn’t happen so often in the life of an NGO, most of the time nobody listens to you, and there (in the biogeographic seminar) you are on a par with your government for example –that is really great.”* (NGO official)

The main reason mentioned for the successful influence of NGO representative in the discussion about the list of SCIs in the biogeographic seminar was the good preparation of NGOs for the process based on the experiences from previous biogeographic seminars in other EU countries.

*“One of the key moments of the site designation process is the so-called biogeographic seminar. And there the NGOs have a very strong say. So my role is*

*always to prepare NGOs and to ensure that there is always a coordinated answer nationally, internationally, and also towards EU. So we have good representation, follow up previous biogeographic seminars, make sure that we have the necessary information in place.” (NGO official)*

CEEweb, a regional umbrella organisation for nature conservation NGOs in the Central Eastern European region based in Budapest, was mandated by the EHF (European Habitats Forum, a European umbrella organisation of the NGOs which has negotiated the NGO participation rights with the Commission) to prepare the NGOs of the accession countries for the Natura 2000 process. In cooperation with the other NGOs CEEweb prepared several publications about Natura 2000 addressed to the NGOs of the accession countries with the aim to inform them about their participation rights (Nagy et al., 2004; Arany and Tripolszky, 2007).

The Hungarian national level NGOs were in close exchange with their European level umbrella organisations and were therefore well and timely informed about the Natura 2000 process:

*“Because I think the Brussels NGOs are very, very effective now in getting the information in time, in getting the information in advance. And it’s very, very useful. Because here, sometimes with Natura 2000 it happened that we knew the information before the government.” (NGO official)*

So the cooperation of NGOs across governance levels equipped the national NGOs with the necessary procedural knowledge which enabled them to use the participation opportunities given to them in the setting, i.e. in the European multi-level governance system. Moreover, Hungarian NGOs were in close cooperation among each other. At the time of accession to the EU the four main national nature conservation NGOs –Bird Life, WWF Hungary, Friends of the Earth Hungary and CEEweb– in a communication project about Natura 2000 funded by the ministry of environment. Because the four NGOs complemented each other, the cooperation was very good:

*“I think it was very well functioning because each of the NGOs had its own role within it. (...) So each of the organisations had its own specialty within the working group, and it worked very well. It was not at all official, but you know like phone calls...” (NGO official)*

Concerning the accountability and legitimacy of NGOs, several points were mentioned, apart from the legitimacy the NGOs received due to the invitation by the Commission for participating in the biogeographic seminar. Hungarian NGO representatives are elected in an annual meeting of all Hungarian nature conservation NGOs:

*“There is this OT, a national annual meeting of the NGOs (...), and there all the NGOs meet, it’s quite well organised, delegates are being elected, so it’s a democratic system. Its main function is to elect the delegates who represent the NGOs in different organisations. (...) There are different committees, to which we send delegates. For example now a Natura 2000 committee is being established, or summoned by the ministry of environment; and there they also want two NGOs to join, and now the OT will elect these delegates. So, all NGOs which are active in nature conservation and environmental protection have a vote. (...) I think this is quite unique, this OT system in Hungary.” (NGO official)*

With 10,000 members Bird Life Hungary is the biggest and oldest Hungarian NGO. Its focus clearly lies on the protection of biodiversity in Hungary:

*“But actually the Bird Life, MME, will never do stuff like ‘save the dolphins’, ‘save the polar bears’ (...) very far from here, (...) we think that this is a Hungarian NGO, so let’s deals with Hungarian problems.” (NGO official)*

So Hungarian NGOs and their delegates are accountable to their members and other NGOs, and in cases where they cooperate and are funded by state bodies, like for the communication of Natura 2000 to these bodies. NGOs derive legitimacy through their members and through the state bodies when asked for their cooperation, like their participation in governmental committees. The NGOs have authority due to their expertise –almost all of their officials are trained nature conservation experts. The general view that NGOs speak for nature and biodiversity was of course also expressed.

Mainly via informal contacts and in joint projects the nature conservation NGOs are in good cooperation with the ministry of environment, which prefers to have NGOs on its side:

*“In the preparation of the whole Natura 2000 network the NGOs were deeply involved.” (Ministry official)*

*“But we rather communicate informally or maybe with one or two organisations there are contracts.” (Ministry official)*

*“So they also give their opinion; it’s better for us if they express their opinion in this advisory body and we learn their opinion here than if we learn it strait from the newspaper. (...) Then we can talk, consult: ‘OK, we are turning our direction to your advice’ –Or if we decide not to, then they can go to the press and say what they want.” (Ministry official)*

Since the state nature conservation officials are themselves interested in good nature conservation regulations, there is a good basis for cooperation towards strict nature protection regulations. The ministry welcomed the help of NGOs with the work of preparing the lists of sites for designation, especially in case of the SPAs of the Birds Directive. It was, therefore, relatively easy for NGOs to influence this first part of the implementation process to their satisfaction. Hungarian nature conservationists were happy about the European Union nature conservation directives as due to these more land could be put under protection than would have been possible at the national level (Today almost 21% of Hungary’s territory is Natura 2000, only 10% of the country was protected nationally, most of the nationally protected areas are included into the Natura 2000 network.):

*“Natura 2000 network was a very big gain for nature conservation in Hungary. I think I can say that before the network was designated and the government decree was approved we had not hoped for so much Natura 2000 area in Hungary.” (Ministry official)*

*“In fact, we, at the national park directorates, started to use the Natura 2000 as a tool on those areas where there the designation of national protection was historically unsuccessful or later discovered interesting sites.” (National park official)*

This shows that the question of scale was important in this case of Hungarian biodiversity governance. Hungarian national NGOs, with the support of the European NGOs, managed to become influential actors in the European multi-level governance architecture, which was extended to Hungary with EU accession. Through a good cooperation among the four major national nature conservation NGOs, and between the national NGOs and the European level NGOs, Hungarian NGOs were well informed about NGOs participation rights granted by the EU and established the capacities to successfully influence it. As they succeeded to convince the EU to put sites under protection which were originally not included in the national governmental list of proposed Natura 2000 sites, the NGOs could exercise agency in the process of site designation for the European ecological network Natura 2000. Formal

institutions of biodiversity governance were changed towards better biodiversity protection due to the NGO involvement. Yet whether these new rules have any impact on the real conservation status of species and habitats, and so on adaptiveness, can only be judged looking at the implementation of the protection of the Natura 2000 sites in the field, so at the local level.

With this part of the implementation process NGOs are not satisfied:

*“Now I think the focus should be on the management; the guidelines on really to manage it in an environmentally friendly way. ‘Cause I don’t see it happening very much, and there is not even much talk about Natura 2000 actually any more... it’s not very much on the agenda. (...) Of course when they (the ministry) announced Natura 2000 it was a big happening and it was like a success story but then nothing happens, and the thing is just like a sleeping child, it’s there. So, future challenges? -I think to make it work, to make it alive.” (NGO official)*

*“Probably due to this very bad cooperation between the ministry of agriculture and the ministry of environment, at the moment and also over the last four year, it has not really advanced well. (...) It should be further, there should be somehow – I can only see forced solutions, and not the intention to do it well.” (NGO official)*

The process of establishing a maintenance scheme for Natura 2000 sites has been dominated by the conflict between the two main responsible ministries: the Ministry of Environment and Water, which is responsible for the regulations for land management on the protected Natura 2000 sites, and the Ministry of Agriculture and Rural Development, which is supposed to financially support nature friendly land management on Natura 2000 sites. For two years there has been some funding for Natura 2000 grassland management (38 €/ha/year), but there is still no funding for Natura 2000 forests, arable land or wetlands. The ministry of agriculture which has funds through the CAP (EU Common Agricultural Policy) does not really want to give funding for a scheme for which the rules are made by someone else.

*“Until today most people, for example the ministry of agriculture and the foresters are (very) angry (...) at the ministry of environment for not really involving the people.” (NGO official)*

Many landowners and users were not informed about Natura 2000 at all, not by the regional or local bodies of the environmental nor of the agricultural ministry –neither of the two sectors felt responsible to do so.

*“Many people are really angry now in Hungary, because even now in 2009, they don’t know that they have a Natura site, they have their property on a Natura site.” (NGO official)*

The conflict between the two ministries is so severe that they sometimes do not talk to each other. NGOs have to date unsuccessfully tried to force the government to install a common working group on Natura 2000 between the two ministries. The ministry of environment was strongly criticised for its communication strategy by NGO officials:

*“(For example the ministry said) ‘It’s not our fault’, which I think is not a good piece of communication; the other one was: ‘Well you did not have a word for that because it’s designated on purely scientific data’ –I think it’s another piece of bad communication; the other was: ‘You don’t have to change anything, because the Natura sites were designated because they are naturally on high level of naturalness, and this level was reached because of the traditional farming which was done for years, and for hundreds of years, so the only thing you should do is to continue this kind of operation on the site’, which is again, I think, a bad kind of communication*

*because it's not true in many ways, (...) it is not true that in the last few decades with intensification or the future intensification will not affect anyhow... So I think this was the communication, it's a very defensive kind of communication of the ministry. (...) And they say 'We did some communication and some cooperation with the NGOs, just see the homepage, just see the map' (...) So they paid something for the communication, that's true. But they did not want to communicate their own -not really that much.'* (NGO official)

*"The main responsible actors in Hungary, who are responsible for Natura 2000 designation and management, have been afraid for the publicity of information for basic background of Natura 2000. I don't know why, I don't understand the original argumentation."* (NGO official)

*"I think it was a huge mistake to be in silence. So it's much better if you get the kicks in the beginning."* (NGO official)

The Hungarian nature conservation NGOs have also been active in lobbying with the agricultural ministry, mainly for developing management plans and funding schemes for Natura 2000. Yet their contacts with the agricultural ministry are rather on a lower, less influential level. So NGOs are not at all satisfied with their negotiations with the ministry of agriculture:

*"And it doesn't look very good; we have very little to say, actually we constantly feel considered stupid and not taken seriously. And we have to make weak compromises and be happy about every little crumb."* (NGO official)

NGO officials also criticised the ministry of environment for seeing Natura 2000 in a too technical way instead of adapting the norms and objectives of nature conservation policy towards a more inclusive and rural development oriented strategy:

*"The ministry of environment thinks about the Natura 2000 as a work they should really finish somehow; so it's just another thing that you have to start, you have to end, you have to of course go along the EU directives. I don't think so that they really see the opportunity to a bit reposition, to a bit rearrange or rethink the nature conservation. They just say: 'OK, that's a new element, let's go through it and try to be as good for the EU as much as we can because otherwise they send, (...) they start a legal process.'" (NGO official)*

*"I think this is the real positioning of nature conservation in the picture, I think this is what the Natura should do and the whole Natura concept should be about, it's not about save the annex species here and there, it's not only about that. We can say that it's a kind of rural settlement development concept, with biodiversity, with massive biodiversity stuff in it –that's what I think."* (NGO official)

*"Because you need to develop management plans for Natura 2000 areas I think that in this regard the participatory approach got more stressed. So I think that an old type management plan for normal nationally protected areas used to be prepared by the ministry of environment or its regional bodies; now there is more stress on involvement of stakeholders, of the land owners, of the farmers, who will manage these areas. (...) And I still see this old kind of approach from the ministry of environment, they do not want to have too much written about communication, about involvement of stakeholders in it; but we try to stress all the time how important this is, I can imagine that Natura 2000 will help very much in this regard, in involving stakeholders."* (NGO official)

So in the phase of developing management schemes for the maintenance of the protected Natura 2000 sites, Hungarian NGOs have not managed to successfully influence the main responsible actors, i.e. the environmental and the agricultural ministry, towards pursuing a more collaborative strategy for the benefit of nature and local land users. At this stage of the implementation process of Natura 2000, the national NGOs do, therefore, not have agency. Some of the national NGOs are, nevertheless, active in projects aiming at developing guidelines, financial instruments or examples for management of Natura 2000 sites:

*“The BTAU project, this is the Business and Biodiversity Technical Assistant Unit project; it’s a three year project funded by the EC, in these three countries. (...) The other thing is this Natura maintenance planning; and of course it’s not only CEEweb and Váti, SZIE (St. István University), the MME (Bird Life Hungary) is also involved. (...) On the longer run, we think that the BTAU or the things that grows from the BTAU can help, can help to really implement the original ideas of the Natura 2000, which I think is, should be treated as a kind of rural development idea.” (NGO official)*

The second project mentioned in this interview is an EU/ environmental ministry- funded project, in which under the coordination of Váti, a regional planning company, with the cooperation of NGOs (Bird Life Hungary, CEEweb), researchers (from the Hungarian Academy of Sciences and St. István University) and local stakeholders management plans are developed for 20 Natura 2000 site in Hungary. To date it is, however, not sure if the developed plans will be implemented or could serve as examples for other sites. So the influence of NGOs and the other public and private actors involved in this project is limited.

Concerning site management some active local NGOs or local groups of national NGOs are more influential than the national level NGOs. Not everywhere in the country there are local NGOs yet in some places they have become important local agents. First because they own some Natura 2000 sites which they manage in a nature-friendly way. So in these cases their actions can have an immediate effect on biodiversity protection and adaptiveness, albeit on a limited local scale. Secondly some local NGOs have started to monitor Natura 2000 implementation. Because Natura 2000 has not been fully implemented in the field and across policy sectors, there have already been several violations to the protection status of sites, which NGOs have reported to the EU (Iványi, et al., 2009). So NGOs have already started to play their role as “watch dogs” observing the implementation of the EU directives.

## **Conclusion**

This analysis has shown that the Earth System Governance framework is a good tool to achieve a better understanding of how, why and when NGOs are able to exercise agency. The analytical problem of agency highlights the important role NGOs can have in biodiversity governance but also points to the limits of the influence of NGOs lie.

The case of the implementation of Natura 2000 in Hungary clearly shows that agency can change over time. NGOs which prior to EU accession had been mainly informally advising and lobbying the government became important agents for the process of Natura 2000 site designation in Hungary. In the following stage of developing maintenance schemes for the designated Natura 2000 sites, NGOs have also been active with some projects but to date it can not be said that they have been influential and successful in establishing a Natura 2000 maintenance scheme, with the exception of some local cases.

Due to Hungary's accession to the EU, which meant a change in the architecture of Hungarian biodiversity governance, NGOs gained participation rights they did not previously have before in national nature conservation policy-making. The main reasons why NGOs were able to use the participation opportunities given to them in the new multi-level governance architecture are their expertise and their procedural knowledge. The case study therefore proves that knowledge can be a significant source of authority.

For acquiring the knowledge about the governance process the cross-scale cooperation between the EU level and national NGOs has been decisive. Access to this kind of information has been important for NGOs to prepare themselves and build the capacities needed for exercising agency.

As the ministry welcomed the help of NGOs with the work of preparing the lists of sites for designation, it was, however, relatively easy for NGOs to influence this first part of the process –the environmental ministry was no opponent but they only had to push it further into the direction both actors wanted to go. Since NGOs did not act alone, the agency was shared between different actors –for the site designation process between the EU, the ministry of environment with its subordinate bodies and NGOs. Weber and Christophersen (2002) found when studying Natura 2000 at the European level that there was a strategic alliance between the DG Environment and WWF with the common goal to successfully establish the European ecological network of Natura 2000.

Yet although they are aware of the importance to involve local stakeholders and land users, Hungarian NGOs did not manage to convince the ministry of environment to really become active in that direction. Hallstrom (2004) pointed out that EU officials prefer and tend to reinforce expert knowledge and technical input rather than more participatory and public based input. So a similar preference can be observed for Hungarian state nature conservation officials.

Hungarian national nature conservation NGOs have only weak ties to the land using sector and so few possibilities to influence the norms and values behind the land management supported by the agricultural ministry. Werners et al. (2009) in their case study about the river Tisza in Eastern Hungary, found that “existing financial instruments have been changed (...) but continue to favour intensive agriculture (...) and non-sustainable land use” (p. 507). This can also be said for biodiversity governance and Natura 2000. For farmers there are no or only few incentives to manage their land according to Natura 2000 criteria, without financial support, however, land users are only faced with restrictions. So the current governance setting is not adaptive and also raised questions in terms of allocation of costs. The main reason for why there is still no sufficient funding scheme is the conflict between the two ministries. A lack of coordination during implementation and an impasse due to a sectoral approach and disagreement between responsible ministries was also found by Werners et al. (2009) in their Hungarian case study.

According to Kluvankova-Oravska et al. (2008) multi-level governance is likely to prove more resilient than traditional hierarchical governance structures as they existed in Central Eastern European countries until recently. So a question for the future is whether the European multi-level governance system can on the long run lead to more sustainable governance solutions because more stakeholders can actively be involved and transnational networks, like NGOs' network, can foster exchange of good practices. To bypass the blockade of the Natura 2000 maintenance planning caused by the conflict between the ministries, NGOs in cooperation with other public and private actors, have started to develop pilot solutions for management of Natura 2000 sites. If these solutions are taken up by the ministries later this public-private consortium of a regional development company, scientific institutes and NGOs could exercise shared agency.

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