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Doctoral School of Environmental Sciences

**PUBLIC PARTICIPATION IN HUNGARIAN BIODIVERSITY  
GOVERNANCE:  
THE ROLE OF NGOS IN NATURA 2000**

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## List of Acronyms

BTAU	Biodiversity Technical Assistance Unit (project by RSPB and partners)
CAP	Common Agricultural Policy of the EU
CAQDAS	Computer assisted qualitative data analysis software
CBD	UN Convention on Biological Diversity (UN, 1992b)
CEE	Central Eastern Europe/ Central Eastern European
CEEweb	CEEweb for Biodiversity (see annex V.4.)
CSO	Civil Society Organisation
EC	European Commission
ECJ	European Court of Justice
EEB	European Environmental Bureau (EU-level umbrella organisation for ENGOs)
EHF	European Habitats Forum (EU-level umbrella organisation dealing with the implementation of the Birds and Habitats Directives)
EMLA	Environmental Management and Law Association
ENGO	Environmental non-governmental organisation
FoE	Friends of the Earth
EP	European Parliament
ETC/BD	European Topic Centre on Biological Diversity
ESSRG	Environmental Social Science Research Group
EU	European Union
FVM	Hungarian Ministry of Agriculture and Rural Development ( <i>Földművelésé Minisztérium</i> <sup>1</sup> ; existed until 2010 <sup>2</sup> )
GoverNat	EU FP7 Marie Curie project: Multi-level Governance of Natural Resources: Tools and Processes for Water and Biodiversity in Europe (Rauschmayer <i>et al.</i> , 2007)
HRSz	cadastral land registry parcels ( <i>helyrajzi szám</i> )
IBA	Important Bird Area (BirdLife International, 2010)
J&E	Justice & Environment (European Network of Environmental Law Organisations)
KKA	Central Environmental Fund ( <i>Központi Környezetvédelmi Alap</i> )
KTI	Institute of Environmental and Landscape Management of St. István University, Gödöllő ( <i>Környezet- és Tájgazdalkodási Intézet</i> )
KvVM	Hungarian Ministry of Environment and Water ( <i>Környezetvédelmi és Vízgazdalkodási Minisztérium</i> ; existed until 2010 <sup>2</sup> )
MePAR	agricultural parcel identification system ( <i>Mezőgazdasági Parcella Azonosító Rendszer</i> )
MLG	Multi-level governance
MME	BirdLife Hungary ( <i>Magyar Madártani és Természetvédelmi Egyesület</i> ; see annex V.1.)
MTVSz	FoE Hungary ( <i>Magyar Természetvédők Szövetsége</i> ; see annex V.2.)
NABU	Naturschutzbund Deutschland (BirdLife Germany)

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<sup>1</sup> In *italic*: Hungarian names

<sup>2</sup> In 2010 the new government merged the Hungarian agricultural and environmental ministry into the Ministry of Rural Development (*Vidékfejlesztési Minisztérium*).

NBmR	National Biodiversity Monitoring System ( <i>Nemzeti Biodiverzitás-monitorozó Rendszer</i> )
NCA	Hungarian National Civil Fund ( <i>Nemzeti Civil Alap</i> )
NEP-II	second National Environmental Programme (2003-2008)
NGO	Non-governmental organisation
NPI(s)	National Park Directorate(s) ( <i>Nemzeti Park Igazgatóság</i> )
OT	Annual gathering of Hungarian ENGOS ( <i>Országos Találkozó</i> )
ÖBKI	Institute of Ecology and Botany of the Hungarian Academy of Sciences ( <i>Ökológiai és Botanikai Kutatóintézet</i> , name used until 2010)
REC	Regional Environmental Centre for Central and Eastern Europe
RSPB	Royal Society for the Protection of Birds (BirdLife UK)
pSCI	proposed Site of Community Importance (Habitats Directive)
SAC	Special Area of Conservation (Habitats Directive)
SCI	Site of Community Importance (Habitats Directive)
SPA	Special Protection Area for birds (Birds Directive)
SZIE	St. István University, Gödöllő ( <i>Szent István Egyetem</i> )
T.T.T.	Society of Conservationists of Eastern Hungary ( <i>Tiszántúli Természetvédők Társulata</i> ; see annex V.7.)
UN	United Nations
WWF	World Wide Fund for Nature (see annex V.3., V.9.)



# 1. Introduction

Biodiversity, the variety of organisms at the level of genes, species and populations<sup>3</sup>, has been recognized as a huge treasure for humanity and a crucial asset for the well-being of societies (CBD<sup>4</sup>: UN, 1992b; TEEB, 2010) – this recognition by policy-makers and scientists was shown also through the establishment of the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) in 2012 ([www.ipbes.net](http://www.ipbes.net)). Rockström *et al.* (2009) warned that biodiversity loss is the global environmental change, which transgressed the “planetary boundary” considered as safe for humanity by the largest<sup>5</sup>. As the current loss of biodiversity can largely be attributed to human influences, humans therefore have a great responsibility for life on this planet – the question of biodiversity protection is thus an ethical one of stewardship for future generations (Sand, 2001). Since biodiversity loss has been identified as a great threat there have been policy efforts from the international to the local level to address it. The most important international convention for biodiversity is the CBD (Convention on Biological Diversity, UN, 1992b). As the 2010 target of the CBD to halt biodiversity loss could not be achieved<sup>6</sup> the UN (2011) has declared this decade 2011–2020 the United Nations Decade on Biodiversity with the goal to significantly reduce biodiversity loss (Secretariat of the Convention on Biological Diversity, 2011; CBD, 2013). Biodiversity conservation thus remains an issue of international importance.

In Europe, besides a European strategy and national strategies on biodiversity (EC, 2011c), the challenge of maintaining biodiversity was addressed mainly with the establishment of the Natura 2000 network for species and habitats (EC, 2013b). As traditional nature conservation concepts based on protecting small valuable areas could not stop the dramatic loss in biodiversity on the whole territory, especially in agriculturally cultivated areas, new strategies aiming at the protection and sustainable management of a wider territory had to be developed. The Natura 2000 network is a prominent example for such more recent conservation strategies. Due to the protection of a larger territory, which is at the same time economically used for livelihoods, these biodiversity conservation approaches call for and are fundamentally dependent on a broader support by the public and affected stakeholders. To enhance the efficiency and legitimacy of nature protection, it has been judged as crucial to include the public and local stakeholders. Deliberation and participatory policy-making is also fundamentally important in terms of democracy. This has been officially acknowledged and strengthened in the Aarhus Convention, an international agreement on public participation and information in environmental matters (UNECE, 1998), which has been implemented at EU-level through the Directive 2003/35/EC.

At international, as well as at European level non-state actors who have participated in negotiations as experts and as representatives of civil society are environmental non-governmental organisations

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<sup>3</sup> Biodiversity is the diversity of all life on earth. Wilson (2001, p. 377) defined biodiversity as the “variety of organisms considered at all levels, from genetic variants belonging to the same species through arrays of species, to arrays of genera, families, and still higher taxonomic levels; [it] includes the variety of ecosystems, which comprise both the communities of organisms with particular habitats and the physical conditions under which they live”. This threefold definition of biodiversity as genetic, species and ecosystem diversity is also the basis for the CBD, according to which biological diversity “means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems” (UN, 1992b, Article 2).

<sup>4</sup> All acronyms used in this work are listed on p. 7.

<sup>5</sup> Rockström *et al.* (2009) tried to identify thresholds and a safe operating space for humanity for several subsystems of the earth system. They emphasized that planetary boundaries have already been transgressed in the case of biodiversity loss, interference with the nitrogen cycle and climate change (Rockström *et al.*, 2009). The current human induced rate of species extinction has accelerated beyond the natural rate inherent in evolutionary processes (9% of all species per 1 million years or 0.1-0.5 extinctions per million species per year) by 100 to 1000 times (Sand, 2001; Rockström *et al.*, 2009).

<sup>6</sup> This target could not be met for most species and ecosystems (Butchart *et al.*, 2010; GBO3, 2010) – with the exemption of some species in Europe and Northern America, especially birds, whose risk of extinction could be reduced thanks to successful conservation programmes (Donald *et al.*, 2007; Butchart *et al.*, 2010).

(ENGOS) – participation opportunities were granted in order to increase the efficiency and democratic legitimacy of the policy processes (Weber and Christophersen, 2002; Biermann, 2007; Renn *et al.*, 2010; UN, 1992a). The continued democratisation of decision making is particularly important in the new Central Eastern European (CEE) EU member states, like Hungary, where governance structures are still influenced by the former authoritarian regimes (Klúvánkóvá-Oravská *et al.*, 2009). Political democratisation, socio-economic transformation and EU-accession brought a demand for increased public and civil society participation. Increasing involvement of non-state actors in governance processes was also expected and supported by the EU (Hicks, 2004). Weber and Christophersen (2002) found that ENGOS had a considerable influence on the development of Natura 2000 at European level. Boda (2012) noted that little was known about the concrete role and influence of Hungarian NGOs on public policy. An EU official interviewed in 2000 by Hallstrom (2004), regarded Hungarian (and to a lesser extent Czech NGOs) as an exception to the typically weak ENGOS in Central Eastern Europe (CEE) (Hallstrom, 2004, p. 185)<sup>7</sup>. The data collected by the Regional Environmental Center for Central and Eastern Europe (REC) in its NGO directory (Şerban, 2001) also indicated this: in relation to the country's population Hungarian ENGOS had more members, paid staff and volunteers than the ENGOS in most other CEE countries<sup>8</sup>. It is thus of interest to learn about the role of ENGOS in Hungary in more detail.

The leading question of this study is *what role Hungarian ENGOS played during Natura 2000 implementation in Hungary*. Aiming at a better understanding of participation of non-state actors in biodiversity governance, this research thus contributes to closing the gap in knowledge on *what role ENGOS do and can play in biodiversity governance in a CEE country*. The Natura 2000 process was chosen as a case study because Natura 2000 is the flagship of EU biodiversity policy and as such has also been very influential for Hungarian biodiversity policy in recent years since with EU-accession the country had to implement it. Regarding the Natura 2000 network, Hungary has a core responsibility for the Pannonian biogeographical region of Natura 2000. The country's network of protected areas has been significantly extended through Natura 2000. The implementation of Natura 2000 was, thus, the dominating policy process in Hungarian biodiversity governance in recent years. The accession to the EU with the requirement to implement EU regulations has moreover brought potential new participation dynamics into the Hungarian biodiversity governance setting. With the EU there is now a new governance level above the national state which has opened new channels for participation as EU-bodies can be contacted directly by non-state actors. This case is, therefore, also interesting for studying participation in a multi-level governance system. As an example for the implementation of EU-policies in the new CEE member states, Natura 2000 implementation in Hungary is a typical or representative case – and as such adequate for testing certain theoretical propositions (Gerring, 2007). From a Western European perspective, of course, the same case constitutes a deviant case as some dynamics may be different in a CEE country. Following Gerring (2007), deviant cases can highlight new dynamics and help to further explore theories.

This research could be conducted with support from the GoverNat project (Multi-level Governance of Natural Resources: Tools and Processes for Water and Biodiversity in Europe) which analysed participatory processes in multi-level governance of biodiversity and water in Europe (Rauschmayer *et al.*, 2007). The author of this work, a trained biologist who had focused on vegetation botany and zoology in her undergraduate studies and has always had a strong interest in societal developments, joined the GoverNat project as a Marie-Curie Early-Stage Research Fellow to learn more about social dynamics of biodiversity conservation. GoverNat was designed as an interdisciplinary project combining ideas and methods of Environmental Sciences, Political Science, Sociology and Economics; its main foundation was Ecological Economics (Rauschmayer *et al.*,

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<sup>7</sup> The perception that Hungarian ENGOS are somewhat stronger than ENGOS in other CEE countries was also expressed by Klúvánkóvá-Oravská (2008, personal communication).

<sup>8</sup> Only in the Czech Republic and Estonia there were more ENGOS per inhabitants than in Hungary, the number for Slovenia was similar, while in Slovakia, Poland, Lithuania and Latvia there were less ENGOS (Şerban, 2001).

2007). As an affiliated project of the Earth System Governance Project, the GoverNat project also aimed at gaining a better understanding of environmental governance processes from the local to the global level (Rauschmayer *et al.*, 2007; GoverNat, 2009; Biermann *et al.*, 2009). This thesis contributes to this aim by addressing the following general scientific research objectives:

**Objective 1: Understanding the participation of ENGOs in biodiversity governance.**

**Objective 2: Understanding multi-level governance dynamics in a new CEE EU member state.**

Objective 1 specifically focuses on the role of ENGOs following the leading question of this research. Objective 2 addresses the dynamics and characteristics of the multi-level governance (MLG) system in (new) EU member states.

When studying the role of actors in a policy process one looks at how actors (in this case ENGOs) get involved in a specific institutional structure (the Hungarian-European multi-level biodiversity governance system). Vatn (2005, p. 57) demanded that a good methodology “must recognize both the actor and the institutional structure as irreducible entities”. The challenge of the interplay between actors and the architecture of the governance system was also highlighted in the framework of the Earth System Governance Project<sup>9</sup> (Biermann *et al.*, 2009): “agents both constitute structure and are constituted by structure” (Biermann *et al.*, 2009, p. 39) for their opportunities to participate depend on the structure of the governance system but actors can also create and change the structure of a governance system by changing institutions, *i.e.* formal rules and informal norms for interactions. This research combined literature on the institutional structure, namely the multi-level governance (MLG) concept, and literature on the role of actors and their capacities; these two points of attention in governance and policy studies (*i.e.* the structure and the actors) can be linked with theories of interactions and networks. Transferring the MLG concept to the Hungarian context, this study tests its applicability for a CEE country; it, moreover, provides an example of *how the MLG concept can be used as a framework for analysis if combined with other theories.*

This research was deductive in the fact that it was designed based on the presumption of the MLG concept that interactions between state and non-state actors across multiple levels of governance are relevant for understanding the participation of NGOs in Hungary. Yet, as the MLG concept cannot give explanations for why and how NGOs participate at certain stages, additional theories were looked for based on the dynamics observed in the empirical research, which was designed in a way to be open for emerging issues, and then included into the framework for analysis. The conceptual framework was, thus, completed inductively responding to concrete research findings.

A *qualitative case study based research approach* was chosen in order to gain deeper insights into the dynamics of a policy process, and to answer “how” and “why” questions (Yin, 2009). This study can therefore contribute to improving the understanding of participation of NGOs in a MLG setting. The qualitative analysis was based on semi-structured interviews with ENGO experts and state and other actors from the European, national and subnational level who had knowledge and experience with the Natura 2000 implementation process in Hungary. The data collected through the interviews was complemented by a document review.

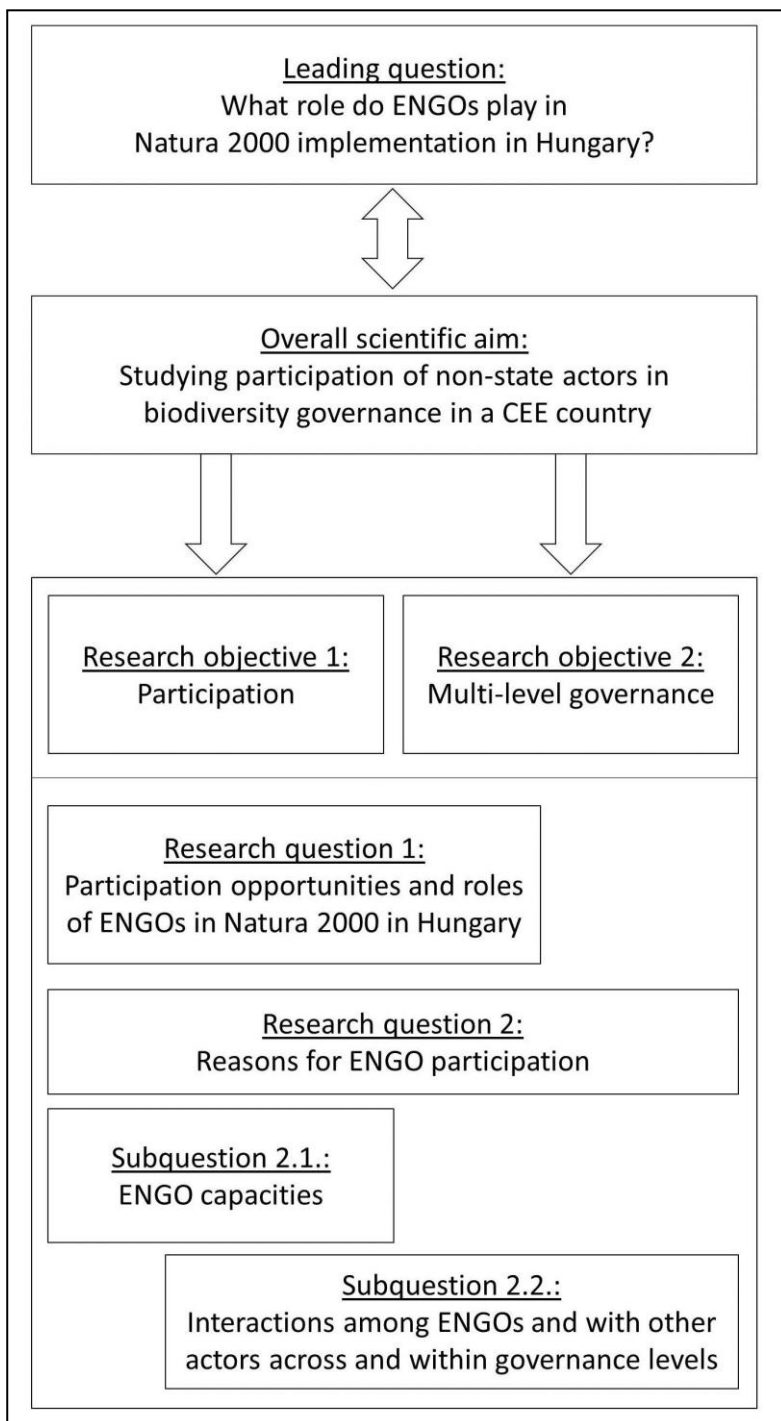
Based on this analysis, this study tries to answer the following *research questions* and subquestions:

- 1. When and how did ENGOs participate during Natura 2000 implementation in Hungary? What roles did they play?**
- 2. Why did and could ENGOs participate?**
  - 2.1. What capacities did ENGOs have?**
  - 2.2. What interactions and networking can be found among ENGOs and between ENGOs and other actors in Hungarian biodiversity governance?**

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<sup>9</sup> The Earth System Governance Project has been established as a core project of the International Human Dimensions Programme on Global Environmental Change (IHDP) in order to better understand environmental governance process from the local to the global level (Biermann *et al.*, 2009).

These research questions were formulated with the goal to contribute to the two research objectives noted above. This links between the leading question, the overall scientific aim, and the research objectives leading to the research questions and subquestions are summarised and visualised in figure 1.



**Figure 1: Research goals:** leading question, overall scientific aim, research objectives and research questions and subquestions. Research objectives (abbreviated to the key concept in the figure): Objective 1: Understanding the *participation* of ENGOs in biodiversity governance. Objective 2: Understanding *multi-level governance* dynamics in a new CEE EU member state. Research questions and subquestions (abbreviated in the figure): Research question 1: *When and how did ENGOs participate during Natura 2000 implementation in Hungary? What roles did they play?* Research question 2: *Why did and could ENGOs participate?* 2.1.: *What capacities did ENGOs have?* 2.2.: *What interactions and networking can be found among ENGOs and between ENGOs and other actors in Hungarian biodiversity governance?*

These research objectives and questions will be addressed by the literature review and analysed and discussed in detail in the empirical chapter of the present study. The main findings and results of the study are highlighted at the end of the thesis. The structure of this thesis is as follows:

The next chapter provides an overview over the relevant literature. It is divided into three subchapters: the first one (2.1) introduces the multi-level governance concept in general (research objective 2); the second one (2.2) then deals with the participation and interactions of actors, especially of NGOs (research objective 1); the third subchapter presents the background literature for the Natura 2000 case study (2.3). The literature review on the first research objective (participation) is presented only after the one for research objective 2 (multi-level governance dynamics) because research objective 2 deals with the structure in which a policy-making process and participation happen – so first literature on the context is reviewed before attention is paid to more specific policy-making processes and the potential role of non-state actors therein. Subchapter 2.1. starts with an introduction of the governance concept and its characteristics, such as the focus on informal interactions (2.1.1.); the multi-level governance concept is then introduced in general (2.1.2.) before the literature of how it has been applied in the specific context of the EU is reviewed (2.1.3.). Section 2.1.4. focuses on challenges and dynamics in multi-level governance settings, including the demand for “good governance” which is legitimate and effective (2.1.4.2.). Finally, strengths and weaknesses of the concept of multi-level governance are discussed so that it becomes clear how and why this concept can be used as an analytical framework (2.1.5.). This review on multi-level governance is then summarised at the end of the subchapter (2.1.6.). Subchapter 2.2. begins with a presentation of the idea of participation of non-state actors in policy-making in general (2.2.1.), and then looks at the terminology used for different types of non-state actors to explain what the term NGO implies (2.2.2.). Section 2.2.3. reviews expectations towards the roles of civil society and NGOs in the literature and addresses the question of how NGOs are legitimised to participate in policy-making. The influence NGOs may gain is discussed in section 2.2.4. Section 2.2.5 focus on networking between different kinds of actors in governance processes. A summary of the subchapter is provided in section 2.2.6.. Subchapter 2.3. introduces the Birds and Habitats Directive, *i.e.* the legislative basis for Natura 2000 (2.3.1.), the nature conservation approach behind Natura 2000 (2.3.2.), and experiences with its implementation: challenges (2.3.3.), the role of ENGOS (2.3.4.), the effectiveness of Natura 2000 (2.3.5.), its impact on the European biodiversity governance framework (2.3.6.), and Natura 2000 in Hungary (2.3.7.).

The following chapter explains the methodology applied in this study (chapter 3): First, the conceptual framework is presented (3.1.). Then (section 3.2.), the qualitative case study research approach is introduced: it is explained why this qualitative approach is particularly valid for learning how policy processes are perceived by the participating actors. The following subsection (3.3.) provides more information on the specific research methods (namely interviewing and document analysis) and how they were applied. The last section (3.4.) discusses the limitations of this study.

The empirical chapter on the analysis of the role of ENGOS in Natura 2000 implementation in Hungary (chapter 4) first presents the participation opportunities ENGOS enjoyed and how and with which activities they could use these (4.1.). This subchapter thus provides answers to research question 1; these results are the basis for the further analysis of why ENGO participated in certain ways (research question 2): Subquestion 2.1. is addressed in the next subchapter (4.2.) which gives a deeper look at what resources and capacities ENGOS could rely upon to participate. The relationship of ENGOS among each other and with other actors (subquestion 2.2.) are addressed in subchapter 4.3., which first focuses on interactions among ENGOS (4.3.1.), and then on the relationship of ENGOS with other actors (4.3.2.) and especially with state actors at different governance levels and policy sectors (4.3.3.). Based on these findings and further observations, challenges for ENGO’s participation in MLG systems are discussed in subchapter 4.4.. At the end of each subchapter the results of the analysis are summarised (4.1.4., 4.2.4., 4.3.5., 4.4.3.). The major scientific findings are highlighted in 4.5.

In the conclusion (chapter 5) the author recapitulates and reflects upon the findings of this research (structured according to research questions and subquestions), and based on these findings draws attention to interesting potential future research topics and attempts to give advice on which roles of ENGOs in Hungary are most promising for fostering the conservation of biodiversity. A short summary of the present thesis can be found in chapter 6<sup>10</sup>.

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<sup>10</sup> A longer summary of this dissertation containing an explanation of the major findings is available in English and Hungarian in a separate document named “Theses of the Ph.D. Dissertation” and “*Doktori (PhD) értekezés tézisei*” respectively.

## 2. Literature review on multi-level biodiversity governance and participation of NGOs

### 2.1. The multi-level governance concept

In its most basic meaning the multi-level governance (MLG) concept refers to governance processes in which actors from more than just one territorial or jurisdictional level are involved. It thus contains two notions: (1) the concept of governance which will be discussed in the following paragraphs (2.1.1.) and (2) multi-level dynamics of policy-making processes (see 2.1.2.). Multi-level dynamics are, however, sometimes also regarded as an element of governance processes in general (*e.g.* Biermann, 2007). The term MLG has been used across the world (Biermann *et al.*, 2009; Lockwood *et al.*, 2009), but especially for governance processes in the EU (Hooghe and Marks, 1996, 2001a, 2001b; Fairbrass and Jordan, 2001, 2004; Jessop, 2004; Jordan, 2001; Ludqvist, 2004; Piattoni, 2009; Rauschmayer *et al.*, 2007; Renn *et al.*, 2010; Wurzel, 2008; Bache and Flinders, 2004; Reed and Bruyneel, 2010). For the EU context, Hooghe and Marks (1996, 2001a, 2001b) theorised the concept of MLG. This concept was then applied, discussed and complemented by other authors (Fairbrass and Jordan, 2001, 2004; Jordan, 2001; Jessop, 2004; Piattoni, 2009).

#### 2.1.1. The governance concept

Most generally speaking, governance can be understood as the processes and institutions<sup>11</sup> with which societies share power and shape individual and collective actions (Lebel *et al.*, 2006; Young, 1992). “Governance” has been contrasted with “government”, the institutions and actions of the state (Jordan, 2008), characterised by traditional top-down policy-making of centralised and hierarchical authorities (Futó and Fleischer, 2003; Reed and Bruyneel, 2010). Yet in a very narrow sense the term “governance” can also be used to refer only to how state activities are conducted, *i.e.* the “governance of the state” (Paavola *et al.*, 2009, p. 150). So government used in the meaning of governmental actions is not the opposite of governance, rather it can be seen as one type of governance. According to this view there are three broad modes of governance: (1) hierarchies or top-down methods, primarily involving governments or state bureaucracy (*i.e.* traditional government); (2) market mechanisms based on the principle of competition and efficiency; and (3) networks with partnerships between state and non-state actors (Wesselink and Paavola *et al.*, 2008; Jordan, 2008). Following Biermann (2007, p. 328), 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, public-private co-operation in the solving of societal problems, and new forms of multilevel policy”. This definition indicates that governance is perceived as a new empirical phenomenon and as distinct from traditional hierarchical policy-making by the state. Biermann (2007) also highlights the often multi-level character of governance, stresses that interactions between state and non-state actors are part of governance processes, and notes that governance is to be problem solving, which is a normative demand. Jordan (2008) explained that the term governance is used referring to (1) an empirical phenomenon, *i.e.* observed societal trends, (2) a theory for analysing policy processes, and (3) normative prescriptions for “good governance”. Similarly, Bache and Flinders (2004) stressed that the concept of “multi-level governance” can be used in different ways and with different purposes: as a normative concept or an analytical model. These three notions of the MLG concept are however not always clearly distinguished – the empirical trend of MLG only becomes visible through analysis, whereas normative expectations are not always made explicit<sup>12</sup>.

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<sup>11</sup> Following Vatn (2009), institutions are the formal and informal rules and norms, which signal what is appropriate behaviour and how people should interact. The term “institution” is sometimes used as an equivalent for “organisation”, yet in this work it will be used with the meaning of formal and informal rules for interactions among people.

<sup>12</sup> Normative expectations implied in the concept of MLG were discussed especially by Peters and Pierre (1998).

Based on the empirical observation that over the last decades the policy-making process has become more complex as more actors have joined the decision making arena, there has been a shift in policy studies from analysing governments to exploring governance (Biermann *et al.*, 2009; Hill, 2009; Jessop, 2004; Jordan, 2001). What is new in policy studies is the attention to the role of informal processes and non-state actors in policy-making (Peters and Pierre, 2004). So studying governance means to focus on the patterns of formal and informal interactions between different groups of actors and on how policy-making processes currently function (Benz and Zimmer, 2010; Brühl, 2003; Jordan, 2001; Peters and Pierre, 1998, 2004). The traditional concept of government as controlling and regulating the organisation of society has been challenged by a changing relationship between the government and private sector actors (Peters and Pierre, 1998). Over the last decades, the structure of the governance system and especially the (normative) expectations towards the role of the state have changed in Western countries (Peters and Pierre, 2001): there are new forms of regulations based on public-private cooperation for solving societal problems and a growing number of interactions between supranational actors, like the EU, and subnational or transnational actors. Several other authors also found a trend of reorganizing state capacities on sub- or supranational levels and a trend of de-statisation of the political system as non-state actors increasingly participate in policy-making (Jessop, 2004; Reed and Bruyneel, 2010; Hill, 2009) – Milward (1993) therefore coined the term of a “hollowing out” of the national state apparatus.

In the following paragraphs a closer look will be paid at the elements of the governance concept. According to Peters and Pierre (2001), the dominant normative model of the state today is no longer that of a ‘command and control’ type of state, but of an ‘enabling’ state. Hooghe and Marks (2004) noted that there are two different conceptions of power behind these different models: (1) political control over someone, and (2) the ability to achieve desired outcomes – in governance the focus lies on the latter. Government leaders may, therefore, shift authority away from the central state administration in order to achieve substantive policy goals (Hooghe and Marks, 2004). As indicated above there is thus a functional logic behind the governance concept and – based on market principles – the focus has been put on an increased efficiency in public service delivery (Peters and Pierre, 1998). Peters and Pierre (1998) remarked that this has been linked to the perception of state actors as clumsy and bureaucratic, while private actors, who often possess needed information and know-how, are seen as more effective. To achieve efficient service-delivery political leaders are thus considered as having a responsibility for developing networks and pooling public and private resources (Peters and Pierre, 1998). For this study this means that one should pay attention to whether state actors built such enabling networks with non-state actors for Natura 2000 implementation.

These perceptions and expectations, as highlighted by Peters and Pierre (1998) and discussed above, have resulted in a changing relationship of state and non-state actors. Most notions of “governance” explicitly include non-state actors (Biermann, 2007; Reed and Bruyneel, 2010; Jordan, 2008). Governance studies thus pay attention to the role of non-state actors, such as business or NGOs, in policy-making, and to the interactions and bargaining between them and state actors (Bache and Flinders, 2004a and Papadopoulos, 2007, cited in Newig and Fritsch, 2009). According to the governance concept, government actors are perceived as having lost their capacity for direct control and as being in a continuous process of bargaining with relevant networks which have become crucial actors in many areas of policy-making (Peters and Pierre, 1998). So networking and coordination with non-state actors have become important new strategies for policy-makers (Bache and Flinders, 2004). The involvement of private actors and civil society actors, like NGOs, has become an accepted aspect of the governance system (Biermann *et al.*, 2009; Hicks, 2004). Other authors, too, found that over the last decades there has been a mobilisation of new global actors and international civil movements (Brühl, 2003; Piattoni, 2009). According to Peters and Pierre (1998), changes in public administration where mostly of an operative nature while the normative and legal framework did not change. There are new more flexible patterns of interaction and new opportunities for negotiated agreements, complementing legalistic, hierarchical institutional relationships (Peters and Pierre, 2001; Hill, 2009). Governance “can be formally



institutionalised or expressed through subtle norms of interaction or even more indirectly by influencing the agendas and shaping the contexts in which actors contest decisions and determine access to resources” (Lebel *et al.*, 2006, p.2). Although there are also formalised institutions between state and non-state actors<sup>13</sup>, most interactions within networks take place informally. Peters and Pierre (1998, 2004) emphasized that as relationships between various actors have always been characterised by formal and informal exchanges many elements of the current political and societal system, like the internationalisation of politics and interactions in informal networks, are not completely new, yet have intensified over the last decades and the visibility of non-state actors has increased with the growing complexity of problems, like global environmental change (Biermann and Dingwerth, 2004)<sup>14</sup>.

Most of the governance literature is based on studies of Western European countries or the US. It will therefore be interesting to see how far the empirical observations and theoretical claims of the governance concept are applicable in CEE, where policy-making has traditionally been very hierarchical and characterised by paternalistic structures (Gatzweiler, 2005; Kluvánková-Oravská *et al.*, 2009). With the end of socialism, transition to democracy and a market economy, and EU-accession, the countries of CEE underwent profound changes to their institutional structure. Regarding the governance discourse the question is how far this shift from government to governance can also be observed in CEE or if traditional top-down approaches still dominate daily policy-making. Boda *et al.* (2009) observed that as Hungary wanted to become an active and responsible member of the international community and aspired to join the EU, policy-making was influenced by identification with and imitation of Western countries. For the field of nature conservation, several authors found that, although the centralised tradition of top-down decision-making has been influenced by the global discourse on adaptive management and participatory approaches, these changes have been particularly difficult and slow in CEE as there is no tradition of participation – so there are thus few examples of participatory ecosystem-based approaches in the post-socialist countries, where socialist traditions persist in the exclusion of non-state actors (Lawrence, 2008; Kluvánková-Oravská *et al.*, 2009). Kluvánková-Oravská and Chobotová (2006) studying the governance of a Slovak National Park, nevertheless, found that cooperation between diverse actors at local and regional level has gradually evolved from being externally to being internally driven; so in this case hierarchical governance structures have opened up towards network governance. Steunenbergh and Dimitrova (2007) indicated that the weak statehood of transition countries has even increased the importance of other actors, namely of supranational actors like the EU or domestic non-state actors, such as business networks and NGOs.

This study will apply the governance concept to analyse a policy process in a CEE country. So it will pay attention to the role of non-state actors, in particular NGOs, and of formal, as well as informal interactions in the policy process. One issue to be looked at when answering research question 2.2. on the interactions of NGOs, will be whether Hungarian state actors built networks for efficient service delivery as proclaimed as typical for governance processes by Peters and Pierre (1998). After having acquired a better understanding of the concept of governance the literature review in the following section will discuss the dynamics of governance processes occurring across more than one level of governance.

### **2.1.2. MLG: focusing on governance dynamics across multiple levels**

MLG as the study of multi-level dynamics of governance processes focuses on interactions across different jurisdictional levels (Cash *et al.*, 2006): the international level (UN), the European level (EU), the national level, subnational levels<sup>15</sup> and the local level.

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<sup>13</sup> Like for example the IUCN in the field of nature conservation.

<sup>14</sup> Private actors have played a role in international relations for many centuries, *e.g.* the large renaissance banks, private holdings in early colonial times or non-profit groups in the abolishment of slavery (Biermann and Dingwerth, 2004).

<sup>15</sup> The number of subnational levels varies across different countries and different policy fields.

Analytically, the MLG concept has been used across the world for governance processes occurring at multiple levels of governance, for example also for case studies in Australia (Lockwood *et al.*, 2009). A huge body of literature employing the concept of MLG focuses on the study governance processes in the EU (Hooghe and Marks, 1996, 2001a, 2001b; Fairbrass and Jordan, 2001, 2004; Jessop, 2004; Jordan, 2001; Ludqvist, 2004; Piattoni, 2009; Rauschmayer *et al.*, 2007; Renn *et al.*, 2010; Wurzel, 2008; Bache and Flinders, 2004; Reed and Bruyneel, 2010).

As a normative concept MLG implies that policy-making should occur in governance processes at multiple levels because in this way certain challenges can be better addressed<sup>16</sup>. The trend of an internationalisation of policy regimes has been fostered by economic globalisation because this has diminished the capacity of national governments to insulate their economies and societies from global pressures (Jessop, 2004; Peters and Pierre, 1998). Several authors found a normative need for MLG as they observed that since environmental problems, like threats to biodiversity cross borders and reach across multiple scales<sup>17</sup>, cooperation among nation states is needed for the challenges are too large to be addressed by one country alone (Biermann and Dingwerth, 2004; Donald *et al.*, 2007; Moosa and Marton-Lefèvre, 2008; Reed and Bruyneel, 2010). To call attention to the urgent need for global cooperation in addressing global environmental problems, Biermann (2007) coined the term “earth system governance”<sup>18</sup>. A growing awareness for the complexity and severity of transboundary environmental problems resulted in international environmental agreements<sup>19</sup> which play a big role in national, as well as European environmental and biodiversity governance (Donald *et al.*, 2007; Futó and Fleischer, 2003; Baker, 2003; Boli and Thomas, 1997; Sand, 2001; Alphandéry and Fortier, 2010). A considerable part of EU biodiversity policy originated from obligations arising out of international agreements, and is therefore part of a wider global trend (Baker, 2003; Biermann and Dingwerth, 2004; Vatn, 2005). The reorganisation of state capacities on sub- or supranational levels and de-statisation due to an increasing involvement of non-state actors, too, has occurred also in countries outside of Europe linked to pressures arising through economic globalisation, and are thus part of international trends (Jessop, 2004; Reed and Bruyneel, 2010; Hill, 2009). Yet even though an increasing role of non-state actors and international organisations can be observed in many Western democracies, the development in Europe is still unique as the EU constitutes a much stronger institutional level above national states than exists anywhere else in the world. With the process of European integration some decision-making power has been transferred from national governments upwards to European-level institutions, downwards to regional and local bodies and outwards to non-state actors (Fairbrass and Jordan, 2001; Reed and Bruyneel, 2010). In EU policy-making the common European bodies and bureaucracies – the Council of the European Union, the European Commission (EC), the European Parliament (EP) and the European Court of Justice (ECJ) – set the agenda, search for compromises and supervise compliance.

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<sup>16</sup> Regarding the wide use of the term MLG in the EU, Piattoni (2009) indicated that the MLG concept serves a rhetorical function too: by accommodating all kinds of actors it helps to “keep the process of European integration going while leaving its exact shape and competences unspecified” (Piattoni, 2009, p. 176).

<sup>17</sup> *E.g.* migratory species: need to be protected in more countries.

<sup>18</sup> To better understand environmental governance processes from the local to the global level, the International Human Dimensions Programme on Global Environmental Change (IHDP) established the Earth System Governance Project (Biermann *et al.* 2009).

<sup>19</sup> Since the 1970s more comprehensive international conventions have been agreed upon under the lead of the UN (Vatn, 2005): the Ramsar Convention on Wetlands of International Importance (1971), the UNESCO World Heritage Convention (WHC: 1972), the UN Convention on the International Trade in Endangered Species (CITES: 1973) and the Bonn Convention on the Conservation on Migratory Species (CMS: 1979). The treaties agreed to by the highest number of states are the CBD, the Desertification Convention (CCD), the UNESCO World Heritage Convention, CITES, Ramsar and the CMS (Sand, 2001). The widely observed non-compliance by states is, according to Sand (2001), however, often not due to a deliberate disregard for treaty obligations but to a lack of economic and administrative capacity.

### 2.1.3. The theoretical concept of multi-level governance in the EU

For the policy-making context of the EU Marks and Hooghe (Marks, 1993; Hooghe, 1996; Hooghe and Marks, 1996, 2001a, 2001b) devised a theoretical concept of MLG based on their analysis of EU cohesion policy. The concept builds on ideas of polycentric governance, as developed by Vincent Ostrom and colleagues in the 1960s (Andersson and Ostrom, 2008). The notion of polycentricity addresses the nestedness of actors in the larger political system since interactions and policy outcomes depend on the relationships of actors at different governance levels (Andersson and Ostrom, 2008). Piattoni (2009, p.172) explained that “MLG is at the same time a theory of political mobilization, of policy-making and of polity structuring”; it has become a catch all phrase which raises theoretical, empirical and normative questions (Piattoni, 2009). One can put different types of questions to the multi-level governance concept: theoretical questions are for example whether it refers to processes, situations, strategies or structures; empirical questions concern its significance for analysis; and a question from a normative point of view may, according to Piattoni (2009), is whether, compared with other modes of governance, MLG systems are more or less legitimate, whether they can ensure a wider participation in decision-making (input legitimacy) and produce better policies (output legitimacy) (Piattoni, 2009). The following paragraphs elaborate further on theoretical issues of the MLG concept, including a discussion of its strengths and weaknesses for analysing empirical phenomena; this is followed by a discussion of challenges of MLG processes (subchapter 2.1.4.)

According to the MLG concept by Hooghe and Marks (2001), European integration is seen as a polity creating process (Jordan, 2001). Marks (1993, cited in Jordan, 2001) argued that the agreement of treaties with which states give power to supranational bodies, are just the beginning of the process of integration, which continues in the practice of daily policy-making and institution building. They concluded that it was, therefore, important to look at the actual processes of governance to understand European integration. As most interactions between state and non-state actors are not formalised (Hallstrom, 2004) and as for several policy fields, like environmental policy, there is no clear dominance of one governance level, the evolving European polity is a complex, fragmented and very dynamic multi-level institutional arrangement (Scharpf, 2001; Jordan, 2001; Baker, 2003; Piattoni, 2009). A central argument by Hooghe and Marks (2001) is that MLG has weakened the sovereignty of its member states’ national governments<sup>20</sup>, because via the EU-level they can be forced to accept decisions they would not have taken otherwise (Fairbrass and Jordan, 2001). One important hypothesis of the MLG theory is thus that in the EU policy-making is not dominated by national governments (George, 2004).

In a first attempt to theorise MLG Marks and Hooghe (2004) identified two types of MLG: Type I and type II, which, as Piattoni (2009) emphasized, need to be considered as ideal types that cannot be observed in a pure form in reality; yet an empirical case of MLG can be located within the theoretical space defined by the extremes of these two types.

Type I MLG dominates in conventional territorial government, its intellectual basis is federalism. As there are no intersecting memberships in the nested jurisdictional levels, type I MLG has also been termed “Russian Doll” MLG. Type I jurisdiction is general-purpose and hierarchical; it sustains a class of professional politicians. The establishment and functioning of type I MLG requires a legal framework and a system-wide architecture. In type I MLG conflicts are articulated because the exit barrier is high. Type I MLG is supported by the identity of intrinsic communities (e.g. nation, region), it is typical for modern governance, and supports political deliberation in conventional liberal-democratic institutions. (Marks and Hooghe, 2004).

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<sup>20</sup> This argument was opposed by the competing theory of Liberal Intergovernmentalism, a state centric approach claiming a dominant role for national governments in European integration and opposing the idea that the sovereignty of national states has been weakened in the course of European integration (Moravcsik, 1999; Fairbrass and Jordan, 2001). Moravcsik (1999), studying EU treaties, argued against MLG claiming that the national states and their governments were still the ultimate-decision makers keeping the gates between subnational and supranational actors by controlling what was decided on EU-level. For a more detailed comparison see Fairbrass and Jordan (2001, 2004).

The intellectual bases of type II MLG are public policy theories. Jurisdiction in type II MLG is task specific without a limit to the number of jurisdictional levels. Because there are intersecting memberships, there is less hierarchy than in type I and as the design of type II MLG is flexible it has been named “Marble Cake”-MLG<sup>21</sup>. The task-specific jurisdiction of type II MLG is embedded in a legal framework determined by type I general purpose jurisdiction. Type II MLG can often be found with governance issues at the national or international frontier, in cross-border regions, or at the local level<sup>22</sup>. Type II MLG is problem solving and addresses the provision of public goods, so it is intended to respond quickly to functional requirements and changing preferences of citizens. It, therefore, can be seen as the functional equivalent to market competition. As the membership in many type II MLG bodies is voluntary, exiting them is easier, so conflicts may be avoided instead of being articulated. Type II MLG, with its complex governance structure involving many diverse actors, resembles pre-modern governance, like in the middle ages before the foundation of the nation states. (Marks and Hooghe, 2004)

Type I and II MLG thus define the range of governance in the EU; by comparing empirical phenomena with these ideal extremes one can describe them as possessing rather type I or type II characteristics. While type I MLG is typical for interactions among state authorities, interactions with non-state actors tend to express type II characteristics. Looking at these two characterisations of the two extreme types of MLG, it becomes clear that they address issues of EU polity and policy-making.

The MLG concept draws special attentions to the role of these non-state and subnational actors in daily policy-making of the EU, where mobilisation can happen at several levels (Piattoni, 2009). The EU institutions offer many points of access for interests (Hooghe and Marks, 2001a). New opportunities for direct interaction with EU bodies have resulted in a mobilisation of state and non-state subnational actors, like NGOs (Hooghe and Marks, 2001a; Fairbrass and Jordan, 2004): Various subnational actors can directly contact European institutions in order to promote their interests – a process which has been termed “scale-jumping” as subnational and supranational actors interact directly and not via national level actors (Fairbrass and Jordan, 2001; Jessop, 2005). 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. These subnational actors do not explicitly challenge the existing territorial jurisdictions (Piattoni, 2009), but they try to locate policy questions at the level of governance which best fits their interests – a process also called “forum shopping”. Scale-jumping is, therefore, likely when actors perceive their interests to be better addressed at a higher (or lower) jurisdictional level than the next hierarchical one (Weber and Christophersen 2002, Biermann *et al.* 2009; Gibson *et al.*, 2000). So, since in the European multi-level governance system, subnational actors have the option to address issues at supranational level, the national governments and their representatives are no longer the only nexus or a “gate keeper” between domestic and international politics (Hooghe and Marks, 2001a, Piattoni, 2009).

Fairbrass and Jordan (2001) showed that national ENGOs have by providing information on gaps and failures in the implementation of the Birds Directive in the UK served as “eyes and ears” or in other words “watchdogs” to the EC and the ECJ, which have been the prime movers in advancing European integration in the field of nature conservation policy. In their British case study ENGOs and the EC, supported by the ruling of the ECJ, managed to outflank the national government and achieved regulations in EU-directives (namely the Birds and Habitats Directive, as well as the Environmental Impact Assessment and Strategic Environmental Assessment) upon which the national governments would not have agreed to themselves (Fairbrass and Jordan, 2001, 2004). As ENGOs interacted directly with EU bodies, and not via their national authorities, this has been a clear case of “scale-jumping” by ENGOs.

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<sup>21</sup> Other terms describing similar governance settings are “multi-centred” or “poly-centred governance”; these terms have rather been used for cases outside of the EU (see Andersson and Ostrom, 2008).

<sup>22</sup> *E.g.* self-generated governance structures for local common pool resource problems.

The MLG concept describes policy-making in the EU; one focus of the concept is that of how the European polity is restructured by giving authority to supranational bodies, like the EC, another focus lies in how the existence of an additional supranational level of governance changes mobilization of non-state actors, who can now, in a process termed “scale-jumping” address EU bodies directly. While dealing with research objective 2 (multi-level governance) this section thus also addressed aspects of research objective 1 (participation). In the analysis for research question 1 (role of ENGOs) and also for research question 2.2., the present study will therefore look at whether Hungarian ENGOs used this new opportunity for participation and acted as watchdogs to the EC and EP.

#### **2.1.4. Challenges in multi-level governance settings**

Multiple actor interactions in MLG systems can create tensions and a variety of dynamics of its own; interplay between actors and levels and between frameworks and regimes is ubiquitous and ambivalent, it can foster but also hinder environmental governance (Klůvankova-Oravska *et al.*, 2009; Paavola *et al.*, 2009). The following subsections address these challenges. First, attention will be paid to challenges arising due to the fact that policy-making in the EU occurs at multiple levels (2.1.4.1.), and in the second section (2.1.4.2.) the focus will be laid on challenges in terms of “good governance”, *i.e.* the quality of the governance process according to criteria of effectiveness and legitimacy.

##### **2.1.4.1. Challenges due to the multi-level character of EU policy-making**

According to Hooghe and Marks (2001), MLG has weakened the sovereignty of the national governments of EU member states. The members of the national governments do not necessarily all act in favour to keep and strengthen the authority of national governments, for national governments are comprised of many different actors with diverse interests; and in order to be re-elected politicians may readily give away responsibility to supranational actors like the EU – especially in case of unpopular but reasonable decisions (Fairbrass and Jordan, 2001, 2004). Despite the emphasis on the weakened sovereignty of member states and their governments by Hooghe and Marks (2001), most authors working with the MLG concept did not find a clear drift of sovereignty away from national governments but agreed that national states remain pre-eminent in the European integration process (Fairbrass and Jordan, 2001; Benz and Zimmer, 2010). Benz and Zimmer (2010) rather observed a political process of dividing and sharing of competences and power struggles between actors. Like Benz and Zimmer (2010), Reed and Bruyneel (2010) concluded that state roles have been altered but did not diminish. In view of the global trend of an internationalisation of policy-making and global environmental changes, Jessop (2004) noted that European integration could also be seen as an adaptation to or manifestation of the globalised world, and that one should therefore not link the observation of a decreased sovereignty of national states in the EU only to EU integration to avoid overlooking other important determining factors. Biermann and Dingwerth (2004) argued that global environmental governance challenges the sovereignty of nation states for two reasons: First, the demand for mitigative and adaptive actions put additional stress on the state and its administrations and diminishes the resources to fulfil core state functions; and second, global environmental changes increase the mutual interdependence of states (Biermann and Dingwerth, 2004). Sand (2001), too, indicated that national sovereignty over natural resources might not be as permanent as once thought, instead he proposed the concept of trusteeship or stewardship, *i.e.* the idea that the natural heritage of the world might not belong to nation states but should be a kind of public trust for the benefit of all people, including future generations, and governments should thus act as trustees. Lockwood *et al.* (2009) and Reed and Bruyneel (2010) indicated that in polycentric governance processes active and supportive governments which take responsibility are a key factor for achieving environmental objectives.

Particularly relevant for this study is the relative influence of non-state actors, like NGOs. According to the international development view of NGOs, “good governance” is dependent on civil society actors who support and extend governmental capacity; active NGO participation is not seen to undermine state sovereignty but to enhance the ability of states to regulate globally (Hicks, 2004; Raustiala, 1997). Raustiala (1997) explained that to achieve the desired policy changes, NGOs need the coercive power of states which therefore remain the leading form of political organisation; states are also important in shaping post-decisional politics and implementation (Jordan, 2001). To find answers to research question 2, as to why NGOs participated in certain ways, one can therefore analyse whether ENGOs were perceived as undermining state authority or as enhancing it by increasing the state’s ability to act.

Concerning the implementation of EU policies, Beunen *et al.* (2009) discussed several difficulties which are related to the fact that this implementation needs to happen across governance levels: While the EU often desires proactive local and regional responses to its directives, EU policy is mainly top-down in its character (Beunen *et al.*, 2009). Similarly, the EU has emphasized cross-sectoral policy, yet its own institutional structure is sectorally oriented and remains focused on sectoral objectives (Beunen *et al.*, 2009). The implementation costs of EU-directives are often high, and the complexity of EU policy implementation processes grows as an increased number of actors compete over how EU regulations should be interpreted (Beunen *et al.*, 2009). There is a tension between the principle of subsidiarity and the desire of the EU for harmonisation and the ability to control the implementation of its policies; in order to enable monitoring, EU policies often contain clearly defined output, which in turn reduces the space for national and local actors to proactively design adaptive institutions (Beunen *et al.*, 2009; Ledoux *et al.*, 2000, Paavola *et al.*, 2009). The EU faces the tension that it has to balance centralisation and decentralisation: rules and rights should be equal for all member states to prevent trade distortion; yet they also need to be flexible to account for the many variations and differences between the member states concerning their history, economy, culture, environment and institutions, and to provide fair development opportunities in diverse contexts (VanDeveer and Carmin, 2005; Beunen *et al.*, 2009; Henle *et al.*, 2008; Paavola *et al.*, 2009; Haslett *et al.*, 2010; Renn *et al.*, 2010). Sand (2001) noted that the effectiveness of international policy efforts also depends on an inter-cultural consensus on values. Enlargement further increased diversity within the EU, concerning socio-economic, political, legal, and cultural aspects (Zielonka, 2007; Varró, 2008). Zielonka (2007) believed that this diversity has made hierarchical governance more difficult, and that also for this reason the EU started to embrace more flexible and decentralised modes of governance. According to Ostrom *et al.* (1999) for international environmental governance cultural diversity is, however, not only a challenge, but also a reservoir: the protection of institutional diversity is important for the long-term conservation of biodiversity as it offers a variety of examples to learn from. So in the EU the different member states, including the non-state actors in each country, can also learn from the experiences in other member states.

The success of implementing certain policies depends on the resources and efforts invested, on how well stakeholders cooperate and comply voluntarily, and on the links between central departments and the local level (Paavola, 2003/2004; Pressman and Wildavsky, 1973, 1979, 1984, cited in Hill, 2009). Often, the conditions for policy implementation are not ideal, implementation deficits are common (Pressman and Wildavsky, 1973, 1979, 1984, cited in Hill, 2009). The implementation of formal laws and regulations in practice usually involves lower levels of governance. Many times, the specification of policies is left to the implementation process (1) because conflicts cannot be resolved during the formulation stage, (2) because some decisions depend on facts which only implementers know about or are better equipped to decide, (3) because the actual impact of new measures is not known in advance, (4) because compromises with powerful actors need to be negotiated on a daily basis, or (5) because politicians do not consider it advantageous to try to resolve conflicts early on (Hill, 2009).

According to Paavola *et al.* (2009) it is useful to distinguish between “governance frameworks”, *i.e.* purposive governance interventions with a specific goal like the protection of biodiversity, and

“governance regimes” which include all customs, norms and rules influencing an issue, like the level of biodiversity conservation. Governance regimes thus also encompass measures and institutions which were developed for other objectives but, nevertheless, have an influence on an issue, like the EU’s Common Agricultural Policy has on the protection or loss of biodiversity. Because of these unintentional impacts of other policies on the environment, a particular multi-level challenge is cross-sectoral Environmental Policy Integration (EPI), which involves interactions between different groups of actors from the environmental and non-environmental sector at all levels of government (Ledoux *et al.*, 2000; Gatzweiler, 2005; Adams and Jeanrenaud 2008). The success of MLG policies thus depends a lot not only on how well higher-level and local level actors interact but also on the cooperation of different sectors of government and society. Assetto *et al.* (2003) explored whether the recent democratic transition in Hungary and Mexico has promoted local environmental policy capacity, as has been observed in Western mature democracies. They found that both countries have adopted decentralizing policies to build local capacity for environmental protection, yet this process was also hindered by institutional, financial, and political practices, and especially citizen participation at local level remained weak (Assetto *et al.*, 2003). Overlooking the development of the 1990s, Assetto *et al.* (2003) noted that most NGOs in Hungary tended to focus on national, rather than local affairs. For this study it will, thus, be interesting to see whether this observation was still true for ENGO engagement around and after EU-accession, and of course also how Hungarian ENGOs engaged at the new supranational level of the EU.

Renn *et al.* (2010) observed that the EU level had two major functions in MLG: it initiated new involvement processes during and through the implementation of EU directives and served as a scapegoat for national and local governmental bodies (Renn *et al.*, 2010). The roots of most conflicts at local level were, however, not EU directives itself but conflicting interests over resources and poor procedural management (Renn *et al.*, 2010). Renn *et al.* (2010) found that the relationship between the different levels of governance was often characterised by conflicts, and non-governmental actors were used as assistants to maintain or gain power in relation to the next governmental level.

This section argued that the success of MLG policies depends on well-functioning interactions between higher and local level actors, as well as between different policy sectors. This study will investigate, how ENGOs in the new Hungarian-European multi-level biodiversity governance setting by looking at which governance levels ENGOs participated and how (research question 1). Ostrom (1999) noted that learning across different cultural context can play an important role in international multi-level governance situations, like the EU. For this research, to find answers to the basis and reasons for ENGO involvement (research question 2), it will, thus, be important to see whether instances of learning from other EU member states could be observed. Following Renn *et al.* (2010), the present research will, as part of research question 2.2. (interactions of ENGOs), also pay attention to whether NGOs were used as assistants in cross-level power struggles by state actors operating at one level of governance.

#### **2.1.4.2. Challenges regarding “good governance”**

In democratic societies and by international donors there is a requirement for “good governance”. This normative concept demands that governance processes respect certain principles. Although different authors consider variable sets of principles as essential for “good governance”, these principles belong to two major categories: (1) the quality of the outcome and (2) the legitimacy of the process (see also Rauschmayer *et al.*, 2009a). Lebel *et al.* (2006, p. 4) emphasized that social justice should be “the central goal of good governance”, and named “participation, representation, deliberation, accountability, empowerment, social justice, and organisational features such as being multilayered and polycentric” as essential for “good governance” (Lebel *et al.*, 2006, p. 2). Based on Ostrom (1996), Bader and Engelen (2003, cited in Rauschmayer *et al.*, 2009a, p. 165) proposed efficiency, effectiveness and perhaps sustainability besides legality, democratic legitimacy and justice as criteria for evaluating governance processes. Biermann (2007) demanded that earth

system governance for the 21<sup>st</sup> century should be built on the four overarching governance principles of credibility, stability, adaptiveness and inclusiveness, as these were crucial for building management institutions that are at the same time effective in managing the earth system in a sustainable way and enjoy a broad support by societies. The EU's White Paper on governance, which was addressed not only to the EU administration but also to current and future member states (Futó and Fleischer, 2003), defined five principles of "good governance": (1) openness, (2) participation, (3) accountability, (4) effectiveness, and (5) coherence.

The multi-layeredness of a governance system was considered as an element of "good governance", too (Lebel *et al.*, 2006). Why and how does this feature relate to the two major goals of "good governance", *i.e.* to effectiveness and legitimacy of policy-making? This and also how the other characteristics of MLG, the involvement of non-state actors and informal interactions, can be evaluated in terms of "good governance" will be discussed in this subsection. Three issues will be explored: (1) whether MLG can increase the effectiveness of governance solutions through integrating more governance levels into policy processes, (2) the legitimacy of governance at EU-level and through informal arrangements, and finally (3) whether there are trade-offs or synergies between the different core values of "good governance".

- **Can MLG increase the effectiveness of governance solutions?**

In governance processes societal or environmental problems are addressed with the aim to find solutions for common problems. A question is, therefore, whether MLG can contribute to the effectiveness of policy-making processes. A policy-process can be considered as effective if the desired outcomes are achieved, the concept of effectiveness thus deals with the consequences of a policy process (Rauschmayer *et al.*, 2009a).

In the systems literature, core analytical themes to better understand dynamics of socio-ecological systems are scale, interplay, fit and mismatches of environmental governance (Paavola *et al.*, 2009; Folke *et al.*, 2007). Fit between environmental governance institutions and the environment exists where the institutions match the natural resources and processes. Cash *et al.* (2006) found three major challenges of cross-scale dynamics: (1) ignorance, (2) mismatches, and (3) plurality. Ignorance is the failure to recognize important scale interactions (Cash *et al.*, 2006). Single-scale analyses often miss some dynamics of socio-ecological systems and omit relevant interactions (Paavola *et al.*, 2009). Mismatches between ecological systems and human actions and institutions are the most classical problem of scale dynamics (Cash *et al.*, 2006). Spatial mismatches exist where institutional and ecological boundaries do not coincide (Paavola *et al.*, 2009), which is very common for the case of ecosystems and national borders. Primmer *et al.* (2013) proposed two dimensions for analysing scale-sensitivity and scale-effectiveness of policy instruments of biodiversity governance in Europe: centrality (central to local policies) and adaptiveness (*i.e.* how flexible, or rigid a policy instrument is) (Primmer *et al.*, 2013). Dietz *et al.* (2003, p. 1910) named three strategies for adaptive governance: (1) analytical deliberation with a well-structured dialogue between scientists, resource users and interested publics and an informed analysis of information about environmental and human-environmental systems; (2) nesting, *i.e.* complex institutional arrangements with many and redundant layers; and (3) institutional variety, *i.e.* employing a mixture of institutional types, like hierarchies, markets or community self-governance, to create incentives, increase information, monitor use and induce compliance, because for innovative rule evaders it is easier to evade a single rule than a multiplicity of rules. Cash *et al.* (2006, p. 1) suggested that "the advent of co-management structures and conscious boundary management that includes knowledge co-production, mediation, translation, and negotiation across scale-related boundaries may facilitate solutions to complex problems that decision makers have historically been unable to solve". So by involving actors from all governance levels ignorance and mismatches may be reduced. A need for cross-scale coordination was recognized also by Young (2002) and Berkes (2002). According to Young (2002) institutions were needed which could ensure that while introducing mechanisms for coordinating environmental governance at higher governance levels the



knowledge, interests and rights of local stakeholders would be respected. When exploring different institutional forms for their potential to improve cross-scale coordination, Berkes (2002) mentioned NGOs as actors in several cases. For this study it will therefore be interesting to see whether Hungarian ENGOS could in one way or the other be agents for improving cross-scale coordination.

Several authors believed that polycentric governance systems are more effective in addressing complex environmental management problems for they foster interactions and relations of reciprocity and trust, and because a nesting of local institutions into larger-scale institutions may help to ensure that larger-scale problems as well as smaller-scale ones are addressed (Anderies *et al.*, 2004; Marshall, 2009, cited in Reed and Bruyneel, 2010; Kluvánková-Oravská *et al.*, 2009). Hooghe and Marks (2004) noted that MLG offers the (normative) advantage of scale-flexibility: if all governance levels are involved in policy-making processes it is easier to address environmental problems at an adequate level. According to Gibson *et al.* (2000) and Kluvánková-Oravská *et al.* (2009), multi-level and polycentric systems tend to be more efficient and resilient<sup>23</sup> than single layer systems, because governance may be better fit to the problems and because more relevant actors are involved. Analysing the transition process of biodiversity governance in the Slovak Republic, the Czech Republic and Poland, Kluvánková-Oravská *et al.* (2009) noted that multi-level governance is likely to prove more resilient than traditional hierarchical governance structures as they existed in CEE countries, as in a MLG setting more actors are involved in policy-making, and because more complex institutional arrangements offer an inbuilt redundancy and bigger reservoir for adaptation towards the attainment of new or revised policy goals (Paavola *et al.*, 2009). With regard to environmental resilience, this effect could be supported by Newig and Fritsch (2009), who conducted a comparative meta-analysis of 47 cases of environmental decision-making in North America and Western Europe; their analysis suggested that highly polycentric governance systems comprising many agencies and levels of governance yield higher environmental outputs than mono-centric ones. Lebel *et al.* (2006), too, found evidence for the claim that with polycentric and multi-layered institutions societies can respond more adaptively and at appropriate levels because these multi-layered institutions help to address needs in heterogeneous contexts. Gibson *et al.* (2000) noted that environmentalists try to locate different policy questions at different levels of governance. While decisions at international level gain more public attention but are often poorly enforced, agreements at local or regional level may be very diverse from each other but are usually more enforceable (Gibson *et al.*, 2000).

In order to answer research question 1, how Hungarian ENGOS participated throughout the Natura 2000 process, one should therefore study at which governance levels ENGOS got involved. One can further discuss if their participation helped to increase the resilience of environmental policy in Hungary and if ENGOS could be agents for cross-scale coordination; it will also be important to see whether ENGOS could contribute to a deliberative dialogue between scientists and resource users, to the analysis of information and to the nestedness and institutional variety of the Hungarian biodiversity governance system.

- **Challenges of legitimacy of EU governance and informal arrangements**

All societies have rules and procedure for conflict resolution; if decisions comply with the prevailing set of rules they are considered as legitimate (Kauffmann, 1999, cited in Wittmer, *et al.*, 2006). Important elements of legitimacy are (1) accountability, (2) representativeness, (3) rule of law and (4) transparency (Rauschmayer *et al.*, 2009a). Legitimacy can be process- and output-oriented (Rauschmayer *et al.*, 2009a). Piattoni (2009) called for scholars to engage in the debate on the legitimacy of MLG arrangements, *i.e.* whether MLG can ensure fuller participation in decision making (input legitimacy) by involving more actors, and whether for this reason it could produce

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<sup>23</sup> The concept resilience was developed in ecology (Holling, 1973; Anderies *et al.*, 2004); it is “the capacity to cope and adapt” (Lebel *et al.*, 2006, p. 1), or in other words “the ability of the system to return to its original state after a shock” (Vatn, 2005, p. 235).

better policies than other modes of governance (output legitimacy). For the study of NGOs this means that one can ask, if by participating they could increase the democratic legitimacy of a policy-process, and if they could contribute to better output legitimacy.

With an internationalisation of policy regimes, the character of democratic policy-making changes as important decisions are increasingly shifted to supranational levels (Majone, 2006). According to the EC's White Paper on governance, the real challenge in a multi-level governance system is to establish clear rules for how competence is shared (EC, 2001). The EU's democratic legitimacy has often been questioned for especially the EC only very indirectly represents the EU's citizens. The principle of representativeness, one element of legitimacy (Rauschmayer *et al.*, 2009a), is thus not fulfilled well. Another important element of legitimacy is accountability, *i.e.* a situation in which authorities provide information, explain decisions and can be sanctioned in case of inadequate actions (Lebel, *et al.*, 2006, Rauschmayer *et al.*, 2009a). The traditional approach towards accountability is based on a consensus with a representative government, rational decision-making and top-down implementation (Hill, 2009). Yet, with globalisation and the increasing role of networks, decision-making has become dispersed across levels of governance and among various actors, resulting in multiple forms of accountability (Jordan and Van Tuijl, 2000; Rhodes, 2006; Hill, 2009). Democratic accountability has thus be challenged and is thus a weak spot in today's governance settings as the linkage between control and accountability, which is essential to democratic theory, has been confused (Peters and Pierre, 1998; Bache and Flinders, 2004). Bache and Flinders (2004) therefore stressed that an important question concerning governance is whether it can be democratic; they explained that the answer also depends on how democracy is defined – whether as representative democracy or as governance involving new mechanisms of control and accountability<sup>24</sup>. Somewhat striking in this respect is the comparison of type II MLG, *i.e.* the typical mode of informal governance processes, with the policy-making setting of the middle ages by Hooghe and Marks (2004), for the middle ages are not commonly considered as a democratic period. Because of these challenges of MLG, Bache and Flinders (2004) concluded that new means of connecting citizens with the shifting locations of power needed to be found.

Hallstrom (2004) explained that since the increasing policy competences of the EU made the EC more dependent on external expertise and information, officials have come to be in semi-clientelistic relationships with certain interests, usually multinational firms or organisations that can maintain a permanent office in Brussels, while smaller or localised groups and their interests are at a disadvantage. Lebel *et al.* (2006) warned that unaccountable decentralised authorities can more easily be captured by interests. The GoverNat project analysed the interplay of actors in European multi-level water and biodiversity governance (Rauschmayer, *et al.*, 2007; Wesselink and Paavola *et al.*, 2008; Antunes *et al.*, 2010; Renn *et al.*, 2010): In the studied cases, the European MLG setting was perceived by most actors as either chaotic, as hard to deal with or as an opportunity for playing strategic games (Renn *et al.*, 2010). Peters and Pierre (2004) warned that MLG could be a "Faustian bargain": while promising a greater involvement of non-state actors, it may fail to protect the interests of weaker actors, for its reliance on informal negotiations makes it easier for powerful actors to by-pass the institutions of democratic government, which were originally established to prevent precisely this. Instead of empowering weaker actors by giving them more opportunities for participation, MLG might thus lead to their marginalisation if they lack the resources and capacities to fully participate in this complex governance system. So, unless MLG is embedded in a legal setting which guarantees weaker actors a basis for their actions, the legitimacy of MLG systems is to be questioned since it decreases accountability by making policy-making more complex (Peters and Pierre, 2004). Resources and capacities are thus crucial factors determining whether the opportunities of a MLG system are empowering or not.

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<sup>24</sup> Discussing the transformation from government by elected representatives to governance involving more non-elected stakeholder, Majone (2006) referred to Robert A. Dahl's hypothesis about a currently happening third transformation of democracy – the first being direct democracy of the Ancient Greeks in Athens, and the second the representative democracy of the modern nation states.

In CEE countries the transformation towards democracy and EU accession occurred relatively recently. Under the socialist regime, and earlier authoritarian regimes, society was excluded from decision-making, and governance was characterised by hierarchical, paternalistic structures and a passive attitude of citizens (Klůvanková-Oravská *et al.*, 2009; Gatzweiler, 2005; Berg, 1999). Democratisation not only requires a formal shift from a one-party rule to a pluralist multi-party political system, but also the rule of law, a de-concentration and decentralisation of political power, democratic control over and accountability of state administration, and a strengthening of civil society (Baker and Jehlicka, 1998). Several authors found that while the legal frameworks were democratised quickly after the fall of communism, especially the development of civil society has been difficult and rather slow (Baker and Jehlicka, 1998; Hallstrom, 2004; Gatzweiler, 2005).

To answer research question 1, it is therefore important to analyse how well ENGOs have developed in Hungary, and see if they could benefit from participation opportunities in the new MLG setting. For finding answers to why ENGOs could participate (research question 2) one should analyse whether they are rather considered as weak or strong actors in the MLG setting. For the discussion of the legitimacy of ENGO involvement it will be of interest to see if ENGOs could play a role in finding new ways and means of linking citizens and authorities in the MLG setting.

- **Trade-offs and synergies between core values of “good governance”**

Due to the challenges regarding the effectiveness and legitimacy of policy-making in MLG settings, some authors suggested that there may be trade-offs between these two key elements of “good governance” (Peters and Pierre, 1998; Lundquist, 2004; Bache and Flinders, 2004). As noted above the MLG concept is oriented towards effectiveness. Bache and Flinders (2004) concluded that problem-solving capacity and a focus on outcomes had taken precedence over democratic input and accountability. Peters and Pierre (1998) warned that the introduction of efficiency criteria and competitiveness in public service delivery was problematic because the “public-sector organisations were never designed with that objective, but rather to ensure legality and equality” (Peters and Pierre, 1998, p. 230). There is thus a trade-off between efficiency on the one hand, and legality and legal security on the other hand, which has been ignored by most governments, or governments have passed this tension down to the bureaucratic sphere (Peters and Pierre, 1998, p.236). Based on his study of Swedish water resource governance, Lundqvist (2004) found that the proposed combination of formal government and informal governance, which is characteristic for MLG, is insufficient in terms of effectiveness, participation and legitimacy because of tensions between these three core values of “good governance”. Regarding environmental governance, Biermann *et al.* (2009) and Dombrowski (2010) stressed that there are trade-offs between high standards of accountability and legitimacy towards living constituents (input legitimacy) and the effectiveness to protect an environmental good for future generations (output legitimacy). Lebel *et al.* (2006) indicated that trust building which is necessary for good participation and deliberation takes time and may sometimes be too slow to avoid hard or costly to reverse environmental thresholds. Lawrence (2008) noted that good participatory processes do not automatically lead to good conservation. The inclusion of stakeholders takes efforts and time, the fear of many conservationists is thus that it delays urgently needed policy interventions to save species on the verge of extinction (Ostrom and Nagendra, 2006; Lebel *et al.*, 2006; Keulartz, 2009; Wurzel, 2008). Majone (2006) pointed to the impact economic globalisation may have on democratic governance systems: On the one hand, economic globalisation constrains the national policy agenda, and thereby diminishes the chances for expressing democratic preferences; on the other hand, economic integration may also make national governments more aware of international impacts of their decisions, more willing to engage in international cooperation and more open to ideas from other countries, international organisations and from NGOs, which can improve the quality of policy-making (Majone, 2006). Due to these trade-offs Jessop (2004) concluded that the governance approach to policy-making could not solve old problems, like ineffectiveness or the exclusion of non-state actors, without creating new ones. Bache and Flinders (2004) believed that achieving a synthesis between

accountability and efficiency would be difficult and called for particular attention of researchers to this issue.

Several authors, however, did not exclude that there could also be synergies between legitimacy and efficiency in governance systems – especially a fuller participation of stakeholders could lead to better policies (Piattoni, 2009; Kluvánková-Oravská *et al.*, 2009; Newig and Fritsch, 2009). Rauschmayer *et al.* (2009a) explained that good processes can contribute to “good governance” because they first improve the quality of the output by way of more and better information management, and second are instrumental for the implementation of the output as the results of legitimate processes are more likely to be accepted. This was also stressed by Anderies *et al.* (2004), who noted that resource users usually do not challenge decisions they perceive as fair. So besides monitoring and enforcement (Anderies *et al.*, 2004), the effectiveness of a governance process also depends on its perceived legitimacy. Synergies between the effectiveness and legitimacy of a policy process can thus be created if affected stakeholders are involved and get a chance to embrace the process.

These challenges indicate what dynamics one should pay attention to when studying the role of NGOs in biodiversity governance. It will be interesting to discuss if their activities can be regarded as effective and legitimate and if there are positive synergies or only trade-offs between these core values of “good governance” with respect to ENGO involvement.

After having looked at challenges of MLG as an empirical phenomenon, the following section will deal with the strengths and weaknesses of MLG as a theoretical concept for analysis.

#### **2.1.5. Strength and weaknesses of the theoretical concept for analysis**

The MLG concept draws attention to new dynamics of policy-making in the EU, namely the possibility of scale-jumping, and acknowledges that daily policy-making matters (Fairbrass and Jordan, 2004). This can be considered a strength because these dynamics are important for understanding policy-making in the EU (Fairbrass and Jordan, 2004). As the MLG concept draws the researcher’s attention to informal policy processes across multiple-levels of governance involving state and non-state actors, it is a good framework for studying the role of NGOs in EU policy implementation.

Several cases of so-called “low politics”, namely cohesion, environmental or water policy, have been analysed in MLG-case studies (Hooghe and Marks, 1996; Fairbrass and Jordan, 2001, 2004, Jordan, 2001; Baker 2003; Benz and Zimmer, 2010). Yet, there have been debates about the validity of MLG as a general concept because it has not been tested empirically in all policy sectors (Fairbrass and Jordan, 2001, 2004). Jordan (2001) and Baker (2003) strongly doubted the applicability of MLG to “high politics” because they expect national states to be much more reluctant to give away power in these fields, as this would really diminish their sovereignty. So-called “high politics” are all policy fields considered important for national security and central to the state budget, such as monetary, economic, foreign and defence policy (Jordan, 2001; Baker, 2003; Benz and Zimmer, 2010, Van Rooy, 1997; Hill, 2009), while “low politics” is about the delivery of services and regulating everyday life, it includes all policy fields, which do not threaten national security; “low policies” are typically relatively cheap and easy to administer, unknown or broadly non-controversial (Hill, 2009; Van Rooy, 1997). Van Rooy (1997) also mentioned that the bureaucracies responsible for “low politics” are generally weaker, which is one reason why they are more likely to cooperate with non-state actors in a less hierarchical way. Environmental policy does usually not threaten national security, very small parts of the total state budget are spent on environmental issues, and although there may be disagreement about the necessity of concrete

protection measures, most people in general agree that nature and the environment are important. It has commonly been considered a typical case of “low politics”<sup>25</sup>.

In the MLG model of Hooghe and Marks (2001) national governments appeared to be rather uniform bodies, while in reality there are many different actors with different interests within national governments (Fairbrass and Jordan, 2001, 2004). Policy-making in the EU is in fact not only multi-level but also multi-sectoral and multi-actor: different types of actors from several policy sectors institutionalised in different governmental departments interact at different governance levels (Jordan, 2001; Piattoni, 2009; Reed and Bruyneel, 2010). Reed and Bruyneel (2010) stressed that there are important distributional issues within levels, as well as across levels – so both should be paid attention to. Jänicke (2008; Jänicke *et al.*, 2003) distinguished three dimensions of environmental governance: levels (global to individual), policy sectors (*e.g.* nature conservation and agriculture), and groups of society (governments, civil society, business); and pictured these in a three-dimensional shape. There are thus vertical and horizontal interactions in governance processes: vertical governance concerns links between different levels, from the local, the regional, the national, and European to the international, whereas questions of horizontal governance are the interactions between different groups of actors, such as the government, state authorities of different policy fields, business or NGOs (Renn *et al.* 2007). Piattoni (2009) named three analytical distinctions for MLG of European states: (1) centre – periphery, (2) state – society; and (3) domestic – international. As with periphery she means sub-national tiers of government the dimensions (1) and (3) can, however be combined into a (vertical) local – international dimension. This study will use the terms international, European, national, subnational (or regional) and local, when talking about the vertical dimension of governance. The terms “centre” versus “periphery”, however, imply an additional notion, which Piattoni (2009), does not elaborate on: that of the distance between central government and policy-making in provinces far away from the capital. As Hungary is a very centralised country the dimension of centre – periphery understood in this way, may be relevant for understanding policy-making. In line with Peters and Pierre (1998), who emphasized that new forms of governance should be studied in the context of the different national political cultures, Piattoni (2009) stressed that one should describe existing structures of governance and discuss whether MLG has the same empirical meaning and normative implication in all EU member states, for the concept was developed mainly in Western European countries. It is therefore of high significance to study the dynamics in Hungary.

The MLG concept implies the hypothesis that interactions across different levels of governance, informal interactions, and interactions between state and non-state actors are important for understanding policy-making processes. According to the governance concept, networks between state and non-state actors can support the delivery of public services. Despite these propositions the MLG concept was found to be rather descriptive (Fairbrass and Jordan, 2001, 2004; Blom-Hansen, 2005). Blom-Hansen (2005) deplored that the MLG concept fails to solve the causal question why certain actors at certain level are important and influential at certain stages of the policy-making process. Despite this criticism, he acknowledged the MLG concept as “one of the most descriptively accurate models of this [EU] policy process, and it correctly directs our attention to the full range of subnational, national, and supranational actors involved in the process.” (Blom-Hansen, 2005, p. 628). The MLG concept has been considered a precise description for how European policy processes function once decisions escape the domain of intergovernmental bargaining (Fairbrass and Jordan, 2001, 2004; Piattoni, 2009); it has been used exactly because it draws attention to the processes in which national states share power with other actors (Fairbrass and Jordan, 2001). Thanks to its descriptive accuracy the MLG concept thus provides a good framework for studying the involvement of non-state actors in EU policy-making processes in the “low policy” field of biodiversity governance. Yet for understanding why certain actors cooperate in certain ways at a

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<sup>25</sup> One can of course argue that due to the severe economic impacts environmental changes may have and the conflicts they can cause, environmental policy should, in light of the rapid global changes and environmental deterioration, actually be regarded as “high politics”, this has, however, not been the case until now.

particular point of a policy-making process the MLG concept needs to be complemented by other theories – theories for understanding the role of non-state actors, and NGOs in particular, will be introduced in subchapter 2.2. In combination with other theories the MLG concept presented in this subchapter can and will serve as the conceptual framework for this study (see 3.1.).

### **2.1.6. Summary**

This subchapter introduced the concept of MLG, which has become central to the analysis of governance processes in the EU. Governance includes all processes and institutions for policy-making. If it involves actors from more than one jurisdictional level (international, European, national, regional or local), one can speak of “multi-level governance” (MLG). The subchapter thus addressed research objective 2 of the present study, namely, characteristics and dynamics of multi-level governance.

The term MLG contains empirical, analytical and normative elements. Several authors observed a trend towards an internationalisation of policy-making, an involvement of non-state actors in governance processes, and an increasing importance of informal interactions and networks – these trends are seen as a response to economic globalisation and growing global environmental problems because the related challenges cannot be addressed effectively by single national governments alone. This observation resulted in a new focus of analysis in policy studies on governance processes, and especially the role of non-state actors and informal interactions. Summarizing, one can say that governance is daily policy-making aimed at solving common problems; it consists of formal and informal interactions between state and non-state actors across multiple jurisdictional levels. The idea of governance implies a normative focus on the functionality and efficiency of policy-making; state officials are therefore expected to build networks with non-state actors to enable the delivery of services. Marks and Hooghe (2004) identified two types for governance across multiple levels: Type I MLG is characterised by a legal framework and a hierarchical system-wide architecture with nested jurisdictional level and no intersecting memberships; this is typical for state bureaucracies. Type II MLG is task specific and has a more flexible design without a limit to the number of jurisdictional levels. These categories can help to locate and better describe the interactions found in the analysis (research question 2.2.).

As with European integration some decision-making power, as well as authority for enforcement, has been transferred to the EU, there are new dynamics of policy-making across multiple levels of governance in Europe. New ways of political mobilisation arose because subnational and non-state actors can directly interact with supranational bodies – in a process termed “scale-jumping”. These dynamics are mostly based on informal interactions within networks and particularly important in daily policy-making, especially for the implementation of EU policies. The main propositions of the MLG concept are that these informal interactions, interactions between state and non-state actors and interactions across different levels of governance are important for understanding policy-making processes in the EU. The present study will show whether and how analysing these interactions of ENGOs (research question 2.2.) can contribute to gaining a better understanding of an EU policy process.

The growing importance of supranational, subnational and non-state actors in EU policy-making raised questions regarding the sovereignty of national states and their governments in this evolving European polity. Yet even though national governments are no longer in full control of policy-making processes concerning their countries, most actors stressed that national governments remained the key actors because successful governance depends on governments which responsibly shape the policy-making process. For better understanding how and why ENGOs participated in the implementation of Natura 2000 in Hungary (research question 1 and 2), a significant aspect is thus if they were involved by national government actors to enhance the ability of state actors to improve biodiversity governance, so if state actors tried to develop enabling networks with non-state actors to foster the protection of biodiversity.

Within the EU there is a tension between the EC's desire to control and ensure the implementation of EU policies and the need for flexibility to adjust governance processes to the different cultural backgrounds in the different member states and the context and challenges at local level, which is crucial for a successful implementation. As policies of other sectors have many unintentional, often negative, impacts on biodiversity conservation, better environmental policy integration across all levels is urgently needed. When studying the role of NGOs, one should therefore not only pay attention to how they interact across different governance levels, but also how they interact with actors from other policy sectors (see research question 2.2.).

Several authors believed that MLG could increase the effectiveness of environmental governance because it has the advantage of addressing problems flexibly at different levels and, what is more, it may foster resilience of environmental policy thanks to an inbuilt redundancy within multi-layered institutions. Regarding the role of environmental NGOs in Hungary an issue to be discussed is thus if their involvement helped to increase the effectiveness and resilience of environmental policy.

MLG systems, however, create new challenges also exactly due to their complexity. The legitimacy of informal arrangements with non-state actors is a particular point of concern. MLG offers many points of access for non-state actors to policy-making but its complexity requires a lot of resources to be able to take advantage of these opportunities, so that only strong actors may be able to use them, whereas weaker ones may be marginalised. To find answers to research question 2, it is therefore important to discuss if ENGOs are weak or strong actors in the Hungarian-European multi-level biodiversity governance system. As accountability can be blurred and is unclear in complex MLG settings, new mechanisms for linking citizens and local stakeholder operating at lower levels of governance with decision-makers at higher governance levels were called for. It will be discussed whether ENGOs could contribute to such new mechanisms (subchapter 4.4.). A further point of discussion is whether there are only trade-offs between effectiveness and legitimacy – the two major elements of “good governance” – or if there can also be synergies because based on the acceptance of stakeholders the outcomes of governance processes which are perceived as legitimate tend to be more durable and thus more effective on a longer term. The balance between effectiveness and legitimacy is thus a crucial issue for successful governance processes, and when analysing the participation of actors it is important to pay attention to these core elements of “good governance”.

The MLG concept thus very well draws attention to the fact that there are diverse interactions between different kinds of actors at different levels of governance and across policy sectors. Yet, as the concept of MLG (Hooghe and Marks, 2001) cannot answer the causal question why specific actors and levels are influential at a certain point in the policy-making process further theories and models are needed. The MLG concept is, therefore, well suited as a basic framework for studying the role of NGOs in biodiversity governance, for it focuses on the role of non-state actors, and has successfully been applied for analysing so-called “low politics”, like environmental governance. It draws the researcher's attention to look at state and non-state actors at multiple levels and at formal, as well as informal interactions between them. For explaining the reasons for specific interactions observed, the MLG concept needs to be combined with theories on interactions and networking in policy-making, which can fill this gap. These will be presented in the next subchapter.

## **2.2. Participation and interactions in multi-level governance**

### **2.2.1. Participation: involvement of non-state actors in policy-making**

Following the GoverNat glossary (Renn *et al.*, 2007), participation is the “involvement of individuals or groups who are not part of the elected or appointed legal decision making bodies in preparing, making or implementing collectively binding decisions.” While public participation aims at the involvement of citizens in general, stakeholder participation addresses groups which have something “at stake” in a certain issue (Renn *et al.*, 2007). The aim of representing public preferences is an important reason for broadening the basis of decision-making and for including

stakeholders (Renn *et al.*, 2010). Beyond this democratic reasoning for participation, there is also a more functional one, which is based on the observation that public agents alone cannot deal with the complexities and uncertainties of environmental and earth system governance, so that it becomes necessary to include also non-state actors into governance processes from the local to the global level (Biermann, 2007)<sup>26</sup>. Based on the idea that deliberation is beneficial for governance processes – *i.e.* that all stakeholders have something to contribute to risk governance processes, such as environmental governance, and that this can improve the final decisions (see Renn and Schweizer, 2009) – inclusive governance with more participation of non-state actors has become popular in the last decades. Participation was called for in several European and UN documents. The EC named participation among one of the five governance principles mentioned in its White Paper (EC, 2001). Although it located the main responsibility for achieving sustainable development with governments, the Agenda 21 in its preamble (UN, 1992a) also declared that a broad public participation was a fundamental prerequisite for the achievement of sustainable development, and that, therefore, the active involvement of non-governmental organisations and other groups should be encouraged. The Aarhus Convention (UNECE, 1998) provided the rights of access to information, public participation in decision-making, and access to justice in environmental matters. According to the EC's White Paper, participation should not be about protest, but help a more effective policy-making, based on early consultation and experiences (EC, 2001). Futó and Fleischer (2003, see also Greenwood, 2002) noted that the White Paper might overemphasize the rights of interest groups, which could lead to an overloading of processes of EU democracy. Other authors, however, found that EU governance and participation therein is largely about securing compliance with EU laws and regulations (Hallstrom, 2004; Zielonka, 2007). Zielonka (2007), therefore, criticised the EC's White Paper as schizophrenic, because it advocates the progressive adoption of new forms of governance, while the reality of EU policy-making is still characterised by top-down approaches. Rauschmayer *et al.* (2009b) indicated that many of the EU documents on participation are rather rhetoric, for across all levels of governance a big gap remains between the proposed aims on participation and the actual implementation of participatory processes. Through the analysis of several case studies, the GoverNat project investigated the role participation plays in European multi-level water and biodiversity governance (Rauschmayer, *et al.*, 2007; Wesselink and Paavola *et al.*, 2008; Antunes *et al.*, 2010; Renn *et al.*, 2010; GoverNat, 2010). The most common aims of the participatory processes studied in the course of this project were to reconcile visions and future expectations, to resolve conflicts, and to gain more relevant knowledge (Renn *et al.*, 2010). As participation and its character is influenced also by the cultural context (GoverNat, 2010), this is a factor one should pay attention to when analysing the involvement of NGOs in Hungary.

Several challenges of participation have been highlighted in the literature. Biermann (2007) emphasized that the inclusion of private actors and civil society should be perceived as legitimate, effective and fair by all stakeholders – it should thus be based on the principles of “good governance”. Lebel *et al.* (2006) found that participation can help to build trust between various actors. Like other groups of actors, NGOs try to foster their interests, which are not always shared by or beneficial to the majority of society, Raustiala (1997), therefore, noted that NGO participation does not necessarily enhance the effectiveness and democratic character of international cooperation. Wesselink *et al.* (2010) stressed that if new actors participate successfully in policy-making; this always results in a redefinition of roles and power in the governance setting. This is one reason why authorities typically have an ambiguous attitude towards participation – on the one hand they need agreement and support by diverse societal groups, and this can be gained by letting them participate in the policy-making process, on the other hand, though, authorities fear

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<sup>26</sup> Different actors obviously can have very different ideas about and expectations towards participation (Renn and Schweizer, 2009; Wesselink and Paavola *et al.*, 2008). Renn and Schweizer (2009) distinguished between six different concepts and rationales for public or stakeholder participation: functionalist, neo-liberal, deliberative, anthropological, emancipatory, and post-modern. Renn and Schweizer (2009) noted that each concept has a different philosophical foundation and attitude towards the meaning of democracy.



participation because it can make policy processes slower and the results less controllable, and it ultimately challenges the existing distribution of wealth and power (Wesselink *et al.*, 2010). Participatory processes, moreover, require certain skills, financial and time resources, which many administrative bodies do not have (Wesselink *et al.*, 2010). The fact that the involvement of non-state actors is resource intensive for state actors thus constitutes an obstacle for participation. Renn and Schweizer (2009) stressed that it does, of course, not make sense to substitute technical expertise with vague public perceptions, yet experts should also not decide in cases where a choice of values is needed, because neither state official nor scientific experts can represent public preferences and values (Renn *et al.*, 2010). Lebel *et al.* (2006) found that effective participation and deliberation usually needs leadership; they also noted that in the case that the interests of some stakeholders cannot be adequately represented in a policy-making process, withholding participation, and thus not legitimising the process through ones involvement, may be a better strategy for some actors. The possibility that NGOs or other actors withhold participation should therefore be taken into account in this study too. Renn *et al.* (2010) found that public involvement processes conducted solely to legitimise EU directives, had a low potential for improving the quality of policy-making, they could thus hardly make the process more effective.

This section showed that participation of non-state actors in policy-making has become popular internationally and in the EU in recent years. Yet its potential for improving policy-making processes through broadening the knowledge basis and strengthening the support for policies by stakeholders, can only be realized if it is based on the principles of “good governance” (see section 2.1.4.2.). A lack of necessary resources by state bodies can also be an obstacle to the involvement of non-state actors. It will be interesting to discuss how far this applies to ENGOs participation in Natura 2000 in Hungary – does the lack of state resources hinder participation, so is it a reason why ENGOs did not participate in certain ways or stages (research question 2: reasons for participation)? Having discussed the requirement for participation in general, the following section takes a closer look at who these non-state actors are who are to participate in policy-making.

### **2.2.2. Non-state actors - terminology**

According to the traditional view of society there are three societal sectors: governments, the private (business) sector and civil society (excluding businesses)<sup>27</sup> (Willets, 2002). The term “private” may, however, as well be used to include also non-profit organisations, like voluntary organisations and NGOs (Hill, 2009). Hill (2009) pointed out that in the case of complex partnerships, or state owned companies, it is sometimes hard to distinguish between “public” and “private” actors<sup>28</sup>. The term “civil society”, too, can be used in different ways: it may also be used in the meaning of all non-state actors, so including also companies and businesses (Willets, 2002). In a broad meaning, “civil society” thus encompasses business actors, yet in the standard meaning business activities are usually not considered as forming part of civil society. This does, however, not mean that businessmen, and the same is true for governmental officials, cannot act as members of civil society if they are members of NGOs or conduct voluntary work. Yet if the major aim of an economic activity is a social one, like in the case of social entrepreneurship, this business could well be considered as part of civil society. The term “civil society” reaches beyond traditional NGOs, it includes all forms of networks, caucuses or movements; the emphasis lies on the political aspects of activities of and exchange among non-state actors (Willets, 2002; Clark *et al.*, 1998). Willets (2002, online source: no page numbers) defined “civil society” as “all public activity, by any individuals, organisations or movements, other than government employees acting in governmental capacity.”

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<sup>27</sup> Renn and Schweizer (2009) even distinguished four actor groups in modern pluralist societies: governments, economic players, civil society organisations and scientists.

<sup>28</sup> In the field of biodiversity governance, an example for a consortium of state and non-state actors is the IUCN (International Union for Conservation of Nature and Natural Resources), a “hybrid” organization of NGOs, governments and state agencies (Christoffersen, 1994).

The term “NGO” was introduced by the UN in 1945 to distinguish international private organisations, or in other words “non-governmental organisations” (NGOs), from specialised intergovernmental agencies (Willets, 2002), over the last decades the term has then been used also to refer to private organisations at lower governance levels. Other terms, which could be applied to most NGOs, are “interest group”, “pressure group”, “lobby”, or “private voluntary organisation”. (Willets, 2002). When, starting with the Rio Earth Summit of 1992, local organisations became active at the global level, new terms, like “grass-roots organisations”, “community based organisations” (CBOs), and “civil society organisations” (CSOs) were introduced to refer to these local NGOs (Willets, 2002). Yet, because all these other terms have slightly different and often contested meanings, the term “NGO” has been used across all levels as an uncontroversial catch-all term (Willets, 2002). The first condition for an organisation to be considered as an NGO is that it is independent from direct control by any government (Willets, 2002). Besides this criterion encoded in the term “non-governmental organisation” itself, there are three further generally accepted characteristics an organisation has to fulfil to be commonly regarded as an NGO (Willets, 2002): (1) it should not be a political party, (2) be non-profit making and (3) not be a criminal organisation, *i.e.* it should commit to non-violence, which, according to Willets (2002), is the best respected defining principle for an NGO. An NGO can thus be defined as “an independent voluntary association of people acting together on a continuous basis, for some common purpose, other than achieving government office, making money or illegal activities” (Willets, 2002, online source). Willets (2002) explained that even though many NGOs may not see themselves as engaging in public policy, he nevertheless considered them as political in the broadest sense, since by influencing social discourses with their expression of values they may have an indirect effect on public policy. NGOs may be structured in various ways (Willets, 2002): There are membership organisations and organisations relying on subscribers and supporters who in contrast to members do not have any direct control over an NGO’s strategies<sup>29</sup>. Many international NGOs are organised as global hierarchies with an international umbrella organisation and national level, and often also subnational level member organisations (*e.g.* Friends of the Earth, BirdLife). NGOs may be based in a single country and may operate transnationally (Willets, 2002). Environmental NGOs, can be distinguished into the ones pursuing a “green” agenda, *i.e.* working for the conservation of nature and biodiversity, which are the focus of this work, and the ones pursuing a “brown” agenda, *i.e.* dealing with all other types of environmental issues, for example air pollution (Adams and Jeanrenaud, 2008).

This section pointed out that when talking about non-state actors it is important to clearly define the terms used because some terms are used with different meanings in the literature. In the present study, the term “non-state actors” will be used when talking about business actors and voluntary organisations, while the term “civil society” will be used to mean only voluntary organisations or private persons, when they act as citizens and not primarily to make profit.

After having defined what a CSO and an NGO is, the following section will review the expectations towards civil society and NGOs as discussed in the literature.

### **2.2.3. Expectations towards civil society and NGOs**

#### **2.2.3.1. Roles of NGOs as members of civil society**

When using the term “civil society”, there are certain expectations implied. Following Willets (2002) it is a tool to promote wider and deeper political participation of citizens. According to Clark *et al.* (1998), if well-developed, civil society can perform two functions: it aggregates and expresses the wishes of the public, and it safeguards public freedom by limiting the ability of governments to rule arbitrarily or by force. As indicated also when discussing challenges of MLG (2.1.4.), there is a demand for new ways of linking citizens and authorities. The engagement of civil society

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<sup>29</sup> BirdLife and Friends of the Earth (FoE) for example are membership organisations, while WWF and Greenpeace rely on supporters.

organisations is thus based on the idea that they can act as intermediaries between the individual and the state, and are thus crucial for the democratic governance process. NGOs have been considered as representing civil society (Hicks, 2004).

NGOs may have very diverse roles. Their core activities may serve as a criterion to distinguish them: Willets (2002) differentiated between operational and campaigning NGOs yet noted that a sharp distinction was not possible as many NGOs are active in both fields and as the balance between different types of activities may change over time. Campaigning activities can be distinguished based on the target group (Boda, 2013, personal communication) into lobbying towards policy-makers and awareness-raising among the general public. Similarly, operational activities, too, can be addressed at different target groups: NGOs may provide services to policy-makers, like giving advice, conducting species monitoring or management on state owned sites, or they can manage their own sites and perform business-like activities. Another typical activity of NGOs, which, however, cannot be clearly categorised as campaigning or operational is their role as civil control agents or “watchdogs” over governmental activity (Fairbrass and Jordan, 2001; see above section 2.1.3.).

As civil society representatives NGOs play an important role in bringing local, national, and international problems into the public consciousness (Hiedanpää, 2005; Jongman *et al.*, 2008) because they “draw on political implications of biophysical trends” (Princen and Finger, 1994, p. 217, cited in Raustiala, 1997, p. 725). Like lobbyists they can act as channels for ideas and political pressure (Raustiala, 1997). With their advocacy work, which is increasingly considered as an integral part of the role NGOs play in society, NGOs often challenge the status quo and reveal inconvenient truths governments or big business do not want to hear (Jordan and Van Tuijl, 2000). In democracies they are expected to convey public opinion to policy-makers and inform the public about policies (Palubinskas, 2003). NGOs are often seen as guardian of community interests, who provide a voice for the marginalised (Sand, 2001; Hicks, 2004). NGOs have a crucial function as watchdogs observing governmental policy-making and implementation (Fairbrass and Jordan, 2001; Sand, 2001). In countries, where public interest litigation is an option they can initiate cases in front of national courts (Sand, 2001). Raustiala (1997), however, also noted that NGOs are imperfect monitoring agents who are “often less concerned with compliance in the narrow sense – adherence to the letter of an agreement – than [...] with NGO approval or disapproval of particular actions, even if those actions are not violations of the terms of accord” (Raustiala, 1997, p. 729). Boda (2012) noted that NGOs can not only draw attention to problems but also help in implementing environmental policies. NGOs may provide a variety of services for policy-makers and the public: they carry out independent research (Hicks, 2004; Jongman *et al.*, 2008), advise policy-makers and draft policy (Hicks, 2004), they monitor environmental quality (Hicks, 2004), and directly manage natural resources by administering protected areas or buying land (Hicks, 2004; Ioja *et al.*, 2010; Henle *et al.*, 2008), and thereby help to implement environmental policies (Van Rooy, 1997). NGOs are also taking over tasks which used to be “state-only” activities (Raustiala, 1997), and according to Biermann (2007), non-state actors are no longer only active in lobbying or advising but increasingly negotiate their own standards<sup>30</sup>. The involvement of NGOs in policy-making has become an accepted aspect of environmental governance in democratic systems (Hicks, 2004). Jepson (2005) demonstrated that the environmental movement is in two ways deeply entwined in the changing of governance dynamics through an increased role of non-state actors: on the one hand in their campaigning role NGOs have exposed environmental wrong-doing of unelected corporations, while on the other hand NGOs have supported a shift of public service delivery to (non-elected) civil society because this provides them with contracts and can increase their influence. In Europe, high hopes have been put into civil society to reduce the democracy deficit of the EU (Kohler-Koch, 2009). Rooted in different images of the EU, there are, however, different

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<sup>30</sup> In the field of biodiversity governance, an example for a state- non-state hybrid organisation which sets its own standards for nature conservation, is the IUCN.

and (partly) even contradictory ideas and expectations towards civil society in the EU (Kohler-Koch, 2009):

(1) If the EU is seen as a regulatory political system, Europe's civil society is understood as a plurality of organisations, so as embracing all types of voluntary non-profit organisations. Civil society can increase awareness for the plurality of interests, give a voice to citizens, broaden the range of expert knowledge and bring the EU closer to the people; civil society organisations thus act as intermediaries between the EU and the people. This view is policy oriented focusing on participation of civil society organisations in agenda setting, policy consultation, monitoring and implementation.

(2) According to a service oriented point of view, the EU is a system of participatory governance and civil society are all stakeholders, including private economic actors, who are affected by EU policy and have capacities to contribute to joint problem solving. Stakeholders are seen as co-producers of knowledge, and the added value of civil society is to render policy-making in the EU more efficient and effective.

(3) The EU can also be seen as an emergent polity, in which civil society represents a social constituency in the making. Civil society is regarded as an EU-wide public sphere which provides a communicative space for public deliberation. The value of civil society lies in activating citizens for a transnational dialogue and in creating social cohesion in Europe.

Overall, Kohler-Koch (2009, p. 12) noted that "giving voice to civil society" has become synonymous with consulting "organised civil society", rather than individuals. In line with the views of the EU as a regulatory political system or an emergent polity, NGOs in the EU are considered a bridge between the EC and European citizens (Ferranti *et al.*, 2010). To foster the implementation of EU policies, the EU has supported domestic actors with independent incentives to adopt EU rules, who could exercise pressure on their governments (Schimmelfennig and Sedelmeier, 2004). Such domestic actors with an own interested in EU rules, like ENGOs in the environmental field, can increase the monitoring capacity of the EU; their presence changes the informational environment and may in this way hinder governmental actor from ignoring the new rules (Dimitrova, 2007).

In the countries of Central and Eastern Europe, the growth and development of NGOs has been an important part in the process of democratizing society (Beckmann *et al.*, 2002; Börzel and Buzogány, 2010a; Jancar-Webster, 1998; Palubinskas, 2003). According to Lawrence (2008, citing Svajda, 2008; Rodela and Udovč, 2008), the move towards the *aquis communautaire* brought expectations for more public involvement in environmental policy-making, especially because of the Aarhus Convention, which had been signed by the accession countries and the EU as a whole. By the time of EU accession, the CEE countries were formally considered as consolidated liberal democracies, yet informally EU officials said they were aware of weaknesses of civil society and democracy in the CEE countries, and therefore assumed a need for a strong EU presence (Hallstrom, 2004). Many authors regarded civil society in CEE as weak because the environmental movement had shrank with the achievement of overthrowing the communist regime and the following economic transition<sup>31</sup>, and because international support did not really encourage bottom-up mobilisation and participation (Baker and Jehlicka, 1998; Börzel and Buzogány, 2010a; Jancar-Webster, 1998). Pointing to the democratic deficit of the EU itself Hallstrom (2004) found that the

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<sup>31</sup> Due to the significant role the environmental movement played in overthrowing the communist regimes in CEE, there were high expectations regarding their role in the transition process and hopes that the economies would be restructured in a more sustainable way avoiding the environmental problems of the Western countries, and that a civil society with a broad basis would develop (VanDeveer and Carmin, 2005; Hicks, 2004; Baker and Jehlicka, 1998; Jancar-Webster, 1998). The transition process, however, was dominated by economic restructuring, as a consequence of which many people became unemployed, the general public, therefore, rather focused on survival issues, while environmental concerns moved into the background (Baker and Jehlicka, 1998; Jancar-Webster, 1998; VanDeveer and Carmin, 2005). Moreover, once the goal of liberation and end of the socialist regime had been achieved, many formerly active people, who had joined environmental groups because they were a relatively safe venue for criticising the communist regime, left the environmental movement (Baker and Jehlicka, 1998; Berg, 1999; Hicks, 2004).

EU strengthened the role of technical expertise but did little to encourage citizen based interactions and democratic input into decision-making in CEE. Petrova and Tarrow (2007), however, took a slightly different stance, not denying though that in post-communist societies the voices of citizens are poorly represented in decision-making processes, despite the development of a broad spectrum of NGOs: they distinguished between individual participation or “participatory activism”, as measured in most surveys (*i.e.* whether people vote, whether they join voluntary associations or demonstrate), and “transactional activism”, which they defined as the relational aspects of activism, *i.e.* whether and how voluntary organisations interact with each other and with policy-makers, or in other words the ties among organised non-state actor and between them and power-holders). Petrova and Tarrow (2007) claimed that, while mass participation is low, there is a high level of inter-group transactions in CEE<sup>32</sup> and argued that when only focusing on participatory activism, one misses a peculiar aspect of activism in the region, namely an activism characterised by coalition building and problem solving negotiations among elites (Petrova and Tarrow, 2007). Yet Petrova and Tarrow (2007), too, admitted that with only this kind of activism NGOs do lack the legitimacy of a popular mandate, so that they may not be taken seriously.

This section introduced different categories of NGO activity: campaigning, operational, and civil control activities. To get answers to research question 1, the present study will investigate what kind of participation can be found in Hungarian biodiversity governance and, especially, what kinds of roles NGOs play. Do they fulfil some of the expectations expressed in the literature? Do they, for example, provide services for policy-makers? Can they act as a bridge between the EU and citizens? Within the EU the expectations towards NGOs as members of civil society depend on the image of the EU and the role of civil society in general. NGOs have been described as a bridge between the EU and citizens. As domestic actors who have an own interest in implementing EU (environmental) policies, NGOs change the informational environment as they can provide government-independent information to the EU (Dimitrova, 2007). This study will investigate if and what kind of information Hungarian NGOs provided to the EU (research question 1). Especially with the Aarhus Convention, expectations towards participation have risen in CEE, where civil society has been regarded as weak. Petrova and Tarrow stressed that relational aspects of activism were important for understanding participation in CEE countries – this aspect will also be paid attention to when exploring the interactions of NGOs (research question 2.2.).

#### **2.2.3.2. Legitimacy of NGO participation**

Biermann (2007) emphasized that the inclusion of private actors and civil society should be perceived as legitimate, effective and fair by all stakeholders. How are non-state actors like NGOs, whose representative legitimacy is limited only to their members and donors, legitimised to take part in the decision-making process? Jordan and Van Tuijl (2000) emphasized that NGOs need to address questions concerning their legitimacy and accountability because unless they deal with their political responsibility they are left open to criticism, which may sometimes be raised only to divert attention from the pressing issues NGOs fight for so that the NGOs cannot successfully promote their objectives (Jordan and Van Tuijl, 2000). In its White Paper on governance the EC demanded that with greater involvement, civil society organisations must themselves follow the principles of “good governance”, including accountability and openness (EC, 2001). In the case of NGOs, Jordan and Van Tuijl (2000) preferred to talk of political responsibility rather than accountability because the term accountability implies formal obligations, which do not exist for non-state networks advocating a joint cause. Political responsibility is a normative concept, which calls for campaigning actors to not only embrace the goals of their campaigns but to respect democratic principles in their campaigning process itself, too (Jordan and Van Tuijl, 2000). Several authors agreed that although representative democratic legitimacy is important, it should not be the main

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<sup>32</sup> In the example of opposition against the M0 motorway in Budapest, they found that local protesters could quickly involve experts and national and transnational NGOs, which in turn served as repositories for technical and political knowledge, so that the strength of the campaign was relational (Petrova and Tarrow, 2007).

concern for environmental NGOs (Dombrowski, 2010; Jepson 2005; Willets, 2002). Biermann *et al.* (2009) and Dombrowski (2010) pointed to the existence of trade-offs between high standards of accountability and legitimacy towards living constituents who can mandate NGOs (input legitimacy) and the effectiveness with which NGOs act as trustees protecting an environmental good for future generations (output legitimacy). Jepson (2005) even indicated that the public does usually not wish to hold NGOs to account as they serve as “civil structures through which citizens can abrogate their feelings of moral concern and responsibility for issues that are beyond their direct sphere of influence” (Jepson, 2005, p. 522). Many who are concerned by a decision on environmental matters have no opportunity to influence it as they are foreigners, not yet born, or not human (Wittmer *et al.*, 2006). In general NGOs are seen as speaking for the “voiceless”, in the case of environmental NGOs for future generations and species (Dombrowski, 2010; Slim, 2002). According to Slim (2002), legitimacy is derived from morality and law, and can be generated by NGOs through valuable expertise, and a good performance that demonstrates that they have knowledge and capacity to act on the problems they highlight, and thus through the reputations NGOs build over time. Schweitz (1995, cited in Van Rooy, 1997, p. 110) argued that NGO legitimacy was based on three pillars: (1) NGOs are seen as sources of information and expertise, (2) as deliverers of services, and (3) as “keepers of the moral flame”. Jepson (2005) grouped assets legitimizing environmental NGOs into four categories: (1) regulatory legitimacy by conforming to legal requirements, mandated by policy frameworks; (2) pragmatic legitimacy in cases where NGOs assistance helps policy-makers, *e.g.* with the provision of needed information, (3) normative legitimacy based on the fact that NGO activities conform to ideals and benefit others, and (4) cognitive legitimacy when NGOs’ legitimacy is taken for granted, *e.g.* when they act as defenders of values or watchdogs. There are also scale challenges for legitimacy NGOs face in a MLG setting. Jordan and Van Tuijl (2000) stressed that NGOs should be careful when operating outside their own political arena because an action may be effective at a certain level but counterproductive at another one. They, moreover, stressed that working globally does not provide a self-standing legitimacy but can be very time and energy consuming and may thus result in loss of touch with the NGO’s place of origin and local relationships (Jordan and Van Tuijl, 2000).

So the legitimacy of NGOs to participate in policy-making processes is grounded in the institutional structure of a governance system, being considered as legitimate actors is an important basis for participation opportunities for NGOs. For this research it will thus be interesting to learn about how NGO participation is perceived in Hungary and whether and why it is considered as legitimate or not. This will be discussed in subchapter 4.4.

#### **2.2.4. Potential influence of NGOs**

A core question when aiming to understand what role NGOs play in governance processes is whether or not they can influence the policy process and its outcomes. Slim (2002) warned that the question of impact or outcome of NGO work is not easy if at all possible to answer with certainty. Betsill and Corell (2001) stressed that to study the influence of NGOs one has to search for evidence of whether political outcomes reflect the objectives of NGOs, and examine what NGOs did to influence the process and whether other actors changed their behaviour in response. With such a qualitative assessment it is possible to differentiate between high or low levels of NGO influence (Betsill and Corell, 2001). Weber and Christophersen (2002) closely investigated the reasons for changes in the level of NGO influence over the course of the Natura 2000 process at EU level. According to their model the potential influence of an NGO is determined by two parameters: (1) the NGO’s participation capacity and (2) the participation opportunity at a particular stage of the policy process. The potential influence can at maximum reach the full participation opportunity granted by state actors. If an NGO’s participation capacity is higher than the participation opportunity, NGOs tend to use free capacities to increase their participation opportunity, if however, the granted participation opportunity is not realised by NGOs due to low capacities, the offered participation opportunity is oftentimes not renewed by decision makers (Weber and

Christophersen, 2002). The following subsections will give a closer look at what can constitute a participation opportunity or capacity for NGOs.

#### **2.2.4.1. Participation opportunities**

What constitutes a participation opportunity for an NGO? According to Weber and Christophersen (2002) a participation opportunity includes official and informal opportunities. It depends on the structure of the system itself, on what institutions the governance system is build and on who is considered as a legitimate agent (Biermann *et al.*, 2009). So for ENGOs in Natura 2000 implementation this structure is the European MLG system, which as noted above offers many points of access for non-state actors. NGOs have the opportunity to directly address supranational bodies<sup>33</sup> and thus to bypass national governments, which have less capacity for direct control of the process than they used to, but are in a continual process of bargaining with other state and non-state actors (Biermann *et al.*, 2009; Hooghe and Marks, 2001; Fairbrass and Jordan, 2001; Peters and Pierre, 1998, 2001). NGOs have also gained access by way of precedent and the new assumption that they belong into the decision-making process (Van Rooy, 1997). Following Peters and Pierre (1998), NGOs are regarded as relative equals in bargaining processes in a governance system. In his study of NGOs and UN environmental institutions, Raustiala (1997), though, found that NGO participation happened only at the mercy of states, but also that over time instances where NGOs were permitted access for the short-term benefit of governments may lead to a transformation of the broader political landscape, with irreversible long-term costs and effects for the once leading actors. The degree of recognition of NGOs of course varies between different countries (Haslett *et al.*, 2010). In many countries NGOs have the possibility of public interest litigation at national level, *i.e.* going to national courts as “advocates of nature”, if laws and international agreements which have been transposed into national legislation are not respected (Sand, 2001).

Van Rooy (1997) identified three key prerequisites for NGO influence: The first is high salience of the policy issue, with the issue already on the political agenda. Secondly, if a policy issue is regarded as “low policy” it is easier for NGOs to address decision-makers because of a policy vacuum around many issues of “low policy” which are usually administered by weaker members of the state bureaucracy, NGOs’ capacity may be comparatively higher and their help welcomed (Van Rooy, 1997). The third prerequisite Van Rooy (1997) mentioned is continuous access to decision-makers, including personal time spent together. In instances where NGOs are viewed as the department’s ally and insiders their suggestions are regarded as reasonable and relevant (Van Rooy, 1997). Willets (2002) indicated that at all levels, even government leaders, who hold a more hostile view towards NGOs, would cooperate with NGOs when they expect them to be allies supporting their current political goals. In areas where decision-makers do not or cannot have expertise, NGOs can provide information – this is especially the case for poorly financed and understaffed bodies (Van Rooy, 1997). Dietz *et al.* (2003) emphasized that information which is congruent with on-going needs of decision-makers with regard to timing, content and form is particularly useful. Citing Gaer (1995), Van Rooy (1997) highlighted that the promise of information had opened UN doors for NGOs. The involvement of non-state actors may, moreover, allow governments to evade restrictive procedural requirements or governments can involve NGOs for tasks they cannot do themselves for political or practical reasons (Peters and Pierre, 1998; Van Rooy, 1997). Paavola *et al.* (2009) found that biodiversity governance in the EU has become more participatory in the last years, which could at least partly be attributed to the incorporation of the provisions of the Aarhus Convention and to the fact that the implementation of Natura 2000 requires the involvement of stakeholders for site management (Paavola *et al.*, 2009). The EU has shaped the means and conditions of NGO activism (Hicks, 2004). As already indicated earlier, Hallstrom (2004) pointed

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<sup>33</sup> The process in which NGOs by-pass their national governments by directly interacting with supranational bodies termed “scale-jumping” in the MLG literature (Fairbrass and Jordan, 2001; Jessop, 2005; see section 2.1.3.) was described as a “boomerang pattern” by Keck and Sikkink (2005) for the case of human rights campaigns against the Argentinian military junta.

out that EU officials prefer and tend to reinforce expert knowledge and technical input rather than more participatory and public based input. Beunen *et al.* (2009) noted that although the EU desires proactive local and regional level responses to its policies, the implementation of EU policies largely follows a top-down pattern. The EC tends to strengthen EU influence and control, and to balance this it tries to increase the legitimacy of EU policy-making by fostering multi-actor governance (Baker, 2003; Primmer *et al.*, 2013). For this reason and to get independent information on the implementation of EU directives, the EC has encouraged NGO participation and monitoring. NGOs can report and have reported non-compliance, which caused the EC to initiate infringement procedures against member states (Weber and Christophersen, 2002; Paavola *et al.*, 2009). Although non-state actors cannot directly go to the ECJ in a case of governmental non-compliance, NGOs have a right to complain to the EC and EP which can in turn transfer the case to the ECJ (Sand, 2001). The EU has therefore encouraged NGOs to observe EU policy implementation in their countries and to act as watchdogs of the EU (Hicks, 2004). As states normally do not allow information gathering by other states or international organisations on their territory, for this would be an intrusion into domestic affairs, nearly all international environmental agreements rely on self-reporting by states (Raustiala, 1997). It is thus easy for states not to provide timely and full information, if they do not comply with an agreement or simply because they do not have the capacities to report (Raustiala, 1997). In such cases NGOs can provide information about state behaviour to supranational actors or other states (Raustiala, 1997). So acting as watchdog may also be regarded as a provision of a service to policy-makers, *i.e.* the EU authorities.

Looking at the case of ENGO participation in Natura 2000 implementation in Hungary, one can assert that two conditions for ENGO's influence proposed by Van Rooy (1997) are fulfilled: biodiversity governance is a field of "low policy"; and, at least at the time of accession, the salience of Natura 2000 implementation was high. It will thus be interesting to find out whether also the third prerequisite, continuous access to decision-makers, was fulfilled. If this was the case, one should expect some ENGOs' influence during the process. The access to decision makers will therefore be analysed (research question 2.2.: interactions of ENGOs). Other aspects to study are the timing of ENGO input in the policy-making process and its usefulness for state actors (Dietz *et al.*, 2003). The kind of input ENGOs can provide of course depends on their capacities – these will be discussed in the next section.

#### **2.2.4.2. Capacities of NGOs**

As NGOs do not have the power to enforce laws like governments or state bodies, and as they have less economic resources than business actors (Boli and Thomas, 1997), they need other capacities and resources to be able to participate in the policy-making process.

Important capacities include financial and human resources, administrative or expert knowledge and political ties (Carmin, 2010). Financial resources can consist of membership fees, donations, income from sales, funds for projects, and other state support. State funding, such as project funds, cannot be gained and are also not accepted by all NGOs, because these funds may conflict with an NGO's independence from state actors or because an NGO may be regarded as too radical by government actors to gain funds; other groups, especially conservation and research groups, however, happily accept state funds from all levels of government to support their activities (Willems, 2002). Yet, state funding is hardly ever sufficient for NGOs – while NGOs wish for a guaranteed budget for their administrative overheads, governments usually rather give funding for specific projects (Willems, 2002).

The human resources of an NGO are its members, staff and volunteers who with their time, capacities and knowledge ensure the functioning of the organisation (Carmin, 2010). International NGOs have the advantage that the most influential experts often ally with them (Boli and Thomas, 1997). A network of cooperating organisations is an important asset, too; NGOs often join in umbrella organisations according to issue areas and exchange information; different NGOs cooperate based on their agreement on a policy agenda (Willems, 2002). Yet, there are also



differences between environmental NGOs, which may prevent cooperation: their agendas and strategies may differ and are sometimes incompatible; and they compete against each other for funding and members, they also compete for credit concerning policy success, which may complicate cooperation among different organisations (Sabatier, 1998; Jordan and Van Tuijl, 2000; Willets, 2002).

There are two types of knowledge that are required by NGOs (Carmin, 2010): (1) Operational or procedural knowledge, *i.e.* knowledge which supports strategic decisions and the administrative work of an NGO; political knowledge or the knowledge of how certain governance systems are organized enables actors to represent their interests more effectively. (2) Expert knowledge, *i.e.* scientific expertise and technical know-how can give legitimacy and is an important asset as it is often requested and needed by decision-makers at all governance levels (Carmin, 2010; Jepson, 2005; Slim, 2002). Several authors have recognized information as a primary tool NGOs use to exert influence (Gaer, 1995, cited in Van Rooy, 1997; Jordan and Van Tuijl, 2000; Betsill and Corell, 2001; Keck and Sikkink, 2005). Expertise in a certain field gives actors credibility and may legitimate their involvement into decision-making processes. The usefulness of resources depends on the stage of a policy process, naturally not all kinds of resources are useful at all times and in all contexts: At the early stages of policy-making, expertise is typically most useful; while in the implementation stage monitoring capacities are important (Raustiala, 1997).

A further resource, which may provide power to NGOs, is a high public profile (Boli and Thomas, 1997). Following Jepson (2005), legitimacy and public trust can also be regarded as fundamental assets of NGOs and thus can constitute a resource for NGOs. The informal and decentralised nature of NGOs has been described as a resource, too, as this makes it hard to block their efforts (Raustiala, 1997). Similarly important are political ties, good relations and on-going communication with state and other non-state actors; these may increase an organisation's operational knowledge and inform it about opportunities for participation. According to Glasbergen (2010), Conservation International (an US-based NGO working primarily in hotspots in developing countries) recognized that in order to really make a difference, the involvement of civil society and of local to regional NGOs in their work, as well as the collaboration with governments were crucial.

NGO capacities to look for (research question 2.1.) can thus be the following: financial resources, human resources, procedural knowledge, expertise, credibility, an NGO's structure and last but not least its political ties and relationships with other actors. The last category, *i.e.* links, especially with policy-makers, will be explored in the next section, for links can not only be considered as an asset but they can also open up new participation opportunities.

### **2.2.5. Links and networks**

As noted above, relations to other actors can be considered as resources, too, yet they also open participation opportunities. Links among actors mediate between capacities and opportunities for participation and therefore should be considered as a separate analytical category when trying to understand the roles NGOs play. Relations to other actors are thus crucial for understanding the dynamics of interactions between different actors across levels and sectors in MLG. This chapter, therefore, focuses on the links among actors and introduces frameworks for studying networking in policy-making.

Raustiala (1997) stressed that state actors and NGOs can both benefit if they cooperate. There can be very tight links between state and non-state actors based on networking. Van Rooy (1997) mentioned that NGOs have traditionally had stronger relations with weaker state actors, such as the environmental bureaucracies. The environmental ministries are usually relatively weak compared to the ministries of other sectors, and are often unable to compete with dominant economic and social interest (Hallstrom, 2004; Jongman *et al.*, 2008). Hicks (2004) observed a steady flow of people between environmental ministries and ENGOs in CEE; this should, however, not be generalised to all countries since Kluvánková-Oravská *et al.* (2009) found a partnership between state and non-

state actors only for the Czech Republic, but not in Slovakia and Poland. The independence from governments is a tricky question for NGOs, as soon as they cooperate with state actors. Governmental influence can be exercised also indirectly, especially via the attribution of funds; this may lead NGOs to design their programs in a way that increases their chances for public funding (Willets, 2002). Yet, Willets (2002) also indicated that experienced NGOs can get funding for new approaches in a policy field, which may cause governmental officials to reassess policies. Environmental NGOs, which are active in conservation and research usually happily receive government funds to support their activities and may even wish for a guaranteed regular support, while more radical campaigning groups are typically unwilling and unable to get governmental funding (Willets, 2002). NGOs can also acquire funds from business, which is, however, refused by many NGOs as this, too, may compromise their independence<sup>34</sup>.

Exploring the basis for cooperation between different societal actors in policy-making in general, and more specifically between state actors and NGOs, several authors developed frameworks describing networks of diverse actors.

Networking is a continuous process of voluntary communication and exchange, which helps to combine the strengths of partners from different backgrounds (Keck and Sikkink, 2005; Glasbergen, 2010). The term stresses informal, loose and open relations<sup>35</sup> among committed and knowledgeable actors working in specialised issue areas (Willets, 2002; Keck and Sikkink, 2005). There are networks of economic actors and firms, networks of scientists and professional associations, and networks of activists and voluntary organisations (Keck and Sikkink, 2005). Networks can appear as actors but also constitute a structure within which actors cooperate. According to Rhodes (2006) networks are institutional settings in which public and private actors interact. Hill (2009) further explained that the notion of policy networks relativizes the traditional dichotomy between state and societal actors by highlighting the fact that state actors are also actors in civil society and develop their positions along societal interests. There are often different opinions between different governmental departments and units, which belong to different professional fields and epistemic communities (Hill, 2009). Hill (2009) noted that the study of networks also highlights the state interest in fostering them for the following reasons: networks facilitate a consultative style of government, they relate well to the departmental organisation of governments, they can reduce policy conflict by making it possible to depoliticise issues, and thus make policy-making more predictable (Jordan and Richardson, 1987, cited in Hill, 2009). The EU's White Paper shows these interests of policy-makers; in it the EC claimed that the existing networks in Europe, which link businesses, communities, research centres, and regional and local authorities, should provide the foundations for EU integration, build bridges to applicant countries and across the world, and serve as multipliers for EU policy (EC, 2001).

Different actors have different values and interests – individual ones or values and interests shared by a group of people. Renn (2008) stressed that values are always present in decision-making, they are the basis of moral judgement and hard to weigh against each other. New knowledge or a new situation may change values, yet existing values people have also direct what kinds of new knowledge are attained and regarded as relevant (Renn, 2008). Several of the theories, therefore, see an important basis for cooperation in shared beliefs, values or policy goals. In the following paragraphs different theoretical theories and concepts describing networks of state and non-state

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<sup>34</sup> In the field of nature conservation, the biggest and best known globally active NGOs, which accepts both sources of funding and is actively supporting diverse conservation programs is the World Wide Fund for Nature (WWF). BirdLife International, a more research focused organization, concentrating on bird monitoring, also accepts governmental, as well as business funding. Greenpeace in contrast is the classical example of a campaigning group which refuses governmental and business support. FoE stand somewhere in the middle, it is actively campaigning also in contested issues, *e.g.* against GMOs, but also pursues conservation projects and cooperates with governments, yet it does not accept business funding.

<sup>35</sup> Willets (2002) remarked that the informal and open communication and exchange, which is essential and typical for networking, has become significantly easier with e-mails and the internet since the 1990s.

actors are presented with the aim to highlight the attributes which form a basis for networking and can thus inform the analysis of NGO interactions with state actors.

Policy network analysis (Rhodes, 1990; Rhodes and Marsh, 1992) focuses on interdependencies between the actors involved in policy-making and their influence on policy development. Policy networks are seen as clusters or “sets of formal institutional and informal linkages between governmental and other actors structured around shared if endlessly negotiated beliefs and interests in public policy-making and implementation” (Rhodes, 2006, p. 426). Rhodes (2006) stressed that there are insiders, actors whose expectations are acceptable and who are willing to cooperate, and outsiders, whose behaviour is considered as extreme and whose demands as unrealistic. Policy networks differ in terms of their degree of integration, membership and distribution of resources (Rhodes and Marsh, 1992). Policy network analysis distinguishes between policy communities and issue networks, as the extremes of networks with varying cohesiveness (Rhodes, 2006; Hill, 2009). While policy communities are constituted by actors with frequent and high quality interactions based on a consistency in values and a relative balance in power among the members, issue networks are characterised by many participants with fluctuating levels of contact, an absence of consensus, varying resources and unequal power between the participants (Rhodes, 2006; Hill, 2009).

The advocacy coalition framework (Sabatier, 1998; Sabatier and Jenkins-Smith, 1999; Weible and Sabatier, 2006)<sup>36</sup> emphasizes the role of ideas and information in shaping policies. The advocacy coalition framework assumed that within a policy subsystem actors form “advocacy coalitions” based on shared beliefs and policy preferences (Sabatier, 1998). These advocacy coalitions are made-up by different kinds of state and non-state actor – interest group leaders, legislators, agency officials, researchers and journalists – who coordinate their activities over time in pursuit of a common policy objective (Sabatier, 1998). It presumes that public policies and programmes are rooted in belief systems and that technical information plays an important role in policy processes (Sabatier, 1998). Policy outcomes are seen as the result of a competition between different advocacy coalitions (Smith, 2000). The Advocacy Coalitions Framework distinguishes between three types of beliefs (Sabatier, 1998): (1) deep core beliefs (*i.e.* basic philosophical values), (2) policy core beliefs (*i.e.* fundamental value priorities and causal perceptions; *e.g.* seriousness of the problem of biodiversity loss and its principal causes), and (3) secondary aspects of belief systems (*i.e.* beliefs about policy preferences, the evaluation of the performance of various actors or the relative importance of different causal factors, etc.)<sup>37</sup>. So the advocacy coalition framework is an agency or actor-based approach, putting a strong emphasis on the visions and beliefs of the actors, while policy network analysis is a more structure-based approach, focusing on networks as institutional settings.<sup>38</sup> A criticism of the advocacy coalition framework has been that coalitions do not simply form based on beliefs, but individual or organisational self-interests can make it difficult even among like-minded actors to build coalitions (Schlager, 1995, and Schlager and Blomquist, 1996, cited in Sabatier, 1998).

Another theory strongly building on the beliefs of the members in a network is the notion of epistemic communities as introduced by Haas (1992a). Epistemic communities are influential transnational knowledge-based networks of experts who share (1) a set of normative and principled beliefs, (2) causal beliefs in their domain of expertise, (3) notions of validity, and (4) a common policy enterprise (Haas, 1992a). Haas (1992a) stressed that control over knowledge and information is an important dimension of power: especially in the case of complex problems and uncertainty in more technical issue-areas decision-makers need advice, which epistemic communities can provide

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<sup>36</sup> The advocacy coalition framework was originally developed for analysing policy-making in the US, but has since been widely applied around the world, including many European countries (Sabatier, 1998; Smith, 2000; Elliott and Schaeffer, 2001a, 2001b; Weible and Sabatier, 2006; Weible, 2006; Hysing and Olsson, 2008).

<sup>37</sup> This belief system construct has been criticised as over-elaborate (Smith, 2000)..

<sup>38</sup> The applicability of the two frameworks for explaining the role of ENGOs in Natura 2000 implementation in Hungary and Poland was tested by Cent *et al.* (2013).

thanks to their recognized expertise. As decision-makers solicit information from an epistemic community and delegate responsibility to it, epistemic communities can become strong actors at national and transnational level by helping states identify their interests, by framing the issues of collective debate or by proposing specific policies (Haas, 1992a). A comparison of policy processes across countries showed that epistemic communities could be particularly influential in a given country if they held key niches in the administration, and thus institutionalised their influence by exercising bureaucratic power (Haas, 1992a, 1992b). Haas (1992b) found that epistemic communities can play a key role in coordinating international policies in their issue-area, like in the case of the protection of the ozone layer.

According to the Social Identity Theory (Turner, 1982, cited in Stoll-Kleemann, 2001) people make social categorisations and distinguish between in-group and out-group. While the in-group is favoured over the out-group, held together by a common fate and associated with positive characteristics, the out-group is often attributed with exaggerated stereotypes and perceived as a shared threat and common enemy (Turner, 1982 and Pennington *et al.*, 1999, cited in Stoll-Kleemann, 2001). Sabatier (1998) remarked that actors often tend to view opponents as more powerful than they actually are. According to Ferranti *et al.* (2010), it is typical for many environmental issues, such as the protection of biodiversity, that they are identified as problems by scientists but not perceived as such by society. For this reason nature conservationists feel they have to protect nature against opposition and have developed a strong sense of common identity based on their common aim to protect nature (Stoll-Kleemann, 2001). Regarding the willingness to cooperate, Stoll-Kleemann (2001) cited Turner's finding that when they interact as individuals most people are much more cooperative than when they act as part of a group (Turner, 1982). While positive for cooperation within a group, a strong in-group identity may thus also constitute a barrier for cooperation between different groups of actors.

An important concept in this context is "social capital" as it facilitates communication, interactions and exchange of experience between groups (Pretty and Smith, 2004). Social capital has four central features: (1) relations of trust; (2) reciprocity and exchange; (3) common rules, norms, and sanctions; and (4) connectedness in networks and groups (Pretty and Smith, 2004, p. 633). There are three types of social capital: bonding, bridging, and linking types of social capital (Pretty and Smith, 2004). Bonding social capital refers to links between people who share a similar world view, so it strengthens group identity; bridging social capital is the capacity of groups to establish links with groups which have different views, so it is based on horizontal connections; and linking social capital refers to the ability of groups to interact vertically with external agencies in order to influence policies or benefit from resources (Pretty and Smith, 2004). Social capital can be distributed unequally across a community and different groups of stakeholders.

For describing new links between civil society actor, states and international organisations, in issue areas characterised by high value content and (informational) uncertainty, like the environment and human rights, Keck and Sikkink (2005) used the terms "transnational networks" or "advocacy networks". Actors in these networks may be international and domestic NGOs, foundations, the media, churches, trade unions, consumer organisations, international organisations and government. These networks are characterised by a dense web of formal and informal connections and circulating personnel; funds and services are exchanged especially between foundations and NGOs (Keck and Sikkink, 2005). Within transnational advocacy networks NGOs usually play an important role, by initiating actions and building up pressure on more powerful actors; NGOs also provide training for other NGOs (Keck and Sikkink, 2005).

Glasbergen (2010) studied civil society on the global level: global action networks (GANs) are "civil society initiated multi-stakeholder arrangements that aim to fulfil a leadership role in the protection of the global commons or the production of global public goods" (Glasbergen, 2010, p. 130; see also Waddell, 2005). GANs work across sectors and interdisciplinarily, linking international organisations, governments, businesses, civil society and other actors, focusing on specific sustainability issues, *e.g.* the Ecosystem Partnership Fund. Their activities include agenda-

setting, knowledge generation, capacity building, resource mobilisation, education, conflict resolution and certification (Glasbergen, 2010). According to Glasbergen (2010), whether they succeed as change agents strongly depends on their ability to involve governmental actors. So, like Raustiala (1997) and Jordan (2001) explained when discussing the sovereignty of national governments in the European MLG setting, Glasbergen (2010) stressed that for networks of non-state actors it is crucial to link with state actors at relevant levels of governance.

These different theories on cooperation and networks, *i.e.* informal, loose, open relationships between likeminded actors (Willems, 2002), in policy-making highlighted a number of features one should pay attention to when studying the relations and interactions among state and non-state actors – namely resource interdependencies, the need for expertise, shared beliefs and values, the existence of a mission or common policy goals, a sense of group identity based on a professional and social background, and trust among actors. Many of the described types of networks are transnational and involve civil society organisations like NGOs; NGOs were considered as crucial actors within these policy and advocacy networks by several authors. So for this study, namely to answer research question 2.2. (interactions of ENGOs), it will be interesting to see what kind of networking can be found in Hungarian biodiversity governance and what role ENGOs play therein, what were the bases for coalition formation in Hungary (beliefs, interests?), and if the formation of coalitions was maybe hindered by organisational self-interests.

#### **2.2.6. Summary**

This subchapter provided a literature review on the first research objective of the present study, the participation of non-state actors, and particularly of NGOs. Participation, *i.e.* the involvement of the public in general or concerned stakeholders in policy-making processes, has become an accepted aspect of “good governance” and has been called for also by the EU. Two major reasons behind participation are a functional one of improving the policy process by including all relevant knowledge, and a democratic one of better linking citizens and policy-makers. While the rhetoric of many EU documents built on the latter argument, in praxis a functional approach was observed as dominating. Since participation of non-state actors ultimately leads to a redefinition of roles and power, many decision-makers tend to have an ambiguous attitude towards it.

There are different kinds of non-state actors. One can distinguish between public and private actors; the notion of private is usually used to imply business actors, but is not limited to these. Regarding participation, civil society is a crucial term: in this study it will be used meaning all voluntary organisations and private persons when acting as citizens. NGOs are an important part of civil society. Their defining characteristics are that they are independent of direct governmental control, not a political party, not profit-making organisations, and non-criminal. There are membership organisations, and NGOs relying on supporters, who have no direct influence on the strategy of the organisation; many NGOs form part of global hierarchies of umbrella and member organisations, and via these can reach across different levels of governance.

NGO activities can be grouped into the following categories: campaigning (lobbying of decision-makers and raising of public awareness), operational activities (including the provision of services like monitoring or site management), and exercising civil societal control by acting as watchdogs. Due to different views of society, the expectations towards the role of NGOs differ. In the EU MLG context NGOs have been considered as linking the EC and European citizens; as watchdogs of their national governments and authorities NGOs can provide independent information to the EU. The different types of activities may have a different impact at different governance levels: as watchdogs NGOs are providing information to the EU, but controlling national or subnational authorities. Due to a low level of individual participation and activism, civil society in CEE has been considered as weak; Petrova and Tarrow (2007) though argued that a characteristic aspect of civil society activism in CEE was the ability of its members to interact with each other. In the quest to answer research question 2.2., why and how ENGOs interact among each other and with other actors, this research will, therefore, also investigate whether this kind of “transactional activism”

can be found in Hungarian biodiversity governance. To answer research question 1, it will be analysed which activities ENGOs conducted and which roles ENGOs played at certain levels of governance.

An important issue of debate is how NGOs, as non-state actors, are legitimised to participate. Their involvement in policy-making has become accepted even though they possess only a rather limited representative legitimacy towards their members and donors. NGOs are seen as having moral legitimacy based on the fact that they speak for the voiceless, *i.e.* for future generations and other species in the case of nature conservation NGOs. They can also gain legitimacy through a good performance demonstrating that they can do something about the issues they advocate, and by providing expertise and information requested by decision-makers. The legitimacy of NGOs depends very much on the context and on whether other stakeholders value or accept their involvement. As it is important for understanding the role of NGOs in Hungarian biodiversity governance, how and why their participation was perceived as legitimate or not will also be discussed in the empirical chapter (see 4.4.).

For understanding the influence of NGOs in governance processes two determining factors are their participation opportunities in the governance setting and the resources and capacities at an NGO's disposal (the latter are the focus of research question 2.1.). NGOs tend to have more opportunities for participation in fields of "low policy", like environmental policy, because the weaker administrations often appreciate the assistance of NGOs for reaching their policy goals. In the European MLG system NGOs got new participation opportunities at a supranational level, and the EU encouraged their involvement in policy-making. Besides financial resources, which NGOs can acquire through membership fees, donations and project grants, the knowledge of their members and staff is a key resource for NGOs. Expertise is often requested by decision-makers and procedural knowledge is strategically important for NGOs to recognize participation opportunities. Their links among each other and to state and other non-state actors are core assets for an NGO, too, as via these participation opportunities can be gained or opened. The relationships and interactions of NGOs with other actors, thus mediate between NGO capacities and participation opportunities and, therefore, merit a closer look as an own analytical category (see the analytical framework, chapter 3.1.).

There are a number of theories on how state and non-state actors voluntarily cooperate with each other, forming coalitions and networks. Important bases for cooperation found were a need for information, shared beliefs and values, a joint mission or common policy goals, a (professional) group identity and trust among actors. Based on these elements policy coalitions can develop also internationally and transnationally across all levels of governance. To better understand why and how NGOs participated (research question 2), this research will therefore analyse what networks Hungarian environmental NGOs were involved in (research question 2.2.) and on what resources cooperation could be based upon (research question 2.1.) in the field of Hungarian multi-level biodiversity governance.

## **2.3. Background of the case study: The Birds and Habitats Directive**

### **2.3.1. Aims and policy measures of the directives**

Natura 2000 is the world's largest ecological network of protected areas (Henle *et al.*, 2008); it covers around 26 000 km<sup>2</sup> or 17.5% of the terrestrial territory of the EU (EC, 2011d). Natura 2000, which is based on the Birds and Habitats Directive, was designed with the objective to create a European-wide ecological network of sites to ensure the survival of Europe's most valuable and threatened species and habitats (EC, 2013b). According to the EC, the Birds and the Habitats Directive form "the cornerstone of Europe's nature conservation policy" (EC, 2011a).

The Birds Directive (or with its full name of the codified version the "Directive 2009/147/EC of the EP and of the Council of 30 November 2009 on the conservation of wild birds"; EU, 2010) was adopted by the member states in 1979 (79/409/EEC) and constitutes the oldest piece of European

nature conservation legislation (EC, 2011b). It states that the naturally occurring wild birds in Europe are a common heritage of all member states, which, therefore, share a common responsibility for their protection. As many of the species are migratory, protection efforts need to be based on cooperation across borders. The Birds Directive recognizes habitat loss and degradation as the most serious threats to birds, and for this reason requires all member states to designate Special Protection Areas (SPAs) comprising all the most suitable territories for 194 migratory or endangered bird species listed in Annex I of the directive<sup>39</sup> (EC, 2014). The directive demands member states to take appropriate steps to avoid pollution and deterioration of habits and to report regularly on their implementation.

The Habitats Directive (92/43/EEC) or in full the “Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora” (EU, 2007), which was agreed upon in the year of the 1992 Rio Earth Summit, aims to extend the protection to a wider range of species and habitat types (Ledoux *et al.*, 2000). The goal of the Habitats Directive is “to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States” (Article 2.1.). The Habitats Directive, too, emphasizes that the threatened species and habitats are the natural heritage of the Community and that threats reach across borders. It protects over 1,000 animal and plant species, and over 200 habitat types of European importance, which are listed in the annexes of the directive (EC, 2011a). Its main objective is the establishment of a coherent European ecological network, the Natura 2000 network made up of the sites protected under the Birds Directive and additional sites designated according to the requirements of the Habitats Directive (Article 3). The Natura 2000 network is subdivided into different biogeographical regions<sup>40</sup>; in each biogeographical region Sites of Community Importance (SCIs) are selected for the species and habitat types of the Habitats Directive.

The process of site designation for Natura 2000 sites differed between the Birds and the Habitats Directive. The SPAs of the Birds Directive are designated by the member states; the EU is not directly involved in the designation procedure but only afterwards checks the site designation of the member states. For the SCIs member states first have to submit a list of “proposed Sites of Community Importance” (pSCI) to the EC; the selection of the sites is to be selected based on the existing scientific data and scientific criteria of ecological value and the protection needs of the species (Article 4), so not on social or economic criteria like the interests of affected stakeholders<sup>41</sup> (Rauschmayer *et al.*, 2009a; Kluvánková-Oravská *et al.*, 2009; Paavola, 2003/2004; Ferranti *et al.*, 2010). Keulartz (2009) noted that the selection of Natura 2000 sites was thus based on the assumption that due to their ecological knowledge about the various ecosystems scientific experts and not ordinary citizens and politicians should determine the direction of nature conservation policy. The country’s site proposal is then discussed with the EC and its experts of the ETC/BD in a seminar for each biogeographic region; to this biogeographical seminar the EC invites representatives of the government of each member state belonging to this biogeographical region, as well as experts and stakeholders, *i.e.* ENGOs and land users. All sites which have been accepted by the EC as “Sites of Community Importance” (SCI) have to be protected by the member states as soon as they are included into the list of SCIs; member states further have to designate all SCIs as “Special Areas of Conservation” (SAC) within six years at most. The EC may request amendments to the site proposal by the member states if the submitted lists do not adequately reflect the habitat types and species (Article 5). As there are species and habitats which do not (or no longer) occur in the old EU member states (EU 15) but (still) exist in the new ones, the annexes were amended for

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<sup>39</sup> The directive also bans activities, like deliberate killing, capture or destruction of nests, which directly threaten birds, with a few exceptions – the bird species listed in Annex II of the directive may be hunted if this is done sustainably (EC, 2011b).

<sup>40</sup> Alpine, Atlantic, Black Sea, Boreal, Continental, Macaronesian, Mediterranean, Pannonic, Steppic (EC, 2013a, 2012d).

<sup>41</sup> This guideline was followed by most member states (Rauschmayer *et al.*, 2009a; Kluvánková-Oravská *et al.*, 2009; Ferranti *et al.*, 2010).

the 2004 and 2007 accessions, and with the Pannonian region a new biogeographical region was added to the six existing ones (Continental, Mediterranean, Alpine, Atlantic, Macaronesian, Boreal) (EC, 2011a). To avoid that states could delay the designation and the protection of sites on the grounds that scientific knowledge is incomplete, deadlines were set for the submission of the national list of sites (date of accession 2004), the agreement on SCIs (2007 for the 2004 accession countries) and the designation of SACs (as soon as possible but at the latest 6 years after the adoption of a site as SCI) (Article 4; Papp and Tóth, 2004; BfN, 2009; Rauschmayer *et al.*, 2009b) – according to Rauschmayer *et al.* (2009b) this precautionary approach was justified by the irreversibility of biodiversity and habitat loss. The Habitats Directive requires member states to report every six years on the implementation of measures taken under the directive (Article 17): Member states are obliged to take the measures necessary to ensure the “favourable conservation status” of the species and natural habitats listed in Annex I and II of the Habitats Directive, by developing management plans for the protected sites or integrating the sites into other protection schemes<sup>42</sup> (Article 2.2, Article 6). The favourable conservation status is defined based on positive long-term trends of the range and area covered by remaining habitat, maintenance of specific structures or functions, population dynamics and species range (Article 1). In accordance with the subsidiarity principle and the regulations for EU directives in general – directives are binding for member states concerning the results to be achieved but leave the choice of forms and methods to the national authorities (Article 249 of the Treaty establishing the European Community; EU, 2006) – the Habitats Directive refers to the need for management plans for some sites but it does not, and neither does the Birds Directive, provide detailed implementation guidelines on how to achieve the species and site protection goals; the development of management plans is, therefore, left up to the member states (Ledoux *et al.*, 2000; Paavola, 2003/2004; Rauschmayer *et al.*, 2009b). Implementation procedures and management plans are crucial for how competing interests concerning protected areas are balanced and how well protection measures are accepted (Paavola, 2003/2004).

Having signed the CBD (as well as other international conventions) independently from its member states, the EU has to include its aims into EU policies (Baker, 2003; Young *et al.*, 2005; Alphandéry and Fortier, 2010). Since it constitutes the main EU measure in favour of biodiversity, apart from the European Community Biodiversity Strategy, the EC considers the Habitats Directive as crucial for implementing the CBD in Europe (Ledoux *et al.*, 2000; Young *et al.*, 2005; Baker, 2003).

### **2.3.2. Approach behind Natura 2000**

The Natura 2000 network follows a more recent conservation approach: instead of excluding humans by setting aside areas as wilderness or pristine nature, it protects areas and habitats of biologically diverse landscapes which have been shaped through human activities; these management activities, like low-intensity agricultural practices, are actually essential for the future maintenance of many Natura 2000 sites (Alphandéry and Fortier, 2001; Paavola, 2003/2004; Rauschmayer *et al.*, 2009b; Ostermann, 1998). Human activities are thus not banned on Natura 2000 sites as long as they do not threaten the conservation status of protected habitats and species (Ferranti *et al.*, 2010). According to Rauschmayer *et al.* (2009a) an evolution could be observed in the EU’s biodiversity policy from a top-down, science-driven approach focusing on single species in the 1970s which characterised the 1979 Birds Directive, over references to sustainable

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<sup>42</sup> With the requirement for investors to conduct environmental impact assessments in case a plan or project is likely to have a significant effect on a Natura 2000 site and the condition that national authorities shall only agree to plans and projects after having ascertained that these will not adversely affect the integrity of sites (Article 4.3.), the burden of proof has been shifted to economic development and land use changes (Rosa and Marques Da Silva, 2005). In case of “imperative reasons of overriding public interest, including those of a social or economic nature” (92/43/EEC, Article 6.4.) the Habitats Directive, however, allows to carry out plans or projects which have a negative impact on the protected species or habitats. To decrease this negative impact and maintain the coherence of the Natura 2000 network, member states are obliged to take compensatory measures.



development in the 1980s, to a more systematic framing of conservation in the 1992 Habitats Directive, which constitutes the basis for the establishment of the ecological network Natura 2000, and also towards a democratisation of biodiversity governance in the last decade with the implementation of Natura 2000.

### **2.3.3. Challenges of Natura 2000 implementation across governance levels**

The implementation of EU directives has often been challenging for national and subnational authorities because the regulations may differ from national policy-making traditions and authorities are often faced with a lack of resources. The experiences with the implementation of Natura 2000 show that it has been problematic and controversial in most EU member states (Ledoux *et al.*, 2000; Pinton, 2001; Hiedanpää, 2005; Beunen, 2006; Beunen *et al.*, 2009; Keulartz, 2009; Paavola, 2003/2004; Paavola *et al.*, 2009; Rauschmayer *et al.*, 2009a; Rauschmayer *et al.*, 2009b; Apostolopoulou and Pantis, 2009; Ferranti *et al.*, 2010; Ioja *et al.*, 2010; Börzel and Buzogány, 2010a). According to Young *et al.* (2005), Natura 2000 is a mixed blessing as on the one hand it has potentials for improving nature conservation through the creation of a coherent European ecological network helping to maintain the distribution and abundance of threatened species and habitats, and on the other hand it can be the cause for social conflicts between advocates of nature conservation and those wishing to allow for more human activities. Several authors compared centralised top-down and more small-scale bottom-up approaches to environmental policy-making and found some characteristic advantages and disadvantages of the two approaches: Policies designed at a centralised level and carried through in a top-down fashion are usually rather insensitive towards the local context, its constraints and opportunities, and for this reason often cause conflicts at local level (Cash *et al.*, 2006; Primmer *et al.*, 2013; Henle *et al.*, 2008). Local governance solutions, in contrast, are more context-specific, and very suitable for less mobile resources, like soil or land (Primmer *et al.*, 2013). Yet large-scale environmental problems, such as climate change or biodiversity loss, also need to be addressed by more central policies, as local policies are often insensitive to large-scale systemic consequences of local actions (Cash *et al.*, 2006; Primmer *et al.*, 2013).

Aiming at the establishment of an ecological network based on scientific conservation criteria and through this protection of many agriculturally used areas, Natura 2000 constitutes an innovation and entirely new institution in many member states which has brought new responsibilities and obligations for local and regional authorities for which most of these administrative bodies were not adequately prepared – not only in CEE, also for example in Italy or the Netherlands (Klůvanková-Oravská *et al.*, 2009; Ferranti *et al.*, 2010). The member states had to adapt their existing nature conservation systems, and thereby encountered translation and interpretation difficulties (Beunen, 2006; Ferranti *et al.*, 2010). Important reasons for problems during the implementation of Natura 2000 are the low political priority attributed to it by most member states and the tight timetable set by the EC (Paavola, 2003/2004; Rauschmayer *et al.*, 2009b; Primmer *et al.*, 2013). A lack of personal and financial resources and expertise was found to be another major reason for delays and problems with implementing Natura 2000 in many countries (Beunen, 2006; Apostolopoulou and Pantis, 2009; Klůvanková-Oravská *et al.*, 2009; Ioja *et al.*, 2010; Börzel and Buzogány, 2010a).

EU and national priorities came into conflict, concerning the deadlines, because of contradictions between European and national legislation and because many member states did not allocate adequate resources to the implementation of the Habitats Directive (Paavola *et al.*, 2009; Ferranti *et al.*, 2010). Also the EU itself did not specifically dedicate funds for Natura 2000 – Paavola (2003/2004) noted that some of the CAP funds used to support agricultural production could have been redirected to the provisions of ecosystem services without additional tax burden; yet there were no funds reserved specifically for Natura 2000 maintenance.

As with Natura 2000 the EC and the ECJ have become active in the field of nature conservation<sup>43</sup>, a new European level of governance has been established in the field of biodiversity governance in Europe – this has modified the power relations among actors (Paavola *et al.*, 2009; Ferranti *et al.*, 2010).

Opposition by land users was reported from almost all member states, including the Netherlands, France, Germany, Finland, Poland, Slovakia, Romania and Bulgaria (Pinton, 2001; Paavola, 2003/2004; Hiedanpää, 2005; Beunen, 2006; Henle *et al.*, 2008; Keulartz, 2009; Rauschmayer *et al.*, 2009a; Rauschmayer *et al.*, 2009b; Kluvánková-Oravská *et al.*, 2009; Ioja *et al.*, 2010; Welch-Devine, 2011). The conflicts between landowners, land users, nature conservation administrations and environmental NGOs have considerably delayed the designation process beyond the original deadlines in many countries (Rauschmayer *et al.*, 2009b). As several of the sites newly protected as Natura 2000 comprise private lands, the designation restrains private property rights (Hiedanpää, 2005; Ioja *et al.*, 2010). Since there are no standards or guidelines by the EU on consultation and participation in the implementation process of Natura 2000, the involvement of non-state actors depended on each country's practice in public consultation and democratic decision-making; one can thus observe country-specific solutions of consultations and lobbying struggles between various state actors and non-state actors taking place in parallel (Kluvánková-Oravská *et al.*, 2009; Rauschmayer *et al.*, 2009a). Implementation difficulties arose especially where and when conservation objectives come into conflict with other social and economic activities, so in the maintenance phase and at local level (Ferranti *et al.*, 2010). Conservation requirements are often too rigid and not in line with traditions of local extensive land users and with the need to react flexibly to changing weather conditions (Welch-Devine, 2011; Kelemen and Pataki, 2012, personal communication). The implementation of the Natura 2000 network, however, fundamentally depends on the sustained support by the public and especially by the local rural population since extensive agricultural cultivation is specifically needed for keeping many listed habitat types (Ostermann, 1998). Local farmers, therefore, have to be convinced to pursue or continue nature-friendly farming, public support is needed to create funds and an institutional environment supporting these activities; recognition and participation of stakeholders thus remain important challenges, which cannot be resolved easily but take time (Paavola, 2003/2004; Paavola *et al.*, 2009). A study from France and Spain showed that after initial strong opposition towards Natura 2000, many local land users, supported by information from private donors, have more recently decided to sign Natura 2000 management contracts (Welch-Devine, 2011). The activity of non-state actors has thus in this case advanced Natura 2000 maintenance.

#### **2.3.4. Experiences with the role of NGOs in Natura 2000**

NGOs have played an influential role during the writing of the Habitats Directive (Weber and Christophersen, 2002). They managed to engage in the process at the new European level of environmental governance, where according to Paavola *et al.* (2009) their success became embodied in European legislation and its implementation. The adoption of the Habitats Directive and the following implementation process have demonstrated that NGOs have relatively more influence at EU level than with most national governments (Fairbrass and Jordan, 2001; Weber and Christophersen, 2002; Paavola, 2003/2004; Paavola *et al.*, 2009). NGOs could participate in the site designation process because they could offer resources and expertise that the EC, national governments and administrations needed (Weber and Christophersen, 2002; Paavola, 2003/2004; Paavola *et al.*, 2009; Börzel and Buzogány, 2010a). Their involvement in the Natura 2000 process, however, varied considerably across member states, and in many old EU member states they were

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<sup>43</sup> The Commission has taken many member states — including Denmark, Finland, France, Germany, Greece, Ireland, Italy and the Netherlands to the ECJ because of their failure either to submit the list of sites within the deadline (Article 3 of the Habitats Directive) or to take measures to prevent the degradation of sites (Article 6) (Paavola, 2003/2004; Paavola *et al.*, 2009; Beunen *et al.*, 2009; Ferranti *et al.*, 2010).

not influential in the site designation phase<sup>44</sup>. Already for the implementation of the Birds Directive the Commission had asked ENGOs for a list of important bird areas (IBAs), which it used in complaints against Germany due to its slow implementation; German ENGOs then also provided a shadow list for SCIs and thus circumvented the non-participatory site selection processes conducted by the federal states (Weber and Christophersen, 2002; Mayr and Frischmuth, 2003; Rauschmayer *et al.*, 2009b). German ENGOs possessed the expertise to prepare these shadow lists thanks to their traditionally very close links to academic nature-conservation biologists (Rauschmayer *et al.*, 2009b). The ENGOs of some new EU member states, for example in Poland, followed this example of German ENGOs and also prepared shadow lists in reaction to a top-down and non-inclusive site designation process (Rauschmayer *et al.*, 2009a; Kluvánková-Oravská *et al.*, 2009; Cent *et al.*, 2013). During the further implementation of the Birds and Habitats Directive ENGOs from many member states have made complaints to the EC about non-compliance with deadlines and provisions of the directive within their countries (Paavola, 2003/2004). In this role as watchdogs ENGOs have played an important part in Natura 2000 implementation, *e.g.* in the UK, Germany, the Netherlands or Italy, as the EC often transferred their complaints to the ECJ, which then initiated infringement procedures against the member states (Fairbrass and Jordan, 2001; Weber and Christophersen, 2002; Paavola *et al.*, 2009; Ferranti *et al.*, 2010). In the Netherlands, ENGOs could successfully appeal to the Habitats Directive at national courts, too – according to Beunen *et al.* (2009) these court decisions made it clear for all actors that the European nature conservation directives have to be taken into account in development plans and projects.

The role of ENGOs in EU nature conservation policy has been evaluated differently. Weber and Christophersen (2002) warned that the way ENGOs participate at EU level, *i.e.* through by-passing national governments, could be perceived as not legitimate and, thus, decrease the acceptance of Natura 2000 policy among stakeholders. Ferranti *et al.* (2010), however, emphasized that the engagement of NGOs in the EU nature conservation arena constitutes a bridge between the EC and European citizens. Polish, Romanian and Hungarian ENGOs benefited from transnational and EU-level networks which provided information on EU policies and served as communication channels to EU-level policy-makers (Börzel and Buzogány, 2010a). Like other authors (Jancar-Webster, 1998; Baker and Jehlicka, 1998; Hicks, 2004), Börzel and Buzogány (2010a) found that international ENGOs imported their strategies into CEE. To analyse the EU impact on CEE ENGOs, Börzel and Buzogány (2010a) studied Natura 2000 implementation and found that in Hungary, Poland and Romania an endogenously driven process of professionalisation and institutionalisation of civil society groups was reinforced because ENGOs needed organisational skills to employ new opportunities for access in the policy process. They observed that that EU accession encouraged cooperation between professional ENGOs and the state in all three countries. Börzel and Buzogány (2010a), yet also claimed that the weakness of both state and non-state actors, and in particular an instability in the power relations within the state administration, as well as the organisations of non-state actors often made it difficult to establish stable relationships and a functioning cooperation between state and non-state actors in transition countries (Börzel and Buzogány, 2010b). Börzel and Buzogány (2010a) found that the low involvement of stakeholders in Natura 2000 implementation and the perceived co-optation of professional ENGOs by the state led to new conflicts between state and non-state actors and resulted in more confrontational strategies by still weak but more radical grass-root groups, like litigation against non-compliance with EU environmental legislation. They argued that the logic behind the partnership between the state and ENGOs in biodiversity governance was a functionalistic one, based on the state's need for ENGO

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<sup>44</sup> In Italy NGOs had only a limited role in nature conservation at the time of site selection, as the public and NGOs were excluded from the identification process (Ferranti *et al.*, 2010). As mentioned above, French NGOs could hardly participate in the revised site designation process (Rauschmayer *et al.*, 2009b). In Greece, too, NGOs were excluded from the site selection process (Apostolopoulou and Pantis, 2009). In Germany NGOs were also not involved officially, yet they, nevertheless, participated during the phase of site selection by compiling “shadow lists” of suitable sites for Natura 2000 which they sent to the EC, where they served as background material for the verification of the officially listed sites (Rauschmayer *et al.*, 2009b; Frischmuth and Mayr, 2003; Mayr and Frischmuth, 2003).

assistance due to a lack of state resources, and that ENGO involvement in the implementation of Natura 2000 hardly went beyond consultation and the delegation of technical tasks due to a reluctance of state actors to give ENGOs “a real say in the policy process” (Börzel and Buzogány, 2010a, p.711, 719). This argument raises questions as to the role of NGOs and the expectations towards them – should NGOs actually be the ones to take decisions? Like Jancar-Webster (1998), Börzel and Buzogány (2010a) seem to have very high expectations towards the role of NGOs in environmental governance in CEE. They do, however, not discuss whom ENGOs represent or why they should be involved – this stands in contrast to Weber and Christophersen (2002), who paid attention to the challenge of ENGO legitimacy for participation (see section 2.1.4.2.). While Börzel and Buzogány (2010a) draw these conclusions from studying three different countries without really comparing these, Cent *et al.* (2013) took a closer look at Poland and Hungary and analysed the different dynamics of ENGO involvement in the two countries. The observed differences, like the submission of a Natura 2000 shadow list to the EC by Polish ENGOs, yet not by Hungarian ENGOs, could be explained by different policy coalitions in Hungary and Poland (Cent *et al.*, 2013). The study, moreover, demonstrates that CEE ENGOs could use their resources well and adapted their activities to a changing governance context (Cent *et al.*, 2013). Börzel and Buzogány (2010a) seem to assume an automatic process of EU impact on CEE ENGOs with little room for individuals and their perceptions of their interactions. Börzel and Buzogány (2010a) only studied the designation process and paid no attention to the following phase of the management process, which, however, is decisive for actual species protection; they did not address the challenge of sustainability and the aims of nature conservation, i.e the aims which constitute the basis for ENGO advocacy. Despite participation opportunities during the Natura 2000 process, most ENGOs are not satisfied with Natura 2000 implementation (Paavola, 2003/2004) – Paavola (2003/2004) agreed that there was indeed little reason to be satisfied with. So questions remain as to what effect Natura 2000 has had on the state of nature conservation in Europe, and how effective the network has been in protecting biodiversity across Europe. Several authors have tried to address the difficult question of effectiveness of the Natura 2000 network.

### **2.3.5. Effectiveness and impact of Natura 2000**

Analysts have presented several studies addressing the effectiveness of the Natura 2000 network for nature conservation, which has of course been mixed across Europe. Most authors highlighted problems and were not satisfied with the environmental effects of the directives (Paavola, 2003/2004; Henle *et al.*, 2008). The Natura 2000 network has not led to halting biodiversity loss in Europe (Ferranti *et al.*, 2010; IUCN 2010 European Red List, 2010). Despite this, Donald *et al.* (2007) found that the Birds Directive has had a positive effect on the population trends of protected bird species in the old EU member states between 1990 and 2000.

Even though opposition to Natura 2000 designation significantly reduced the number and extend of Natura 2000 sites in some countries (Keulartz, 2009; Rauschmayer *et al.*, 2009b), overall one can still say that an impressive array of sites has been put under protection (Henle *et al.*, 2008). Beunen (2006) discussed advantages and disadvantages of the formal Natura 2000 protection for the conservation of nature: the legislation of the Birds and Habitats Directive led to an increased awareness of nature conservation and strengthened NGOs, yet it does not necessarily mean that species and habitats are better protected, on the contrary the actual effects on land use have been found to be limited and conflicts about it have even increased opposition to nature conservation<sup>45</sup> (Beunen, 2006; Beunen *et al.*, 2009).

In general, there has been a gap between the theoretical ideas of the Birds and Habitats Directive and their local implementation (Ferranti *et al.*, 2010). A very critical point of the Birds and Habitats

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<sup>45</sup> In Finland the plans for establishing the Natura 2000 network even had negative effects for some areas because some landowners deliberately destroyed ecological values through clear-cutting in order to prevent the sites from being put under protection (Hiedanpää, 2005); similar destructive activities by farmers in reaction to plans of designating protected areas have also been reported from Germany (Poschlod, 2004, personal communication).

Directive mentioned by several authors, especially with regard to climate change, is that the directives are based on a static approach which does not consider that ecosystems are highly dynamic and change through succession (Ledoux *et al.*, 2000; Jongman *et al.*, 2008; Beunen *et al.*, 2009; Haslett *et al.*, 2010) – so a Natura 2000 site which has been protected as the habitat for a certain species, due to ecosystem changes sooner or later no longer possess the habitat characteristics required by this species.

### **2.3.6. Impact of Natura 2000 on the biodiversity governance framework in Europe**

Despite the delays and problems of implementation, the Birds and Habitats Directive have the positive effect that the governance regime around biodiversity has thickened (Paavola *et al.*, 2009). State centred, policy-making at national level has been replaced by a multi-level governance regime in which new actors, like the EU and NGOs, play a role besides national governments and their administrations (Klúvánkóvá-Oravská *et al.*, 2009; Paavola *et al.*, 2009). With Natura 2000 power relations in biodiversity governance have been modified, especially the power of NGOs has increased (Ferranti *et al.*, 2010). In the new CEE member states where decision-making is still characterised by post-socialist governance structures and by top-down approaches, EU accession and Natura 2000 implementation meant a challenging turn towards more participatory forms of policy-making with multiple-actor cooperation (Klúvánkóvá-Oravská *et al.*, 2009; Börzel and Buzogány, 2010a). In Poland, Slovakia and the Czech Republic Natura 2000 implementation made clear that site management has to be negotiated with non-state actors, and that the EU monitors compliance (Klúvánkóvá-Oravská *et al.*, 2009). According to Pinton (2001), the implementation of the Habitats directive showed that an important factor for a successful implementation is whether actors have the capacity to break out of traditional conflictive models. Haslett *et al.* (2010) concluded that the main problem of the Birds and Habitats Directive are not the strategies themselves but the challenge to achieve a full implementation of these strategies.

### **2.3.7. Natura 2000 in Hungary**

With Hungary's accession to the EU a new biogeographical region, the Pannonian biogeographical region, was added to the European Natura 2000 network because of the uniqueness of the flora and fauna in the Carpathian Basin (Ministry of Environment and Water, 2004)<sup>46</sup>. It comprises all of Hungary, and smaller parts of Slovakia, the Czech Republic and Romania<sup>47</sup>. Mocsári (2004a) acknowledged this as a successful initiative of Hungary in the field of EU nature conservation policy-making. Hungary, thus, contributes a significant natural heritage to the EU, which is especially important because it constitutes a connection between the surrounding biogeographical regions (Ministry of Environment and Water, 2004). As Hungary has by far the largest geographical share of this new biogeographical region of the Natura 2000 network, it has a particular responsibility for the protection of its habitats and species, whose value was recognized by the EU through the establishment of the new Pannonian biogeographical region.

Hungary should have published a list of sites by the date of EU-accession, *i.e.* May 2004. Yet Hungary transposed the Natura 2000 directive into Hungarian law and submitted its list of proposed Natura 2000 sites to the EU only in October 2004, so not by the date of accession, like some other accession countries (Slovenia, the Czech Republic, Malta and Cyprus) (Mocsári, 2004a, 2004b; WWF, 2004). The designation preparations were initiated in 1998, yet hardly proceeded until 2002, when the results of the preparation work of a EU PHARE project ("Preparation for Implementing the Habitats Directive in Hungary", HU9807-01-02-02) were published (Demeter *et al.*, 2002; Lovászi *et al.*, 2002a; Horváth *et al.*, 2003) and under the coordination of the National Park

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<sup>46</sup> For more information on the biodiversity in Hungary see annex 2 X.

<sup>47</sup> Eastern parts of Austria, too, should theoretically belong to this region, yet as this was only a relatively small area no own region was established for it under Natura 2000 in the EU-15; later the official status of these areas was not changed (NGOe1).

Directorates (NPIs) regional lists of pSCIs were drawn up by about 500 experts; the Hungarian Natura 2000 proposal was finished in January 2004, yet not submitted to the EU immediately due to conflicts between the Ministry of Environment on the one hand and the Ministry of Defence and Ministry of Economic Affairs and Transport on the other hand (Mocsári, 2004a). According to Mocsári (2004a), a major reason for this delay was the lack of enough qualified staff in the environmental ministry and the NPIs, as well as the conflict between governmental departments. In Poland, Romania and Hungary public authorities lacked information, expertise and personnel for an effective designation process under the enormous time pressure before EU-accession (Börzel and Buzogány, 2010a). The designation of Natura 2000 sites was, however, delayed in almost all member states (Ledoux *et al.*, 2000; Paavola, 2003/2004; BfN, 2009; Rauschmayer *et al.*, 2009b; Paavola *et al.*, 2009; Ferranti *et al.*, 2010). The delay of the process was thus not unique to Hungary or for the new CEE member states. In June 2004, the EC threatened to withhold all structural funds for Hungary, unless the list of proposed Natura 2000 sites would be submitted (Mocsári, 2004a). Due to the delay in implementing the Birds and Habitats Directives the EC started infringement procedures against Hungary about its failure to notify the Commission (2004/0875, 2004/0876, 2004/0879, 2004/0880), which were closed once the list of sites had been submitted in October 2004. The Birds and Habitats Directive were transposed into Hungarian law by a governmental order (275/2004. (X. 8.)), which was amended and revised three times (2006, 2007, 2010; 45/2006. (XII.8.); 269/2007. (X.18.), 14/2010. (V. 11.)).<sup>48</sup>

Mocsári (2004a) considered the exclusion of and lack of information for interest groups, namely of land owners, foresters, farmers, agricultural and business organisations, in the designation as the main problem of this first implementation stage. Despite this lack of involvement of affected stakeholders he found no politicisation about Natura 2000, yet he expected a politicisation in the further implementation process. The Hungarian implementation of Natura 2000 in legal terms to satisfy the EU, while taking no specific measures to ensure the actual maintenance of the site has been described as a tacit compromise between the government and local actors, interested in the economic development of the sites (Boda, 2013, personal communication). So the Natura 2000 process in Hungary was delayed, like in most member states; the designation has been accomplished, yet maintenance of Natura 2000 sites is still insecure.

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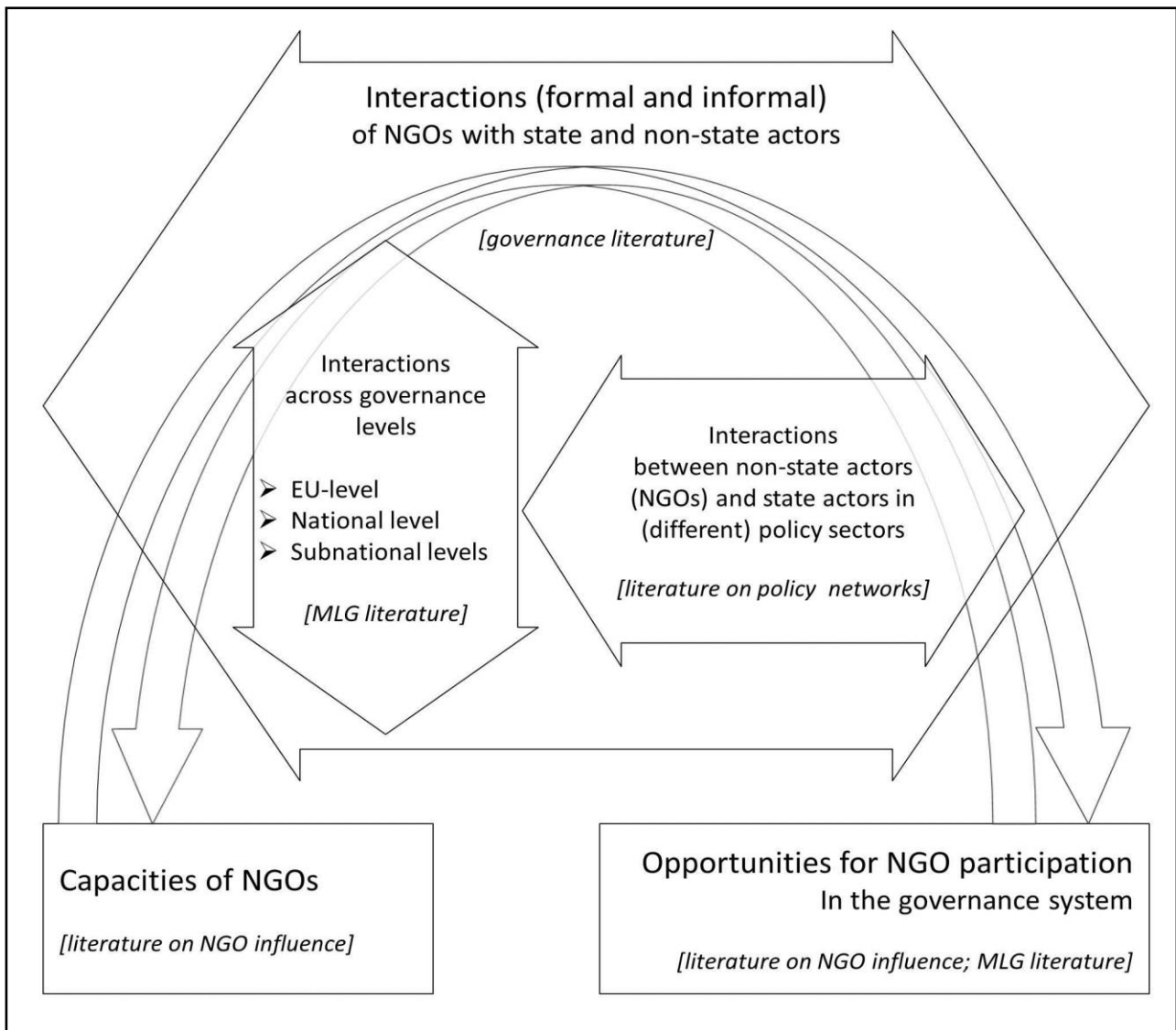
<sup>48</sup> For more information on the EC's infringement procedure against Hungary concerning the Birds Directive see annex 2 XIII.

## 3. Methodology of the research

### 3.1. Conceptual framework and operationalisation of the research questions

The framework developed and applied in the present study on the involvement of ENGOs in the implementation of Natura 2000 in Hungary builds on *the multi-level governance concept* (Hooghe and Marks, 1996, 2001a, 2001b; Fairbrass and Jordan, 2001, 2004; Jessop, 2004; Jordan, 2001; Piattoni, 2009; Bache and Flinders, 2004; Reed and Bruyneel, 2010; Peters and Pierre, 1998, 2004; Blom-Hansen, 2005; Biermann, 2007; Biermann *et al.*, 2009) and *theories on NGO influence* (Weber and Christophersen, 2002; Betsill and Corell, 2001) and *networking* (Willems, 2002; Keck and Sikkink, 2005; Hill, 2009; Rhodes and Marsh, 1992; Sabatier, 1998; Smith, 2000; Haas, 1992a; Stoll-Kleemann, 2001; Pretty and Smith, 2004; Glasbergen, 2010). The multi-level governance concept is characterised by its attention to formal and informal interactions across governance levels and, for this reason, constitutes an adequate basis for studying participation processes in an EU context (subchapter 2.1.). It serves as a conceptual framework which draws our attention to the elements to be included in the analysis (*i.e.* state and non-state actors, different levels of governance, and their interactions). Yet for understanding how and why certain actors interact one has to look into literature on the role of actors, especially of NGOs, and theories on networking. The literature review, therefore, focused also on the bases for NGO participation in governance processes (subchapter 2.2.). Particularly useful for building the conceptual framework was the work of Weber and Christophersen (2002) on NGO participation opportunities and capacities. In their study on NGO involvement in the designing of the Habitats Directive Weber and Christophersen (2002) focused on participation opportunities and capacities of NGOs, but did not address relations and interactions as a separate analytical category. Yet, it is via their links and through interactions that NGOs learn about and are able to take advantage of participation opportunities, and to use their capacities to influence policy processes for biodiversity conservation. In the present study interactions and links will thus not be subsumed neither under capacities and resources of NGOs nor under participation opportunities, but are investigated more closely as a significant analytical category on its own right. The importance of formal, as well as informal, interactions between different state and non-state actors across all levels of governance for the implementation of EU policies was highlighted by the MLG concept (Hooghe and Marks, 1996, 2001a, 2001b; Fairbrass and Jordan, 2001, 2004; Blom-Hansen, 2005; Biermann, 2007; Biermann *et al.*, 2009). The present study will thus pay specific attention to informal links and interactions across levels, as well as sectors, of governance. Theories of networking between state and non-state actors in general and NGOs in particular will be employed to understand why ENGOs cooperate with certain actors at particular stages of the Natura 2000 implementation process (Willems, 2002; Keck and Sikkink, 2005; Hill, 2009; Rhodes and Marsh, 1992; Sabatier, 1998; Smith, 2000; Haas, 1992a; Stoll-Kleemann, 2001; Pretty and Smith, 2004; Glasbergen, 2010); the research will therefore look for resource interdependencies between state actors and NGOs, for beliefs, values, policy goals and missions of different actors, and for aspects of the quality of relationships between different actors, like trust and identification with a group.

Figure 2 illustrates this framework: relations and interactions of non-state actors across levels and with different groups of actors (focus of the MLG concept) mediate between NGOs' capacities and their participation opportunities in the governance system. The final framework for analysis was developed in the course of the research in an interactive way by continuously contrasting theoretical insights with empirical data. It highlights that in order to understand participation of non-state actors, like ENGOs, it is neither enough to focus only on their interactions with other actors in the governance system nor on their capacities and opportunities for participation. Their links to other actors can be regarded as resources yet they also open up opportunities and, thus, mediate between participation capacities and opportunities, and should, therefore, be considered as a separate category of high significance (see figure 2).



**Figure 2: Framework for analysis:** Relations and interactions across levels of governance and between different kinds of actors. NGO participation capacities and opportunities; interactions have a mediating function between the two factors for NGO influence because via these NGOs can employ their capacities and use and open opportunities. As interactions and links exist within one governance level, as well as across governance levels and sectors, they are analysed in a multi-level governance framework.

In accordance to what Flick (2007) emphasized, namely, that taking into account feedback from colleagues was important in ensuring the quality of qualitative research, this final framework was developed further by integrating comments various colleagues made to the first results of the research as presented at conferences, seminars and in first versions of papers submitted to journals. The present study not only applies the multi-level governance concept in the Hungarian context, but also provides an example of how it can be used as a framework for analysis in combination with other theories. It is an account of how one can analyse participation processes based on a multi-level governance approach.

The overall scientific aim of the present research is to gain a better understanding of the participation of non-state actors, namely ENGOs, in biodiversity governance in a CEE country. While testing hypotheses was not a major goal of this research, the study nevertheless investigates whether certain propositions from the literature apply to Hungary, too, *e.g.* the importance of informal interactions for governance processes (see section 2.1.1.). To achieve this scientific aim,



the research questions were operationalized in the following way, integrating also more specific aspects brought up in the literature.

The aspects explored for answering research question 1 (*When and how did ENGOs participate during Natura 2000 implementation in Hungary? What roles did they play?*) were as follows: (1) participation opportunities for ENGOs in the MLG setting, (2) the governance level at which ENGOs participated, (3) the stage of the Natura 2000 implementation process, in which ENGOs participated, and (4) the activities conducted by ENGOs (*i.e.* lobbying, awareness-raising, operational activities, service provision, watchdogs).

Research question 2 (*Why did and could ENGOs participate?*) aims at understanding the reasons for the NGO participation observed when exploring research question 1. It analyses why or why not ENGOs participated participate in certain ways or occasions. It thus also looks at obstacles for participation. The capacities paid attention to under subquestion 2.1. (*What capacities did ENGOs have?*) were the following: (1) financial resources, (2) capacities of staff and volunteers, (3) knowledge (expertise, procedural knowledge), and (4) links and relationships. As explained above, the last capacity or aspect receives particular attention via subquestion 2.2. (*What interactions and networking can be found among ENGOs and between ENGOs and other actors in Hungarian biodiversity governance?*), through which the following topics will be explored: (1) partners for interactions (interactions among the ENGO community at and across different governance levels, interactions to other actors, especially state actors at different governance levels and of different policy sectors), (2) the character of interactions (formal or informal), (3) the quality of interactions and relationships (based on the perception of experts), and (4) the basis for cooperation with state actors.

### **3.2. Case study research and qualitative analysis**

This study employs a case study research approach<sup>49</sup>. The case study research strategy aims at the “description and explanation of complex and entangled group attributes, patterns, structures and processes” (Verschuren, 2003, p. 137). It is suitable for answering “how” and “why” research questions (Yin, 2009). Case study results can be generalized to theoretical propositions, not to populations or universes, on the basis of analytical induction which is grounded on theoretical knowledge and in-depth analysis of the case (Verschuren, 2003). According to Gerring (2004), causal mechanisms can be identified when general theoretical knowledge of the world is combined with empirical knowledge. Empirical knowledge from case studies can provide decisive evidence for or against political theories (Van Evera, 1997). Flyvbjerg (2004) stressed the important function case studies have in human learning, because it is only via the experience of cases that one can gain expertise in a field, whereas as long as one only possesses rule-based theoretical knowledge one remains a beginner. Noting that social science is mainly about learning, while “proof is hard to come by [...] because of the absence of ‘hard’ theory”<sup>50</sup> (Flyvbjerg, 2004, p. 422), he concluded that the context dependent knowledge of case studies, including purely descriptive, phenomenological case studies, is a valuable contribution in the collective process of scientific knowledge accumulation (Flyvbjerg, 2004).

Beyond the overall scientific aim of exploring participation of non-state actors in biodiversity governance in a CEE country, the present study also aimed at probing the applicability of the MLG concept in a CEE country. As Natura 2000 implementation in Hungary is an example for the implementation of EU-policies in a new CEE member states, the case can be considered as a typical

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<sup>49</sup> Following the terminology applied by Verschuren (2003), case study research is regarded as a “research approach” or “strategy”, while the methodological tools described in 3.3. are considered as research methods.

<sup>50</sup> Verschuren (2003) explained that the criticism of a lack of external validity and generalizability of case study research by proponents of a quantitative approach in empirical social science research was based on the assumption that reductionistic knowledge is to be produced, which, however, does not hold true for holistic case study research aimed at in-depth knowledge of patterns, structures and processes.

or representative case – according to Gerring (2007) representativeness can be a criterion for selecting a case, especially if the purpose is to test whether certain theoretical propositions apply. Yet, from a Western European perspective, the same case may constitute a deviant case as the MLG concept was developed and applied in Western European member states (Hooghe and Marks, 1996, 2001; Fairbrass and Jordan, 2001, 2004) and some dynamics may be different in a CEE country. Deviance, too, can be a reason to select a case for a study, for such cases may highlight new dynamics and are thus useful to explore and develop theories further (Gerring, 2007). Following the characteristics of different case study types as presented by Yin (2003), this case study research combines descriptive, explanatory, as well as exploratory elements: Research question 1 is descriptive; it aims at presenting the observed phenomena in their context. Research question 2 then aims at explaining how events happened – in this case why ENGOS participated in certain ways – and is therefore explanatory in character. Finally, the study is exploratory in its application of the MLG concept in a new context (CEE).

Verschuren (2003) stressed that the case study research approach helps to avoid a tunnel vision for instead of studying only the status quo as in the case of most quantitative research, the researcher may investigate processes, dynamics and developments. He emphasized that internally valid holistic knowledge is “knowledge that takes into account the temporal, spatial and functional interconnectedness of a phenomenon” (Verschuren, 2003, p. 134). To understand social phenomena and produce knowledge that is practically relevant, one needs to look how people interact in reality – *i.e.* outside of laboratory settings (Flick, 2007). Qualitative research can produce this kind of knowledge by investigating how people perceive and evaluate the world around them (Flick, 2007; Gibbs, 2007). The major tools in this quest are interviews and the analysis of other relevant documents (Flick, 2007; Kvale, 1996). The empirical material thus consists of texts, instead of numbers (as in quantitative research) (Flick, 2007; Gibbs, 2007).

According to Flick (2007), the goal when analysing qualitative data is to develop a more systematic understanding of a phenomenon. Gibbs (2007, p. 46) stressed that researchers need to “pull out from the data what is happening and not impose an interpretation based on pre-existing theory”. Yet, one must of course also not ignore existing literature and concepts – Flick (2007) noted that nowadays there are not many areas where there is no theory, and so researchers can benefit from enormous background knowledge. Gibbs (2007) found that during their analysis most researchers move back and forth between inductively looking at the field data and deductively applying existing theory to it. This study was deductive in the fact that it was designed based on the presumption of the MLG concept that interactions between state and non-state actors across multiple levels of governance are important for understanding policy-making processes. This proposition was applied for analysing the participation of ENGOS in Natura 2000 implementation in Hungary. The data collection, mainly through semi-structured interviews, however, left space for emerging new issues. Based on the observed dynamics (such as a policy network between NGOs and state actors), additional theories were looked for and included into the framework for analysis as the MLG concept cannot by itself give explanations for why and how NGOs participate at certain stages. The framework for analysis was thus completed responding to concrete research findings, following an inductive approach. This research therefore combined inductive and deductive elements. The present study is a concrete example of how the MLG concept can be applied in combination with other theories.

### **3.3. Research methods applied**

Data collection, in the present research, was based on semi-structured interviews and an analysis of relevant documents, like publications of ENGOS, letters and documents available on the internet. In semi-structured interviews the researcher follows the key themes of an interview guide but adapts the order and exact wording of the questions to the course of the interview; this makes it possible for the researchers to explain questions and ask more detailed follow-up and additional questions which could not be anticipated before the interview (Corbetta, 2003; Kajornboon, 2005). The

interviews were crucial for understanding the interactions between ENGOs and other actors, as there are only very few written documents on this.

Triangulation, *i.e.* using different methods for studying the same issue, helps to promote research quality and extends the knowledge that can be obtained in a study (Flick, 2007). The data obtained in the interviews was contrasted with documents, where possible. More technical information, like dates or participation in specific projects, could be cross-checked by information available on the internet. In many cases, similar evaluations were given by several interviewees. If evaluations differed this was a sign of the existence of a range of different opinions.

### **3.3.1. Interviewing**

#### **3.3.1.1. Sampling**

Sampling in case study research is strategic, *i.e.* samples are spread over a set of key variables (Verschuren, 2003). Flick (2007) noted that sampling of cases, like interview participants, is about managing diversity and capturing variety of the phenomenon to be studied; so one can look for typical cases, select critical ones, *i.e.* in this study experts of the field, and try to maximize variation; sampling can also be theory-based. To gain information through the perspective of state and non-state actors and from the different governance levels, ENGO experts from the European, national and subnational level and state experts from the national and subnational level were interviewed. The interview participants for this research were selected based on their experience with and knowledge of the Natura 2000 process in Hungary. The first interviewees were identified from staff lists of Hungarian ENGOs available on the internet and following the advice of an expert of the environmental ministry. Interviewed experts were then asked who else could provide valuable information on the topic. Further experts were thus identified through snowball-sampling, a “well known example of iterative-strategic sampling” (Verschuren, 2003, p. 132). ENGOs and state expert who were not explicitly suggested by previous interviewees but mentioned were contacted, too. So the sampling for this research was based on expertise of the case to be studied. It was theory-based with respect to multi-level governance, as experts from all levels of governance were included into the study, the researcher, moreover, consciously tried to increase the variety among interviewees by asking experts from different ENGOs and different state bodies.

Potential interviewees were contacted via e-mail and telephone and asked if they would be willing to participate in a doctoral study on Natura 2000 and NGOs. Overall more than 50% of the contacted interviewees were willing to give an interview. Among ENGO experts and officials of the National Park Directorates the willingness was higher than among ministry officials. Only one official of the agricultural ministry was willing to give an interview, two other experts were repeatedly contacted but refused. From the environmental ministry three contacted experts were not willing to give an interview. It was also not possible to get an interview with an expert of the defence ministry. No further interviews were conducted once new interviewees did not mention new issues or an alternative view on the topic – the sampling was thus based on the principle of completeness and saturation (Rubin and Rubin, 1995, cited in Flick, 2007).

Altogether 28 expert interviews were conducted (from March 2009 to October 2010), among these there were two interviews with more than one person (group interviews of 2 and 3). The first round of interviews consisted of expert interviews at national level, while in the second round subnational experts were asked and, finally, informants with more specific expertise on certain issues were contacted. The following groups of actors were interviewed:

- 18 ENGO experts: 3 experts from the European level, 9 experts from the national level, and 6 experts from subnational (regional and local) ENGOs
- 10 state officials: 2 officials of the environmental ministry, 1 official of the agricultural ministry, 7 National Park Directorate officials

Additionally, statements of two other experts who shared some information about ENGOs, as well as one interview taken previously for a national park case study which also addressed some

questions of ENGO involvement – although not specifically Natura 2000 implementation – were included in the analysis. In terms of organisations, the data collected by the interviews was contributed by three European-level ENGOs, seven national ENGOs (including all four ENGOs of the NGOs' Natura 2000 working group, see 4.3.1.1.; for two NGOs two experts were interviewed) and five subnational ENGOs (MME local groups: two experts, three MTVSz member organisations<sup>51</sup>, and one ENGO without membership in a national umbrella organisation), the Hungarian environmental and agricultural ministry, and seven National Park Directorates.

### **3.3.1.2. Confidentiality and interview situation**

As some questions and statements may be politically sensitive or critical towards the organisation the interviewee works for, all interviewees were assured confidentiality (Kajornboon, 2005). The researcher informed them that they would not be cited by their name and that only in cases where it was necessary for understanding a statement their organisation would be indicated. To gain a fully informed consent by the interview partners (Gibbs, 2007), the experts contacted were informed about the background of the research and handed a leaflet of the GoverNat project. They were also asked if they had any further questions about the research and, of course, their consent was gained for using a voice recorder to facilitate the analysis of the interview and enable the researcher to fully focus on the conversation (Kvale, 1996).

To make the interview as convenient as possible and cause as little trouble in terms of time and resources as possible for the interviewees, and to create a positive atmosphere (Kvale, 1996; Gibbs, 2007), all interviews were conducted in the place suggested by the interviewee: in most cases (18 interviews) this was their office; two interviews with local experts were conducted in their home office, six interviews in a café or restaurant, one during a walk, and two with EU-level experts via telephone. So, with the exception of the two telephone interviews, interviewing occurred during a personal meeting; the atmosphere was always very friendly.

The duration of the interviews varied considerably from 15 minutes to six hours, depending on how much time the interviewee had; typically, however, the interviews lasted between one and two hours (19 interviews); six interviews were shorter – three only slightly, among the shortest interviews were both interviews conducted via telephone; three interviews were longer than two hours – two only slightly, while the six hours refer to the interview conducted during a walk, during which, of course, there was no continuous interviewing. In case of short interviews, due to the tight time schedule of some interview partners, the interview guide was shortened to the most essential points to be discussed with this expert, as suggested by Flick (2007) – *e.g.* in case of experts working at EU-level, questions focused on interactions with this level. Several of the meetings, especially the ones outside of Budapest, lasted longer than the actual interview time and included a joint meal, too.

The interview language was English in 12 interviews, Hungarian in 10 interviews and German in 2 interviews; four interviewees switched between English and Hungarian once or several times during the interview, and one of the interviewees speaking in German chose to continue in English towards the end of the interview. Among the experts working at national level only one spoke in Hungarian, and two chose to speak Hungarian for a part of the interview, while among the interviewees at subnational level (ENGO experts and National Park Directorate officials) only three chose not to speak in Hungarian.

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<sup>51</sup> MME: BirdLife Hungary; MTVSz: Friends of the Earth Hungary (see annex V.1. and V.2.)

### **3.3.1.3. Interview guide**

The interview guide that covers the themes of the interview (Kvale, 1996) was based on:

- (1) a first document review on Natura 2000 and its implementation in Hungary in which the researcher learned about the existence of a “Natura 2000 working group” formed by ENGOs (see Hungarian Natura 2000 website<sup>52</sup>), and
- (2) on the MLG concept’s focus on interactions of actors across levels and the topic of participation as featured in the GoverNat project.

The interview guide (see annex 2 I.) had two major building blocks: (1) To get an understanding of the context of participation and Natura 2000 implementation more general questions were asked about nature conservation in Hungary and Europe and especially the role of different actors therein (reasons for nature conservation, important actors in Hungarian nature conservation, different groups, sectors and levels of governance, the role of ENGOs in particular, the role of the EU in particular). (2) The other block focused on the Natura 2000 implementation process more specifically (its beginning, the role of the Natura 2000 working group, interactions with the ministry, the role of local ENGOs and their interactions with national ENGOs, sharing of experience by Western countries, evaluation of Natura 2000 for nature conservation and its the acceptance, participation of civil society). In the beginning of the interview experts were asked to introduce themselves and their work, while at the end they were asked to define challenges and reflect if an issue which was important in their opinion had not yet been mentioned in the interview. Interviewees were encouraged to speak freely and, as typical to semi-structured interviews (Kajornboon, 2005), the questions of the interview guide were not asked in the same order and in exactly the same wording in every interview. Instead, the researcher was flexible to ask questions which linked to the answers just given, trying to cover all topics. Many interviewees, knowing the topic of the interview already, started speaking about the Natura 2000 process, the role of their organisation therein or their personal role at the beginning of the interview without being asked a more specific question. As suggested by Flick (2007), during the conversation of the interview, the interviewer aimed at balancing consistency, *i.e.* following the interview guide by asking all interviewees the same questions in a similar way, and flexibility through adapting the questions to the course of the individual interview. Kvale (1996) noted that after the introduction of the topic and the first questions, interviews may proceed as a follow-up to the interviewee’s answers; this was also the case in some interviews of the present research. Following Flick (2007)’s advice that one should be open to what information participants have to offer the interviewees were encouraged to speak freely about the topic of Natura 2000 and ENGOs; in many cases, topics of the interview guide were already mentioned by the interviewee themselves without an explicit question put forward by the researcher.

In the later interviewees, especially when interviewing local ENGO experts and National Park Directorate officials less emphasis was put on the role of the “Natura 2000 working group”, but instead more focus was placed on the interactions of these local actors with other actors because the national level interviews had already revealed that this working group was not very relevant at local level. The last interviews with highly specialised experts concentrated on their specific topic of expertise, like NGO financing and legal matters.

## **3.3.2. Analysis of Interviews**

### **3.3.2.1. Recording, notes, transcription**

Except of the one interview which was taken during a walk, all interviews were recorded. The interviewees were informed that they could ask to stop the recording at any time. The recording was stopped during telephone calls or if people entered the room. Only very few interviewees did actually ask to stop the recording for a short time. During the interviews some notes were taken

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<sup>52</sup> <http://www.natura.2000.hu/index.php?p=munkacsop&nyelv=hun> [viewed 15/07/2008]

which were completed after finishing the interview. In order to be able to concentrate on what the interview participants said and not to disturb the interviewees, the researcher, however, noted only major points. Some interviewees also used the paper to write down names or draw graphs for explanations. In the case of the unrecorded interview, very detailed notes were taken immediately after the interview and sent to the interviewee to be checked; the interviewee then returned an extended version of these notes. Some interviewees shared further information in e-mails following the interview and provided the researcher with background documents for analysis, like NGO publications, brochures, PowerPoint presentations or letters sent or received.

The recordings were transcribed as a whole in verbatim, including repetitions of words and grammatical errors and indicating pauses; this was done in order to keep the atmosphere of the interview for the analysis (see Gibbs, 2007). The interviews in Hungarian language were transcribed by a paid secretary, who did not know the interviewees identity. In the final transcripts the names of the interviewees were abbreviated; a list identifying the abbreviations used for each interviewee was saved in a separate file (see Gibbs, 2007). The interviews were thus not yet fully anonymised at this stage of analysis, for this, as Gibbs (2007) noted, makes it easier for the researcher to remember the interviewee and the interview situation. All interviews were coded and analysed in their original language(s).

### **3.3.2.2. Coding**

The aim of analysing qualitative data is an analytical generalization, looking at the range and variation of statements (Flick, 2007). This can be facilitated by ordering and structuring the data into hierarchies of categories (Flick, 2007; Gibbs, 2007). These categories or codes have the purpose to reduce the topics and issues in the data to a manageable amount, which can then be further analysed (Gibbs, 2007). Gibbs (2007) noted that most text was typically densely coded to more and over-lapping codes. Coding is often based on concepts from the literature or previous research, but may also include genuine ideas for categories (Flick, 2007); if a research project was designed based on a clear theoretical framework this can provide good ideas for initial codes (Gibbs, 2007) – in the case of this research this original framework was MLG. Combining all text coded with the same level then helps to examine the data in a structured way (Flick, 2007). Coding and analysis of the coded data can be facilitated by computer assisted qualitative data analysis software (CAQDAS), which is basically a database supporting ways to analyse the data (Gibbs, 2007). The text can, however, also be dealt with using standard “office” techniques (Gibbs, 2007, p.3); Gibbs (2007) noted that CAQDAS are considered an invaluable support for comprehensive and exhaustive studies, because they enable the rapid retrieval and comparison of data, but are not vital as such.

The transcripts of the interviews were coded in a CAQDAS using the programme MAXqda. As the initial goal of this research was to understand participation and interactions among state and non-state actors in multi-level biodiversity governance in Hungary, the initial codes were developed to help answering these questions. The hierarchical code system included groups of actors, specific organisations and the stages of the Natura 2000 implementation process, as well as topics regarding the context of participation and nature conservation in Hungary (see annex 2 II). Many sections of the text were coded with more than one code. Overlaps in codes, namely of two organisations or an organisation and a certain stage of the process, were used to identify interactions between two groups of actors and involvement of the actors in a specific stage of the Natura 2000 process. The CAQDAS MAXqda was useful for creating a data basis, and the function of overlap was very useful in identifying interactions between two groups of actors. Yet the software did not allow searching for an overlap between more than two codes and the visibility only on a small computer screen made an overview needed for more systematic thinking difficult. The software did also not offer easy options of exporting or printing the coded segments nicely and clearly. The researcher, therefore, complemented this analysis with an analysis using Word Office. Two interviews conducted later and concentrating on a more specific topic were not integrated into the CAQDAS

but coded manually using Word Office. While the coding with MAXqda was based on the concept of MLG, focusing on the different organisations and their interactions, in the following manual analysis using Word Office, the text sections coded with NGO codes were coded in more detail to specific participation opportunities and specific roles, to specific capacities, such as expertise, and to issues of legitimacy and effectiveness noted by the interviewees.

### **3.3.2.3. Reporting of interviews**

Excerpts of the interviews quoted in the text were translated into English, if the original language was Hungarian or German. Quotations which were originally in English, too, were cited in written language to make it easier for the reader to read it, and because as Gibbs (2007) noted interviewees might not agree to be quoted in spoken language, *i.e.* with grammatical errors. This point is especially relevant here in view of the fact that many interviewees did not speak in their native language, so grammatical errors in the English language might make them sound less competent than they actually are. Moreover, these slight changes to the spoken text are also necessary in order to put all quotations in the same style, for quoted excerpts originally stated in Hungarian or German were of course translated into correct English.

In the text, all statements of interviewees were anonymised, using two kinds of abbreviations. Only when an expert's position with a certain organisation is necessary to understand a statement or if the expert's position becomes obvious anyway from the statement itself, the interviewee's position was revealed. To increase and keep the anonymity of other statements of the same expert, where this information is not required for understanding, only abbreviations for broad stakeholder groups and numbers are used; to avoid that these can nevertheless be identified by comparison with other statements, where the interviewee's organisation is revealed, these abbreviations are not used when the position is indicated or becomes obvious from the statement. For the case of interviewees who had changed their working position recently (4 experts), yet recalled their working time and activities in their previous position, this previous position or stakeholder group was referred to if this was more appropriate for their statement; for more general statements which refer also to the time of interviewing their position at that time was noted.

### **3.3.3. Document analysis**

Documents available on the internet and provided by interviewees were used to gain some first information about the role and activities of ENGOs, to check the information from the interviews for its accuracy, and to expand and complement it. This analysis was performed manually with a computer using Windows to group the documents. The texts were not coded in the same way as the interviews, first for the practical reason that many were not available as rich text formats, and second because it was not necessary as most just addressed only a few actors and touched only one or two topics of the research but not many of them. So grouping them into different categories corresponding to the ones of the interview analysis was sufficient to combine this information with the interviews.

## **3.4. Limitations of the research methodology and approach**

This study encountered the following limitations:

This research started with a rather general focus on participation of ENGOs in Natura 2000 implementation in Hungary. The research focus was thus less clear than it would have been if it had been based on specific hypotheses. This approach, however, enabled the researcher to be more open and attentive to the aspects regarded as important by the interviewed experts.

As the research progressed with data collection, analysis and continued literature review, it became clear that the issues of legitimacy and effectiveness of ENGO participation in the Natura 2000 process were very important and relevant topics which were also brought up by some interviewees.

Yet, as these issues were not included systematically into the research questions, they can be explored only based on some examples and at a meta-level, *i.e.* based on the findings of the analysis for answering the two research questions. Such a discussion of the challenges of legitimacy and effectiveness in NGO participation in a MLG system is provided in subchapter 4.4.

As mentioned above only one official from the agricultural ministry was willing to give an interview on Natura 2000 and participation issues. There was thus hardly any data for analysing how officials of the land use sector perceived the Natura 2000 implementation process. The data available can therefore only be considered as a small indication, and an example of an opinion differing from the one of nature conservation experts.

Another limitation is the fact that the interviews were conducted in 2009 and 2010. Apart from one they were all conducted in the time of the previous government. More recent developments and the current situation of Natura 2000 implementation could therefore hardly be explored (apart from mentioning a prominent legal case). Especially the dynamics which occurred due to changes in the Hungarian biodiversity governance setting, and in particular the merging of the environmental and agricultural ministry under the current government, would merit a closer look, and should thus be the objective of future research. This study could be the basis for comparing the previous and current governance system and for analysing what the changes meant for the participation of non-state actors in Hungary, in particular of ENGOs.



## 4. The role of ENGOs in Natura 2000 implementation in Hungary

### 4.1. Participation opportunities and activities of ENGOs

This subchapter will present and analyse when and how ENGOs participated in Natura 2000 implementation in Hungary (addressing research question 1).

#### 4.1.1. General participation opportunities of ENGOs in Hungary

A number of ENGOs participated in Natura 2000 implementation in Hungary. A detailed presentation of the major nature conservation NGOs involved in Natura 2000 implementation in Hungary and their characteristics is provided in the annex (annex 2 V. and VI.). The term commonly used for “NGO” in Hungarian is “civil szervezet”, which literally translates with “civil organisation”, so in its literal meaning it is more equivalent to “CSO”. This Hungarian term, and especially also the use of the terms “civil sector” or “civil sphere” when talking about NGOs (see annex 2 IV.), shows that ENGOs, so the organised civil society actors, are seen as *the* civil society actors in the field of biodiversity governance in Hungary. NGOs were officially recognized as significant actors in Hungarian nature conservation by the environmental ministry:

*“In Hungary, NGOs set up with the specific aim of nature conservation have a significant role in the conservation, exhibition of natural assets as well as in environmental education. [...] The well-organised and built-up network of NGOs constitutes the mass basis of nature conservation. Neither are their activities negligible in view of the national economy as NGOs have been adding two more Hungarian forints to each and every forint received in the form of grants in the last ten years either with voluntary work or by raising funds from other sources.”* (Ministry of Environment and Water, 2004, p. 145)

ENGOs participated in different ways at different stages of the policy process. Hungarian ENGOs have had official opportunities for participation in policy-making as members of various national and subnational committees to which ENGO representatives are invited (KvVM1, NGOn1, NGOe1<sup>53</sup>). Some National Park Directorates invited members to their advisory boards representing local ENGOs (Bükk NPI, 2010; Kiskunsági NPI, 2011; Kőrös-Maros NPI, 2010). Yet, this participation in advisory committees was, however, hardly mentioned as relevant for the Natura 2000 process by ENGO experts. The present study will therefore explore the ways of participation considered as important during the implementation of Natura 2000 by ENGO and state actors.

Compared with Western European NGOs, Hungarian NGOs were judged as weak because they have had less time to develop and do not have such a firm standing in society and an as strong financial background as the ENGOs in Western European countries (NGOn7, NGOn8, NPI5, NGOe1). These experts thus confirmed the findings of several authors who described CEE ENGOs as relatively weak due to a lack of staff and financial resources, as well as a lack of bottom-up input (Baker and Jehlicka, 1998; Jancar-Webster, 1998; Von Homeyer, 2004; Börzel and Buzogány, 2010a). In line with the arguments in VanDeveer and Carmin (2005), Hicks (2004), Baker and Jehlicka (1998), and Jancar-Webster (1998) that the high hopes for a strong civil society and a more sustainable development path in CEE<sup>54</sup> had been disappointed<sup>55</sup>; and the enthusiasm within environmental civil society which existed around 1990 was lost; an ENGO expert noted that:

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<sup>53</sup> The anonymised abbreviations for interviewed experts follow the following scheme: organisation/ place of work (KvVM, FVM, NPI, NGO/ name of the NGO, UNI: university expert), the level of governance for NGO experts if the NGO is not named (e: European, n: national, lr: local/ subnational regional), and a number to identify each individual expert. For the usage of the abbreviations see also section 3.3.2.3.

<sup>54</sup> These hopes were based on the significant role the environmental movement had played in overthrowing the communist regimes in CEE (VanDeveer and Carmin, 2005; Hicks, 2004; Baker and Jehlicka, 1998; Jancar-Webster, 1998).

*“...at that time there was this huge enthusiasm that now we have democracy, we can flourish, we can create something new and something good. Now there is such a general disappointment and disillusionment.”* (NGOn8)

Baker and Jehlicka (1998), however, also noted that Hungarian NGOs began to participate in public debates, provided input into discussions, and that the government was learning how to interact productively and openly with NGOs. One national park official explained that he believed that ENGOS, being civil actors, will be more important for nature conservation on the long run for their power lies in their convictions which are more durable than legislation and state funding:

*“At the moment there is a lot which the state nature conservation bodies can provide for because they have money, influence on the permission processes, etc. But I think that the money, also the power of the state bodies is weaker, and it is a power which can more easily be taken away than what is in the minds of people”* (NPI2)

In line with this argument, several experts found that Hungarian ENGOS became stronger with EU-accession because more emphasis was put on participation in policy-making and NGOs could access new financial sources (NGOn1, NGOn5, NPI5, NPI4). EU-accession and the required implementation of Natura 2000 brought new participation opportunities to NGOs (NGOn2, NGOe1).

*“...many of the regulations, precisely the ones for nature and environmental conservation, were transposed by the Hungarian state [...] only because it had to – our sector however appreciates them.”* (NPI2)

Hungary's accession to the EU was considered as positive by nature conservation experts because Hungarian state authorities now had to report to a third party which was independent of domestic political struggles and which thus gave more power to the nature conservation regulations of the *aquis communautaire*<sup>56</sup> (NGOe1, NPI2, NPI3). The new governance level of the EU, thus, altered domestic power dynamics, strengthening the nature conservation sector.

*“From a nature conservation point of view I see and evaluate the EU-accession as absolutely positive. [...] So now there is a third party independent of the country [...] independent from the current domestic power relations, [...] [before accession] at the most the green NGOs protested a bit, then everything abated. Now this is no [longer] the case, now, if in the permission process the Hungarian authorities cause some serious land use mistake, then there will for sure be a procedure, a revision process. And for this reason this has by now already played a noticeable impact on the legal practice.”* (NPI3)

So EU-membership proved crucial for changing the governance setting and practices in Hungary. A NPI official further noted that ENGOS became agents of their own since they could interact with European level authorities directly, bypassing national authorities:

*“Yes, I think their role has become stronger [in the last years]. So partly because their opportunities have also become stronger, so that they can turn directly to the EU, not just via ministries or other bodies, this made NGOs an agent in themselves.”* (NPI3)

This state expert thus explicitly referred to the new opportunity ENGOS to use the process of scale-jumping and directly report to EU bodies without having to respect national authorities first, as was highlighted by the MLG concept (Hooghe and Marks, 2001a; Fairbrass and Jordan, 2001). Several

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<sup>55</sup> As many people became unemployed as a consequence of the economic restructuring during the transition process, the general public then rather focused on survival issues, while environmental concerns moved into the background (Baker and Jehlicka, 1998; Jancar-Webster, 1998; VanDeveer and Carmin, 2005). Moreover, once the goal of liberation and end of the socialist regime had been achieved, many formerly active people left the environmental movement, which had served as a platform for political liberalisation (Baker and Jehlicka, 1998; Berg, 1999).

<sup>56</sup> The accession countries had to transpose the EU's *aquis communautaire* into national law, and start implementing and enforcing its provisions (Schimmelfennig and Sedelmeier, 2004). The *aquis communautaire* consists of 31 chapters containing regulations, norms, and standards for different policy areas (VanDeveer and Carmin, 2005). The environmental chapter of the *aquis communautaire* comprises over 300 regulations and directives, which had to be transposed into national law in a relatively short period of time (Gatzweiler, 2005; VanDeveer and Carmin, 2005).

interviewed Hungarian experts, however, did not have a fully positive opinion on EU-accession in general, but they also pointed to threats for nature conservation by new development pressures due to EU-funding and policies<sup>57</sup> (NGOn5, NGOn7, NGOe1, KvVM1). This has also affected the work of ENGOs, which, while benefiting from new opportunities for participation, do not have enough capacities to follow all potentially threatening development projects:

*“There are more and more investments, road construction, and nature conservation NGOs have to fight more and more. [...] there are so many issues which one would need to address, but we don't have the capacity to do so. [...] What improved is that they try to pay more attention or ask the opinion or voice of NGOs.”* (NGOn7)

Increased opportunities for participation in policy-making for ENGOs could not only be attributed to rules and demands for “good governance” by the EU, as stated in the EU’s White Paper on governance (EC, 2001), but also to the requirements of international conventions, especially of the Aarhus Convention (UNECE, 1998) (NGOl2, NGOn5, NPID3, NGOl6, NGOn3, NGOn1). An ENGO expert noted that in the 1990s NGOs “*could only protest*” (NGOl2). Apart from the Aarhus Convention, NGOs could also request information based on the national freedom of information act of 1992 (1992. évi LXIII. törvény; EMLA, 2008), which an expert of EMLA considered as “*quite a good act*” (EMLA1). An interviewee of a regional ENGO stressed that by repeatedly strongly insisting on the Aarhus Convention the ENGO (T.T.T.) had achieved that the town administration and regional forestry authority regularly sent information and notifications about every on-going permission procedure to the ENGO, so that it had the opportunity to intervene (TTT1). According to the interviewee, T.T.T. was the only ENGO in Hungary which received such information from the authorities, because it had fought for the application of the guaranteed rights, while other ENGOs, which did not fight for it, did not get it (TTT1). The Aarhus Convention was, also according to other interviewees, not referred to very often in Hungary, MME used it once to be part of a decision-making process, but one local ENGO member did not even know about the Aarhus Convention (MMEn1, NGOl6). The low frequency of reference to the Aarhus Convention by ENGOs may, however, also be linked to the fact that for getting information from environmental authorities it was mostly simply not necessary to refer to it because environmental authorities shared the information rather willingly anyway, so that an ENGO did not have to refer to the freedom of information act (EMLA1):

*“...environment is a bit privileged area. We don't have to use the freedom of information act, because most of the environmental information is there and available [...] Or we just have to write a letter to the environmental agency and they send the relevant information. So it's very seldom that we have to go to court.”* (EMLA1)

Yet, authorities of other sector share information less freely, e.g. municipalities and forestry authorities (see above: TTT1; EMLA1)<sup>58</sup>. So a considerable difference between the authorities of different sectors was observed (the relationship of ENGOs with different state actors will be analysed in more detail in section 4.3.3.).

Another ENGO expert found that the officials of the environmental ministry were happy to share information with ENGOs, yet also stressed that ENGOs experienced some difficulties to get official information – not because of a general refusal by the environmental ministry but due to chaos and insecurity within the environmental administration:

*“They were very slow, [...] But still I think, with them [the environmental ministry] it was even quite a good cooperation. So when they did have the data they were happy to give it to us, [...] It's very, very hard to get information out of the Hungarian government or the ministry here. Their cooperation with NGOs is sometime not very good. [...] And they don't reply at all. [...] if you*

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<sup>57</sup> In the new EU member states there are tensions between significant infrastructure development needs and the designation and management of protected areas (Paavola *et al.*, 2009).

<sup>58</sup> “*That's not the case with other agencies, like atomic energy or the normal construction agencies, or take waste management companies or municipalities, they hold the information more tightly.*” (EMLA1)

*request some concrete information that is public. [...] so it can happen, that sometimes it's just very, very chaotic, how to get the information.*" (NGOn6)

So while the legislation constituting the basis for the access to information is good, a considerable effort was required by NGOs to achieve the application of these laws in praxis, especially with non-environmental authorities.

ENGO activities for Natura 2000 received more publicity than ENGOS had got before (NPI4). Ideas of "good governance" and public participation thus seem to have reached the Hungarian biodiversity governance setting. Yet this was by no way seen as a general trend by all experts and for all ENGO activities (NPI7, NGOn8, NGOn1). Despite increased opportunities for NGOs since EU accession, especially local ENGOS complained that the political atmosphere did not support an active civil society (NGOl4). Yet even a local ENGO member, who complained that ENGOS were often only consulted very late, acknowledged the fact that ENGOS were asked was already a new big achievement in Hungary, and expressed the hope that in the future some of the advice by ENGOS would actually be integrated into decision-making (NGOl6).

#### **4.1.2. ENGO participation in Natura 2000 implementation in Hungary**

At different stages of Natura 2000 implementation, ENGOS were involved with diverse activities which were considered as important also by state officials. Some interviewees distinguished between more theoretical NGO activities, like giving policy advice, developing guidelines and providing background data, and practical ones, like site management and species protection measures (NPI1, NGOn4). This section will have a closer look at how ENGOS participated in Natura 2000 implementation in Hungary. The focus and activities of ENGOS changed during the course of the Natura 2000 implementation process: first they concentrated on site designation and after that on communication, financing and management of Natura 2000 (WWFe1, MME1).

##### **4.1.2.1. Natura 2000 site selection and designation**

The preparation work for Natura 2000 was supported by a EU PHARE project ("Preparation for Implementing the Habitats Directive in Hungary", HU9807-01-02-02) for the compilation of a data basis for Natura 2000 site designation (Demeter *et al.*, 2002; Lovász *et al.*, 2002a; Horváth *et al.*, 2003); in this project the environmental ministry cooperated with several project partners, including the Ecological and Botanical Institute of the Hungarian Academy of Sciences, MME and RSPB (letter of the EC to the ministry of foreign affairs, 27/06/2007; annex 2 XV. letter 3). A ministry official explicitly recognized the involvement of ENGOS:

*"...in the preparation of the whole Natura 2000 network the NGOs were deeply involved, NGOs and scientific institutes as well."* (KvVM1)

MME, CEEweb and WWF were the most active in the designation phase:

*"CEEweb, WWF and MME were definitely dealing with the Natura 2000 network, and formed the opinion. The three of them were the spokesmen for the designation of the Natura 2000 network."* (NPI3)

Via its member organisations (*e.g.* Nimfea) also MTVSz was involved in local consultations about Natura 2000 sites (Nimfea1, NGOl3). While MME participated in particular in the preparation of the SPA proposal for the Birds Directive, the other ENGOS were rather involved in the site selection process of the Habitats Directive. The Hungarian SPAs were formally designated based on a proposal of the NPIs, which relied largely on MME's proposal:

*"And they [MME] also said where the SPAs should be. BirdLife Hungary put the SPAs onto the IBAs and they [the ministry] complemented this."* (NGOl1)

In the beginning both parties, the environmental ministry and MME, had worked on the proposal together, the ministry then, however, retreated completely handing over the task to MME – according to an MME expert because the ministry preferred not to be named as an author of this site

proposal (MMEn1). MME completed its SPA proposal based on an updated list of the IBAs<sup>59</sup> for Hungary supported by the environmental ministry through the EU's PHARE Programme<sup>60</sup> (Lovászi *et al.* 2002a, 2002b); this proposal was given to the ministry, which handed it to its subnational nature conservation bodies, the NPIs, and then accepted it with some minor amendments:

*"...the ministry accepted the proposal of the National Park Directorates, which was based on BirdLife Hungary's proposal. So the final result is maybe 50.000 ha smaller than BirdLife Hungary's proposal, but we think it focuses more on the bird populations which need to be protected."* (KvVM1)

The final overlap between the IBA proposal and SPA list is 80%, because most, but not all IBA sites were designated as SPAs; there were also some sites which had been deleted from the IBA list but were later, nevertheless, designated as SPAs (MMEn1). The strong input of MME in the designation of the SPAs and the good cooperation with the environmental ministry in this matter was recognized by many experts (MMEn1, NGo7, NGo3, NGo5, NGo1r1, KvVM1). For the Hungarian government, which knew that the EU would compare its proposal with the IBA list anyway, already basing its own proposal on the IBA list for Hungary was a good strategy to avoid conflicts with the EU. The SPA proposal fulfilled the criteria of Dietz *et al.* (2003) according to which information was useful for decision-makers: the proposal was timed well, and its content and form complied with the needs of the environmental ministry. The ENGO's proposal thus helped to make the policy process more efficient.

The task of selecting pSCIs for the implementation of the Habitats Directive was delegated to the NPIs by the environmental ministry. The NPIs consulted with local and regional ENGOs; they looked for experts for the specific annex species and habitats, some of whom coming from ENGOs, and tried to take ENGO suggestions into account, adding some sites explicitly upon ENGO advice (NGO1r3, NPI2, NPI7):

*"...we tried to take into account these suggestions of experts, and suggestions of NGOs. There are Natura 2000 sites which we explicitly designated upon advice of NGOs."* (NPI2)

The research on fish fauna for Natura 2000 for example was conducted by an expert of Nimfea (Nimfea1). One local MME member complained, however, that the regional NPI did not take the time to listen to the local MME experts (MME1r1). The time pressure under which Natura 2000 site selection had to be completed was thus no general obstacle to involving ENGOs, yet it may have hindered an even broader involvement of ENGOs in some places. ENGOs, too, consulted with the NPIs which sites the ENGO representative in the biogeographical seminar (for the process of the designation process see subchapter 2.4.1.) should advocate for:

*"They asked us too, what we would like, for which sites we saw it as necessary that they got into the Natura 2000 network, and they represented this there [at the biogeographical seminar] as civil society participants."* (NPI2)

At the biogeographical seminar for the Pannonian region in autumn 2005, besides representatives of the EC, including experts of the European Topic Centre on Biological Diversity (ETC/BD), and representatives of the respective member states, ENGOs could participate as stakeholders; as

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<sup>59</sup> The IBA programme was developed by BirdLife International to identify sites of priority for bird conservation (BirdLife International, 2010), and has been used by BirdLife Europe as a benchmark for evaluating the completeness of the SPA designations (BL1). In most EU-member states the SPAs were designated based on the IBAs, because the ECJ and the EC have used the IBA lists to check the completeness of the proposals of the member states (EC press release IP/07/938): *"To assess whether Member States have complied with their obligation to classify SPAs, the Commission uses the best available ornithological information. Where the necessary scientific information provided by Member States is lacking, national inventories of Important Bird Areas (IBA) compiled by the non-governmental organisation (NGO) Birdlife International, are used. While not legally binding, the IBA inventory [...]. The Court of Justice has already acknowledged its scientific value, and in cases where no equivalent scientific evidence is available, the IBA inventory is a valid basis of reference in assessing whether Member States have classified a sufficient number and size of territories as SPAs."* (EC press release IP/07/938)

<sup>60</sup> EU PHARE Programme "Preparation for Implementing the Habitats Directive in Hungary" (HU9807-01-02-02)

stakeholder there were also representatives of the European Landowners' Organisation (ELO), as well as independent experts for certain species invited by the member states or the EC (NGOe1, KvVM1, NGO5). For the Pannonian seminar one ENGO representative per country was invited by the EC via the EHF<sup>61</sup>. The biogeographical seminar was considered a crucial step in the designation of SACs by NGO experts (WWFe1, CEEweb3).

*"...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."* (NGOe1)

The involvement of ENGOs in the designation of sites under the Habitats Directive, and especially the biogeographical seminar was similar in all EU-member states:

*"NGOs have the right to comment<sup>62</sup>, and to say this is not enough, we need more, we need less, this is not good because of that, and these and those sites should still be added to the list."* (NGOn1)

Remembering the discussions of the biogeographical seminar, the Hungarian ENGO representative noted that ENGOs had the same time to talk as the representatives of national governments (WWFn2). The ENGO involvement in the biogeographical seminar was described as assistance for EC experts in the evaluation of Hungary's site proposal because ENGOs had provided the EC with a list of site suggestions, which was independent of the country's official proposal (NPI2, NGO3).

Coordinated by WWF, in cooperation with experts of national parks, universities and the Institute of Ecology and Botany of the Hungarian Academy of Sciences (ÖBKI) (WWFn1, WWFn2), Hungarian ENGOs compiled a list of sites, which they wanted to be included into the Natura 2000 network, and sent this information to the EC before the biogeographical seminar (NPI1, NGO6, NGO1). The term "shadow list" was used for this reference list of ENGOs only by some interviewed experts (NPI1, NGO1, NGO6). An expert of WWF, explained that compiling a real shadow list based on data independent from the one of the state authorities requires a lot of voluntary work by scientists, which WWF could not organise in Hungary<sup>63</sup> (WWFe1). Another WWF expert, therefore, rather characterised the Hungarian list of site proposals simply as a comment to the official proposal:

*"...we made a kind of estimation of the Hungarian proposal. [...] I wouldn't say it's a shadow list, but it's like comments."* (WWFn2)

The main argument of a national WWF expert why this ENGO list was no shadow list, was that the ENGOs had consulted the list with the Hungarian environmental ministry before the biogeographical seminar – it was not only sent to the EC, but Hungarian ENGOs lobbied for it also directly with the environmental ministry:

*"...it was not a real shadow list because at the end and during the preparation we were consulting with the ministry. [...] So it was not like a real shadow list because a real shadow list couldn't be discussed with the ministry."* (WWFn2)

As the EC referred to BirdLife's IBA lists to check the completeness of a country's SPA proposal (EC press release IP/07/938), an ENGO expert noted that the IBA list could be considered as a shadow list for the SPAs (MMEn1). The first Hungarian IBA list, however, existed already years before the SPA list, it was only updated for the designation of SPAs, and it was shared deliberately with the environmental ministry (MMEn1; Lovászi *et al.* 2002a, 2002b). So for the site selection of both, the Birds and the Habitats Directive it was possible for Hungarian ENGOs to consult with the

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<sup>61</sup> This was less than in later seminars where two were invited per country but more than in the marine seminars (NGOe1, NGOe3) – the number of ENGO representatives in the biogeographical seminars is determined by the EC, which negotiates it with the EHF. According to ENGO experts EU-level ENGOs asked for as many representatives as possible, as it is a challenging task to be prepared for all sites of a country (NGOe1, NGOe3).

<sup>62</sup> In contrast to environmental NGOs, the representatives of the land owner organisations could only observe but not join the discussion because they did not have any scientific expertise on the basis of which the sites were to be designated (NGOe1, NGO5).

<sup>63</sup> For Poland WWF succeeded in compiling a shadow list as an alternative to the insufficient official Polish proposal (WWFe1, NGO5; Cent *et al.*, 2013).

environmental ministry in advance, *i.e.* before the proposals were officially submitted to the EU or discussed by the EU in the biogeographical seminar. The negotiations with the ministry were not always easy, however: According to an ENGO expert, the environmental ministry was not pleased about additional suggestions, for it did not want to add more sites to the list (NGOn11, WWFn2):

*“So I showed them [the KvVM], OK this is what we want, and these are the proofs. [...] They were really protecting their side, and they did not really want to make extensions, and modifications.”* (WWFn2)

Yet, also because the ENGO expert successfully exercised pressure, the ministry took ENGO demands into account, and even integrated some of them into its own proposal:

*“And I also told them, if they want, they could propose modifications in the seminar, [...] I gave them all of our proposals, and I told them that they had the possibility to sign it to the Commission, that the country, the government, would like to change to more; because it could be better for them. But I told them that if they are not doing it, I will do it.”* (WWFn2)

The fact that ENGOs could discuss their wishes with the environmental ministry in advance of the biogeographical seminar and that the input of ENGOs was taken into account by state officials (KvVM2, NPI2), may explain why the Hungarian ENGO community and researchers did not consider it necessary to send a really independent shadow list to Brussels – the proposed list of the ministry (*i.e.* pSCIs) was already regarded as rather good:

*“Here [in Hungary] the list of the ministry was quite OK, they did it themselves through the national parks. The NGOs only had to do the review.”* (NGOe3)

It was thus not just out of a lack of capacities, as indicated by a European ENGO expert (WWFe1), that Hungarian ENGOs did not prepare a real shadow list.

*“NGOs were quite active in designating the Natura 2000 areas. [...] In Hungary, the case was that the big NGOs, like WWF and BirdLife, did not produce a shadow list in Hungary, unlike in other countries<sup>57</sup> where the NGOs were not so much involved in the designation of the areas, and therefore, the Hungarian NGO community was at the beginning of the process, I would say, quite satisfied.”* (NGOn9)

How satisfied ENGOs were with the results of the designation process will be discussed in the following paragraphs: Overall, in 2009<sup>64</sup>, when the interviews were taken, the ENGO experts were quite satisfied as most ENGO suggestions had been included into the list; apart from one habitat, the ENGO representative could get all ENGO suggestions accepted in the biogeographical seminar, in most cases without too many discussions: (WWFn2).

*“In Hungary almost all NGO proposals were eventually accepted by the EU.”* (NGOn1)

*“I think NGOs were quite successful. [...] it was more successful than I awaited. There was one thing I’m really worrying about, only one – it was the loesses. [...] but I think it was really the only one which was not accepted by the seminar. [...] So I think more than 95% of our proposals were passed. [...] In some cases we had to discuss about it, and I had to be strong, but [for] most of them it was not that difficult.”* (WWFn2)

Other NGO experts, too, were also quite satisfied with the achieved amendments to the list argued for by their ENGO representative in the biogeographical seminar (NGOn9, NGOn1, WWFn2).

*“The result has been very good from our perspective because NGOs rarely really have so many opportunities to actually influence 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 biogeographical seminar] you are on equal terms with your government for example – that is really great.”* (NGOn1)

The interviewed MME experts were pretty satisfied, too, with the final SPA list and their role in its designation. A member of a local NGO concluded that since MME had had the opportunity to

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<sup>64</sup> Yet it was only after the last revision of the transposition of Natura 2000 into Hungarian law that this list was considered as sufficient by ENGO experts and the EC (NGOn9, NGOn4, NGOn3, reply letter by EC 17/04/2012 to request by author).

determine where the SPAs should be, MME was naturally rather satisfied with the SPA designation and its cooperation with the environmental ministry (NGOl1). Interviewed state officials, too, were satisfied with designation (KvVm2, NPI7). The fact that also ENGOs evaluated the designation as largely sufficient was presented as a proof for the good site designation by the Hungarian authorities:

*“Generally, for our national park, it’s characteristic that we think that the designation was sufficient, appropriate. All NGOs whom we asked gave this feedback.”* (NPI7)

*“Well, with what we reached we can be satisfied. In this the NGOs also agree.”* (KvVM2)

Yet, there were also some more critical voices. Especially, some local ENGO members were not satisfied with the designation process as certain sites they particularly valued had not been included in the list because of conflicting land use interest (NGOl1, NGOl3):

*“Among others, we also have such a site, for which, we think, it would have been of existential importance to get onto the SAC list, and it did not get in, they simply deleted it from the list in the ministry. [...] Basically there was a political pressure to leave out these habitats. And the EU gave the list back to Hungary saying that there were too few of these sites, and despite this they did not intervene.”* (NGOl1)

Despite his general satisfaction with the designation thanks to the fact that it was based on scientific criteria, an ENGO expert noted that there had also been cases where sites were not designated due to competing interests concerning the use of the land – yet he stressed that such cases had not been typical or a great problem in Hungary (NGOn3). Some ENGO experts, furthermore, criticised that the sites were designated too fast, rather inaccurately and arbitrarily not really based on scientific data (NGOl6, NGOn7; see annex 2 XI.). NPI officials themselves, too, admitted that the designations, especially some of the boundaries drawn, were not always exact as due to the time pressure and a lack of staff, it had been impossible to visit and study all sites before designation (NPI7, NPI1, NPI4).

In 2009 one ENGO expert and a ministry official recounted that there was still some disagreement between MME and the government about certain sites for species and habitats classified as insufficient moderate during the biogeographical seminar (BLe1, KvVM2). According to an ENGO expert the negotiations between ENGOs and the environmental ministry after designation had been quite efficient and the ENGOs had achieved some changes to the Natura 2000 decree, namely to get rid of the exemption which excluded military training sites from the Natura 2000 network:

*“And we had meetings with people from the ministry of environment, when we could give our recommendations about what to change and how. And then, it was quite efficient”* (NGOe3)

Despite the influence of ENGOs, a state official maintained that the final decision, nevertheless, depended on the Hungarian government (KvVM2):

*“The NGOs are still fighting for some additional sites, [...] but well it depends mainly on us if it can be attained successfully that they declare these sites”* (KvVM2)

So even though this ministry official had declared that ENGOs had been deeply involved, he still wanted to highlight the crucial role of the ministry itself. He thus did not consider ENGO involvement as weakening the state administration because the core decision power was not handed away.

Thanks to Natura 2000, the area of protected sites doubled from 9% to almost 21% of the country’s territory. These numbers very well explain the general satisfaction of state nature conservation officials, as well as ENGOs with the designation of Natura 2000. According to one national park expert: *“With 20-21 % Hungary is quite well covered”* (NGOn6).

So despite the different degree of involvement in designation of SPAs for the Birds Directive and the SACs for the Habitats Directive – MME was actively involved in the selection of SPAs, while for the Habitats Directive the major work of site selection was done by the state administration, and only followed and checked by ENGOs – in both cases, ENGOs were satisfied with the overall



results in terms of designated sites. The comparison with Natura 2000 implementation in Greece, where independent researchers or NGOs were excluded and the selection process was strongly influenced by powerful economic actors (Apostolopoulou and Pantis, 2009), may indicate that the considerable involvement of NGOs in Hungary in Natura 2000 designation was important for preventing a capturing of the process.

ENGO experts were, however, not satisfied with the further progress of implementing Natura 2000 after site designation because of the lack of a good maintenance scheme (see next section):

*“[there is no] progress with this [Natura 2000]. [...] It’s just like: it exists; we did what the EU wanted. [...] Of course when they 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.”* (NGOn6)

A MME expert stated that MME’s strategy was first to get all IBAs designated as SPAs, and then in the next phase the financing and monitoring of Natura 2000 (MMEn1). These tasks and the engagement of ENGOs therein will be the topic of the next section.

#### **4.1.2.2. ENGO activities for the maintenances of Natura 2000 sites**

As not only intensification, but also land abandonment can be a threat to biodiversity rich habitats, like grasslands (Poschlod and WallisDeVries, 2002; Young *et al.*, 2005), many Natura 2000 sites need to be managed in an appropriate way to maintain their favourable protection status. The Hungarian environmental ministry, therefore, tried to establish management schemes for Natura 2000 sites (see annex 2 XI.)<sup>65</sup>. After site designation also several ENGOs concentrated on finding solutions for ensuring the maintenance of the designated Natura 2000 sites through appropriate management and financing. The management activities of ENGOs were officially recognized by the environmental ministry in its second National Environmental Programme (NEP-II):

*“In certain protected areas belonging to these environmental NGOs great results have been achieved in the last two decades as regards for example area management, preservation of populations of endangered species, exploration of new sites of endangered species or regarding continuous population monitoring.”* (Ministry of Environment and Water, 2004, p. 145)

Interviewed experts deplored that it had not yet been possible to establish management schemes for wetlands nor for arable land due to a disagreement between the environmental and agricultural ministry – the management scheme for grasslands<sup>66</sup>, established in 2007, was therefore regarded as a little success by nature conservation experts (NGOn7, NPI3, KvVM1, KvVM2). The existing agri-environmental programme<sup>67</sup> was criticised as very complicated and thus less attractive especially for small farmers by an NGO expert; for this reason MTVSz lobbied for less bureaucracy in the administration of the scheme (MTVSz1).

While MTVSz was active in lobbying national policy-makers concerning the development of a financing scheme for Natura 2000 maintenance and management (MTVSz1, NGOn5), MME and local NGOs, like Nimfea, engaged in several more practical projects aimed at developing management and financing schemes for concrete Natura 2000 sites (NGOn5, NGOn2, NGOn3, NGOl1). MME’s Biodiversity Technical Assistance Units (BTAU) project started in 2007 with the

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<sup>65</sup> An official of the environmental ministry explained that in order to distinguish these plans from the “management plans” for nationally protected areas (*természetvédelmi kezelési terv*), for Natura 2000 they were called “maintenance plans” (*fenntartási terv*) as they aim at more than nature conservation management, namely at site maintenance and development (KvVM2). The term “*fenntartási terv*” was used by interviewees where the interview language was Hungarian, when the interview language was English, experts, however, used the term “management plans”, as this is the European standard terminology. For this reason also this work speaks of Natura 2000 “management plans”.

<sup>66</sup> In Hungary, a management scheme could only be developed for grasslands, for which since 2007/2008 land users can get a support of 38 Euro/ hectare/ year for management in line with Natura 2000 regulations (128/2007. (X. 31.) FVM rendelet).

<sup>67</sup> The Hungarian agri-environmental programme was started in 2002 and extended in 2007 (2002 NAKP 2078/92, 1257/99).

support of RSPB<sup>68</sup> (Nagy, 2008; RSPB, 2012). The aim of the BTAU project was to create new financial instruments through combining public subsidies, like EU funds from the second pillar of the CAP, with commercial loans in a private public partnership and to direct them at small medium sized farming enterprises to help smaller farmers develop their farm in an economically viable and nature-friendly way (MMEn2; Nagy, 2008; RSPB, 2012). An MME expert remarked that he believed this project could help support rural development through Natura 2000 management (MMEn1). The interviewed MME experts, however, also noted that with the financial crisis it had become very difficult to find a bank which would give a loan for this purpose (MMEn2, MMEn1). Another challenge of the project was that as a condition for such a loan one had to develop a management plan for protecting the natural values on the site – yet knowledge on what kind of management exactly fosters the protected species and habitats is oftentimes insufficient (MMEn1). For this reason, MME tried to link its BTAU project with another Natura 2000 management project it was involved in (MMEn1, MMEn2): a transition facility fund project on Natura 2000 maintenance planning by the environmental ministry, coordinated by VÁTI<sup>69</sup> (Haraszthy, 2009)<sup>70</sup>. MME, the Environmental and Landscape Management Institute of St. István University (KTI-SZIE) and ÖBKI were subcontracted partners in this project (KvVM1, KvVM2). The aim of this project was to develop maintenance plans for 20 pilot sites of the Natura 2000 network in cooperation with affected stakeholders and land users ([www.naturaterv.hu](http://www.naturaterv.hu)). Regarding the role of ENGOS within the project, a university expert noted that not on every site there was an ENGO they could cooperate with, yet where there was one they had an important role as the local ENGOS are close to farmers and could later serve as contact points (UNI1). ENGOS have also participated in or coordinated EU LIFE projects<sup>71</sup>: MME led three LIFE projects (conservation of the Imperial Eagle, of the Hungarian Meadow Viper<sup>72</sup>, and habitat management of Pannonian grasslands). Other NGOs, too, conducted LIFE projects: WWF Hungary (conservation of alluvial habitats), Nimfea (restoration and conservation of Pannonic salt steppes), the Hortobágy Environmental Association (habitat management and restoration of sodic lakes, Pannonic salt steppe and marsh), and Emisszió (protection of *Angelica palustris* habitats). ENGOS, especially MME and WWF Hungary, moreover, cooperated in LIFE projects coordinated by other beneficiaries, *i.e.* NPIs or Austrian organisations (EC, 2012c).

The management of NGO-owned sites was not very typical in Hungary but some cases exist:

*“I think in Western Europe it’s rather more significant than here where it’s just in its infancy but the NGOs also manage their own property, the lands they own.”* (NPI2)

An example for such management activities by an NGO is a UNEP/ GEF- supported project of MME, in which MME, together with a local association and two local fish farms manages the extensive fish ponds of Biharuga, sites protected as Natura 2000 and as Ramsar sites, and listed as IBAs (KvVM1; MME, 2012b). Besides MME, especially local and regional ENGOS actively protect some sites and species by managing land themselves or by conducting several smaller management and maintenance activities, such as tree planting, putting up bird shelters or protecting old orchards, and in this way are active in protecting certain species and local valuable areas, many of them Natura 2000 species or sites (MMElr2, Nimfea1, NGOlr4, NGOOn8, KvVM1, NPI2, NPI3). The regional ENGO Nimfea became particularly active in managing local grasslands; the director of the NGO explained that the aim of the management was first of all to demonstrate how one could manage the land in a nature friendly way and secondly to create local jobs:

*“There our aim is to give a practical example that agricultural management creates the natural values. [...] We conduct an agriculture which builds on the community, so several farmers have*

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<sup>68</sup> RSPB initiated this project also in Bulgaria and Poland (RSPB, 2012).

<sup>69</sup> A non-profit regional development planning company ([www.vati.hu](http://www.vati.hu))

<sup>70</sup> See also [www.naturaterv.hu](http://www.naturaterv.hu)

<sup>71</sup> The EU LIFE programme funds projects for the protection of specific species and habitats of Community Importance and is also available for NGOs ([ec.europa.eu/environment/life](http://ec.europa.eu/environment/life)).

<sup>72</sup> These first two were renewed (EC, 2012c).

*given us their land, we call this 'joint tenants for nature conservation'. That's 130 hectare. [...] [we are] testing how to put such local employment into practice so that we can give local jobs to as many people as possible."* (Nimfea1)

Trying to take into account also social aspects, this ENGO thus developed a comprehensive programme for community based management of valuable natural areas which aims at creating an example for a more sustainable local economy, respecting all three pillars of sustainable development (environment, social and economic).

Local ENGO experts also stressed that nature conservation was most successful where conducted by local actors themselves, so by the local municipality or local NGOs (NGOl6, NGOl3). The complaint by a local expert, that the task of developing Natura 2000 maintenance plans was not always given to local expert but often to organisations further away, who did not know the local natural treasures well, illustrates that local ENGO members had the perception that local knowledge was not always sufficiently respected and recognized in the process (NGOl3, NGOl6).

Maintenance and management of Natura 2000 was also an important issue in communication efforts by ENGOs, CEEweb for example published management guidelines for preparing Natura 2000 management plans and Nimfea compiled a brochure on grassland management (NGOn1, KvVM2, NGOn7, NGOl1).

#### **4.1.2.3. Communication**

Experts of ENGOs, as well as state officials stressed the importance of communication to create awareness for nature and acceptance for Natura 2000 (NGOn4, NGOl6, KvVM1, KvVM2, NPI7). In line with Schenk *et al.* (2007), who noted that as economic incentives generate only superficial non-lasting acceptance, communication and possibilities to participate were more important for public acceptance of nature conservation measures, an ENGO expert pointed out that for winning the support of land users for Natura 2000, communication was even more important than the financial aspects of nature-friendly land management:

*"The main problem is a communication issue, and the money and agricultural payments and things like that is only secondary issue."* (NGOn2)

Similarly a national park official stressed that convictions of people were crucial:

*"Nature conservation is as powerful as people believe it to be important."* (NPI2)

Many nature conservation experts demanded that everyone and especially land users and local government officials responsible for permission processes should better value nature and accept that there was Natura 2000 (KvVM1, KvVM2, NPI7, NGOn4):

*"Communication with farmers is very important to help to better value these sites."* (NGOn4)

*"Communication, so that one makes the society accept and understand what this [Natura 2000] is about at all, what the exact laws and regulations are, what possibilities there are for support."* (KvVM2)

*"...and one should succeed in getting a wider group of people to accept that Natura 2000 exists and is important. Generally, to make people accept that nature conservation is just as important, so that they understand it"* (NPI7)

*"Well, I think communication is very important, we started to become accepted much more by society, because if we are accepted people understand much more what we want for them, for society, [that] this is also in their own good, in their children's' good, then I think our work should be much easier."* (KvVM1)

The reasons the experts named for why communication was important are, thus, rather functional ones aiming at increasing the effectiveness of nature conservation policies, and in particular the acceptance of the work of the ministry. This functional approach regarding interactions with stakeholders in Natura 2000 implementation was also observed by Rauschmayer *et al.* (2009b) for other EU countries. These statements by state nature conservation officials, moreover, show that the

officials believed that experts knew what was best for people. So communication was not understood as a two-way endeavour, it was not seen as an opportunity for the administration to learn from local stakeholders and their knowledge, but state officials followed a rather top-down approach towards it. Especially the tone of the last statement is very paternalistic. This functional approach towards communication resulted in very limited communication efforts by the environmental ministry, which, despite the general awareness for the importance of communication on the side of government officials, was therefore criticised by ENGO experts for not communicating sufficiently. ENGO experts deplored that the main actors, *i.e.* the environmental ministry, the NPIs and the environmental inspectorates did not have a Natura 2000 communication strategy and communicated little about Natura 2000 (NGOn4, NGOn6, NGOn3).

*“And even in the ministry. If you look at the website of the ministry of environment, there’s very rarely any news about Natura 2000, it’s more about climate [change] now, and the minister hiking here and there.”* (NGOn6)

*“Communication was not good from the beginning. So I think the ministry of environment, who was responsible for the communication of Natura 2000, did not, or does not actually want to communicate, [because] they were just afraid what would happen.”* (NGOn3)

So another reason given for why the environmental ministry hardly communicated and was rather reluctant to involve stakeholders was that it feared to lose control of the process. Several authors noted that the typical fear regarding the inclusion of stakeholders by environmental policy-makers is that as it takes time and efforts, and it will delay policy interventions urgently needed to save species on the verge of extinction (Ostrom and Nagendra, 2006; Lebel *et al.*, 2006; Keulartz, 2009; Wurzel, 2008).

Farmers who are crucial actors for Natura 2000 management had not been systematically informed<sup>73</sup> by the government (NGOn3, NGOn6, NGOl1, NGOl5, NGOn2); with the exception of very few municipalities, there was no information about Natura 2000 put out at the municipalities at the time of designation. So only few land owners knew about the 90 days period for commenting on the proposed list of sites to be then evaluated by the NPIs (NGOn3, NPI7). ENGO experts further criticised that there was no detailed map of the Natura 2000 sites available and that the original Natura 2000 file, as sent to Brussels, was not published (NGOn6, NGOn3)<sup>74</sup>. A ministry official admitted that the environmental ministry still needed to communicate much more, explaining this also with the fact that the inclusion of stakeholders took time (KvVM1). This and more recent communication plans<sup>75</sup> show that as the Natura 2000 implementation process progressed the environmental ministry began to think more about communication.

Apart from the fact that the environmental ministry conducted little communication at all, an ENGO expert also criticised the ministry’s way of communication as inadequate:

*“...they just communicate: [...] ‘we had to do it because of the EU.’ [...] Or ‘you did not have a word for that because it’s designated on purely scientific data’ [...], or ‘you don’t have to change anything, because the Natura sites were designated because they are on high level of naturalness [...] so the only thing you should do is continue this kind of operation on the site’, which again, is a bad kind of communication because it’s not true in many ways. [...] it’s a very defensive kind of communication of the ministry and that’s what they did.”* (NGOn3)

Instead of such a defensive way of communication, the ENGO experts demanded a much more positive and proactive approach from the environmental ministry that would highlight the values of

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<sup>73</sup> Börzel and Buzogány (2010b) deplored a secrecy of the designation process in Hungary; yet this was not just the case in Hungary – in many countries land users were upset that they had not been consulted in decisions affecting them (Klůvankova-Oravska *et al.*, 2009; Keulartz, 2009).

<sup>74</sup> An ENGO expert guessed that the reason might be that the government already expected changes to it (NGOn3).

<sup>75</sup> To improve communication the ministry in a proposal for a LIFE project identified several activities, like television spots on species or habitats, brochures, and the aim to improve the presence on the internet, and on the local level putting up information boards (KvVM1).

Natura 2000 sites in order to win the support of the public and stakeholders (NGOn1, NGOn3, NGOn6).

The lack of communication by state authorities left an open space for NGOs to become active in this field. According to several ENGO members, knowing that there would be opposition, ENGOS had been rather aware of the importance of communicating Natura 2000 to stakeholders, especially to land users, from the beginning of the Natura 2000 process; ENGOS did themselves organise workshops for farmers (NGOn3, NGOn6, NGOl1, NGOn7, NGOl4, see below). Despite hardly communicating by itself, the environmental ministry did provide some funds for ENGOS to conduct communication projects (NGOn6, NPI2, NGOn3, NPI4). This financial support for communication activities constituted an opportunity for NGOs to get involved in Natura 2000 implementation, by largely taking over a state task. The environmental ministry cooperated with ENGOS, especially with MME, with whom there was a cooperation agreement, and financially supported the communication efforts of the Natura 2000 working group as assistance in informing stakeholders (KvVM2, NGOn5, NGOl1, NGOn2).

*“One had to inform a lot of people, get a lot of maps and therefore we asked NGOs for their help, there was a grant. [...] And they [NGOs of the Natura 2000 working group] [...] strongly participated in letting people know about the Habitats and Birds Directive.”* (KvVM2)

*“...and they [KvVM] say, we did some communication and some cooperation with the NGOs, just see the homepage, just see the map, and this and that and that. So they paid something for the communication, that’s true, but they did not want to communicate their own – not really that much.”* (NGOn3)

For communicating Natura 2000 the ministry thus relied largely on ENGOS and appreciated their activities (KvVM2, NGOn3, NGOn6). Already before Natura 2000, especially local ENGOS had engaged in a variety of environmental education and general awareness-raising activities, such as organising bird watching camps for kids<sup>76</sup> tree planting, projects for environmentally friendly agriculture or exhibitions, e.g. of nature photography (NGOn7, NGOn8, NPI6, NGOl6, NGOl5, NGOl2). The achievements of NGOs in environmental education and awareness-raising were also officially recognized in the NEP-II:

*“In the field of environmental education NGOs have unique achievements surpassing, in many aspects, the activity of government efforts. The work of NGOs carrying out activities focused on nature conservation, awareness raising and education centres must be given high priority and must be supported.”* (Ministry of Environment and Water, 2004, p. 145)

So in official documents NGO communication activities were recognized as crucial, and even as more extensive than state ones.

To communicate Natura 2000 and distribute information about it to the public and stakeholders, the ENGOS of the Natura 2000 working group organised conferences and poster exhibitions, which toured across the country – the activities were supported through LIFE and PHARE projects, the structural funds and by the environmental ministry (NGOn4, NGOl5, NGOl1, NGOl4). The four NGOs of the Natura 2000 working group (i.e. MME, MTVSz, WWF Hungary and CEEweb; see section 4.3.1.1.) were seen as the major actors in early communication of Natura 2000 by a local ENGO expert (NGOl1, NGOn6, NGOn7). Workshops for government officials and farmers were organised by MTVSz in cooperation with its member organisations and by MME, which was supported by RSPB and NABU experts (NGOn4). Some local MME groups, too, were involved in communicating with farmers, their activities were, however, not coordinated by the central office, the central office though tried to involve local groups in disseminating communication material, like

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<sup>76</sup> MME’s bird watching camps for kids were very popular in the 1980s and 1990s, yet in recent years the number of registrations had decreased – one local MME member (MMEl2) explained this with the observation that nowadays these bird-watching camps compete with many other summer camps (like English language camps or horse riding), that some parents could not even afford the low registration fee and that it has become difficult to get children away from the computer.

leaflets (MMEn1). Nimfea tried to get and distribute information on management schemes and legal rules for Natura 2000 grassland management support and organised trainings on how to manage and mow grasslands in a nature-friendly way (Nimfea1). According to an ENGO expert the discussions in these stakeholder seminars were quite open; it was obvious, however, that farmers were worried about Natura 2000 (NGOn6). For these stakeholder workshops the ENGOS invited local stakeholders, including land owners and teachers, farming advisors, as well as officials from NPis, and the environmental and agricultural ministry. With these country-wide seminars ENGOS tried to address the concerns of the most affected stakeholder, namely farmers, by informing them about what kind of management was desired on Natura 2000 sites and that there were opportunities to apply for agri-environmental funds.

ENGOS, moreover, distributed information about Natura 2000 via several brochures (NGOn3, NGOn6, NGOl1). CEEweb (with support of WWF experts) and Nimfea were particularly active in writing and publishing information brochures (NGOn6, NPI2; Sallai 2008, O’Luby *et al.*, 2002, CEEweb, 2003a; CEEweb, 2003b; CEEweb, 2008; Marticsek *et al.*, 2005; CEEweb, 2007, Nimfea and CEEweb, 2007, Tripolszky *et al.*, 2010, Hajdu and Kiss, 2009, CEEweb, 2006; Tomcsányi, 2003; Francia *et al.*, 2005). Hungarian ENGOS also distributed publications by their European umbrella organisations and partner organisations, and participated in writing some of these (WWF and IEEP, 2009; RSPB, 2010). Besides a booklet on Natura 2000 financing (EC, 2007a, 2007b), WWF, in collaboration with RSPB and the Institute for European Environmental Policy, also prepared a publication on best practices on financing Natura 2000, including the example of the Hevesi Sik in Northern Hungary, where the agri-environmental scheme was implemented successfully (WWF and IEEP, 2009). MME together with RSPB compiled a booklet on cases at the ECJ (Kocsis-Kupper *et al.*, 2004), which was disseminated at Hungarian courts and the government, where according to a MME expert it was used (MMEn3). MME further published a Natura 2000 map on paper, which was the only printed document of the sites (MMEn1).

What is more, MME took on responsibility for establishing and maintaining a Natura 2000 website in Hungarian language ([www.natura.2000.hu](http://www.natura.2000.hu); MMEn1, NGOl5). This website was developed by the NGOs of the Natura 2000 working group as a reaction to the fact that after accession there was still no information in Hungarian language on Natura 2000 available on the internet (NGOn3, NGOn6, NGOl5). According to an MME expert (MMEn1), the ENGOS wanted to cooperate with the environmental ministry in developing such a website, yet as this cooperation proved to be rather difficult, the ENGOS, led by MME, then started to establish the website by themselves (MMEn1, MMEl2):

*“...originally, I thought that it would be a cooperation between the ministry and NGOs. [...] the [natura2000.hu](http://natura2000.hu) [...] [is] in the possession of the ministry and there is nothing there, [...] I reserved the [natura.2000.hu](http://natura.2000.hu), and we did the homepage, [...] because there was no official Natura 2000 homepage after one year of EU-accession, so there was no information source on the internet at all!”*(MMEn1)

This website is thus not an official information portal by the Hungarian government; the environmental ministry was involved in its establishment only by providing some financial support to ENGOS, *i.e.* the domestic share (25%) of an EU communication project by the DG Enlargement (MMEn1). Despite several deficiencies (MMEn1, NPI5), it constitutes the best available online information source on Natura 2000 in Hungarian language, and is, therefore, visited by many stakeholders (NPI2, MMEn1).

*“And now, if you put Natura 2000 into the Google in Hungary, the first two pages is this Natura 2000 homepage, which is not complete, which has many, many problems, [...] but it’s a good basis still, and the best one still in Hungary”* (MMEn1)

*“...the work of an NGO is needed [so] that also I myself [as a state official can] if a client comes to us, then I direct them towards their website because it [information] is complied in the best way there.”* (NPI2)

ENGOS thus provided important communication tasks for Natura 2000, while the state administration did much less, and in the case of the Natura 2000 website state officials even depended and relied on the work of ENGOS.

The interviewed ENGO experts did, however, also experience limits to their ability to support Natura 2000 implementation through communication. The stakeholder workshops were not generally considered as very successful because only very few people could be reached as the capacities and financial resources of ENGOS were limited (NGOn11). ENGO experts, moreover, found that it was not easy to communicate as long as there was no funding scheme for Natura 2000 site management because one could not give any positive messages to farmers regarding financial support for Natura 2000 maintenance (NGOn6, NGOn3, Nimfea1):

*“...if you are an NGO you can't communicate things which aren't already there, if you can't really say anything to the farmers it's not really good to have a communications campaign, you don't want to go to the farmers and say, we don't know a word, or the ministry does not do its work well, so it's a kind of negative campaign which is not good at all.”* (MME1)

MME, therefore, rather concentrated on information material for students and on the website (MME1). So, even though some ENGOS, like Nimfea, tried to inform people about Natura 2000 already before accession, they could only provide rather general information (Nimfea1, MME1).

#### **4.1.2.4. Research activities: species and site monitoring**

According to an environmental conservation expert the Hungarian monitoring system is well recognized internationally for its experience acquired over the years (Demeter, 2012). Yet, following a ministry official the current monitoring system did, however, not sufficiently cover all Natura 2000 sites (KvVM2). Species monitoring was considered as a challenge by a ministry official because the nature conservation administration did not have an own scientific background institute; so the NPIs have to conduct species survey themselves or subcontract external experts, some of them from ENGOS (KvVM2, NPI7). In its NEP-II the environmental ministry explicitly stated that for the National Biodiversity Monitoring System (NBmR)<sup>77</sup>, launched in 1998, it intended to involve volunteers, like NGO members or study circles at schools (Ministry of Environment and Water, 2004). MME is the only NGO involved officially as a cooperating partner (Hungarian State Nature Conservation Secretariat, 2005). The environmental ministry gave grants from a project of the Transition Facility fund to ENGOS for conducting research for biodiversity protection which could be used as a basis for designation and preparing maintenance plans, the environmental ministry thus gave financial support to ENGOS for providing data which the state administration needed; to collect this data ENGOS got the permission to access certain strictly protected areas for monitoring (NGOl2).

The coordination of monitoring activities between NGOs and NPIs did, however, not always run smoothly. An ENGO expert criticised the monitoring activities by the NPIs as insufficient for the rangers were not going out into the field to collect data, but instead asked for data from the ENGOS (NGOl2). Like the above cited ministry official (KvVM2), MME experts were not fully content with the Hungarian monitoring system, and especially criticised that the monitoring by the NPIs was not as good as the one by MME, and demanded that it should be better coordinated because

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<sup>77</sup> The national biodiversity monitoring programme (*Nemzeti Biodiverzitás-monitorozó Rendszer*, NBmR) run by the Nature Conservation Secretariat of the environmental ministry was started in 1997; the monitoring is regionally coordinated by the NPIs and supervised by an expert advisory body of researchers from universities, the Hungarian Academy of Sciences (ÖBKI), and the Natural History Museum (Hungarian State Nature Conservation Secretariat, 2011b). The monitoring programme provides protocols for data collection on the general status of species and their endangerment through human and environmental factors; currently the NBmR includes habitats, plant communities, protected and invasive plant species, mosses, fungi, mammals, birds, amphibians, reptiles, fish, some insect groups (dragonfly, butterflies, orthoptera), other arthropods, and some invertebrates (macroscopic water invertebrates), data is collected on the general status of the species and its endangerment through human and environmental factors (Hungarian State Nature Conservation Secretariat, 2011a, 2012).

there were some parallel activities (MMEn1, MMElr1). This criticism was reinforced by a local MME member, who explained that the national monitoring system NBmR did not work well because there was no real methodology and that until recently the regional NPI, which conducted its own monitoring, had not been interested in cooperating with NGOs, so the two parties could not find an agreement on how to collect the data for the monitoring (MMElr1). MME experts and many volunteers conduct their monitoring according to standardised monitoring protocols and many sites are monitored regularly (MMEn1). An MME expert stressed the historically strong role of MME in ornithological monitoring as the reason why the environmental ministry largely relied on MME for the task of bird monitoring:

*“Well the monitoring is the task of National Parks but in terms of bird monitoring, because the MME historically does a big part of work in monitoring, and our monitoring centre is really at a high level, [...] so it is much easier for the ministry to delegate this task to MME.”* (MMEn1)

The ENGO contribution was recognized as substantial also by a ministry official:

*“...it’s also very substantial. So the collection of data on protected species, also wildlife, not only surveys but regular monitoring; they also make good proposals like the IBA proposal.”* (KvVM1)

Apart from birds monitoring, MME also conducted a butterfly monitoring, for which it cooperated with a NPI expert (NPI6). Some other, mostly local ENGOs, too, were involved in data collection activities, such as botanical surveys (NGOl5, NGOl3, NPI7); for Natura 2000 site designation some NPIs cooperated with ENGOs who could give advice on the occurrence of some indicator species; a NPI for example cooperated with the local MME group and another local ENGO in surveying the county for Natura 2000 designation (NGOl5, NGOl3, NPI7). The other national-level NGOs, MTSz, WWF Hungary and CEEweb, were not engaged in species monitoring:

*“So in terms of monitoring [...] MME is a bit unique compared to other NGOs dealing with Natura 2000, [it is] the only one that does really some kind of research, which can be used as a database, for example for the regular reports to the EC.”* (MMEn1)

As they monitor species and habitats, ENGOs learn about their occurrence and can observe their actual protection. In cases where a site is not sufficiently protected or endangered they can then warn about this and take legal measures if nature conservation laws are breached. This control role of ENGOs will be looked at in detail in the next section.

#### **4.1.2.5. ENGOs as watchdogs**

Many experts, ENGO members, as well as state officials, stressed that the most important or at least a very important role of NGOs was to supervise state activities and act as watchdogs (NPI5, KvVM2, NPI2, NGOn8, NGOn2, NGOl1, NGOl2).

*“...if both of the actors [the permitting environmental authority and NPIs] went wrong, then the NGOs have to raise their voice.”* (NGOn2)

*“...they are a bit like watchdogs; so the government because it’s a government, we always have to consider the interests of other ministries, they can speak more openly if something goes wrong in legislation.”* (KvVM1)

This ministry official thus explained that ENGOs had an important responsibility as watchdogs because they were independent from the government. For supervising state actors and to control their activities, ENGOs can try to influence them through lobbying and giving advice (as they did for the selection of Natura 2000 sites, see 4.1.2.1.), which can be an informal way of supervision, or they can initiate legal processes if they observe that nature conservation laws or regulations regarding their participation rights are disrespected and breached.

The national ENGOs rather supervised the regulatory side of policy-making, *i.e.* the formulation of laws, while local ones were rather observing what is happening on single Natura 2000 sites (NGOn8). Two regional ENGOs, Nimfea and T.T.T., were particularly active in reporting violations of the protection status of Natura 2000 species and habitats (NPI5, NPI4, NPI2, NGOl1,



NGOlr2). Nimfea initiated a lot of cases in front of national courts; T.T.T., too, was involved in several national court cases but focused mainly on reporting to the EU, besides officially complaining to the responsible environmental inspectorates in Hungary. A member of the ENGO stressed that T.T.T. had begun to get involved in Natura 2000 cases right after EU-accession, with a first case concerning a tree cutting in Debrecen's Great Forest (*Nagyverdő*) (TTT1). The environmental law NGO EMLA did not undertake court cases by itself but supported other NGOs, e.g. Nimfea, in doing so (EMLA1).

So ENGOs could officially act as watchdogs and fight against violation to the protection status of Natura 2000 sites and species via two paths: by initiating cases at national court and by reporting violations directly to the EC and EP. The use of these two opportunities by Hungarian ENGOs will be discussed through the presentation of prominent examples in the following paragraphs (for more detailed information on single cases see annex XII., XIV. and XV.).

- **National court cases**

In Hungary ENGOs have the right to go to court in a public interest litigation as advocates of nature if they observed that a natural protected value was or could be threatened (EMLA1, NGOlr2; fundamental law 6/1989. (VI. 8.) IM order annex 4. point 9.; Julesz, 2006). The typical legal conflicts concerning Natura 2000 leading to a court case are development projects on or next to Natura 2000 sites (EMLA1, NGOlr1). EMLA receives cases mostly from regional ENGOs or municipalities (EMLA1). Nimfea observed activities against Natura 2000, mainly in Eastern Hungary and went to court as a client in several cases (Sallai, 2008; NPI2, NPI5, NGOlr7, Nimfea1). MME and WWF Hungary, too, fought some legal cases against investments, like a building project, a road construction or the dredging of a canal for anglers at Lake Balaton, and a clear-cutting of a forest (MMEn2, MMElr2, NPI3). Nimfea and T.T.T. experts alike stated that their motivation for incurring legal procedures was to get EU norms and regulations implemented in Hungary and to strengthen democracy through ENGO participation (Nimfea1, TTT1):

*“The challenge now is to achieve that EU laws are implemented in Hungary. Now practically we have to pursue these precedent cases until the end, so that Natura 2000 will be respected.”* (Nimfea1)

Some projects, like a residential park in Budapest near the Danube or the plans for a casino near an important habitat of the Great Bustard, against which EMLA fought representing a local ENGO or WWF respectively, were eventually halted because of the financial crisis (EMLA1). When trying to ensure the protection of Natura 2000 habitats at court, ENGOs experienced several difficulties: Recounting that Nimfea tried to exercise civil control through initiating proceedings at national courts, a member of Nimfea asserted that unfortunately the ENGO had not been particularly successful (Nimfea1; see annex 2 XIV.). From a number of unsuccessful cases ENGOs experts for example had to conclude that, contrary to the experience from many Western European countries, Hungarian courts did not regard the occurrence of a Natura 2000 species as sufficient for the protection of a site if the site itself was not designated as Natura 2000 (Nimfea1, EMLA1)<sup>78</sup>. In other cases, ENGO experts complained that the responsible authority or court was not willing to take preventive measures (EMLA1, Nimfea1)<sup>79</sup>. ENGOs further deplored a lack of legal security because different authorities interpreted laws differently and decisions were not respected for long (Nimfea1, MMElr2; Sallai, 2008).

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<sup>78</sup> *“It's interesting because we cannot protect a particular annex species just as a species. In the Western European countries of the EU I see that in the case law, it's characteristic also if it's not a Natura 2000 site but there are Natura 2000 species, they ensure their protection together with the habitat. In Hungary it's not performed like that, here they say that one only has to protect the sites, and that the protection of Natura 2000 sites is the priority. That's an enormous problem.”* (Nimfea1)

<sup>79</sup> *“[In the case of Körösladány the authority] said that as long as there was no damage we could not intervene. Then the damage occurred, and then the process started. We are terribly bad in preventive policy-making. We don't try to prevent but handle it afterwards.”* (Nimfea1)

*“In this case [Mura river] [...] the authority gives permission as often as it wants. [...] They gave permission, we appealed, then they withdrew the permission. After half a year they again gave permission, we appealed, they again withdrew the permission. And they are doing this already for the fourth time. So if we once don't pay attention...”* (Nimfea1)

So this expert of Nimfea complained that the fight for legal security was hard, and also more generally criticised the status of democracy and public administration:

*“But this is a terribly difficult work because there is a lot of sand in the machinery of the state. We want that the validity of the EU laws is achieved. And the problem is that NGOs have to fix this. We in this way strengthen the participatory democracy, but legal security should not be achieved by the NGOs but the state apparatus.”* (Nimfea1)

Nimfea thus consciously tried to strengthen democratic processes with civil society involvement and legal security in the field of biodiversity governance by bringing cases to court as watchdogs.

- **Reporting directly to the EU as watchdogs**

The difficulties with improper permission processes in Hungary explain why the possibility to report to the EC and go to the ECJ was considered an important opportunity by many ENGO experts (NGOn1, NGOn3, NGOe2, NGOlr2, NGOe3). Like mentioned in the literature (e.g. Schimmelfennig and Sedelmeier, 2004; Dimitrova, 2007), a ministry official noted that ENGOS were important domestic actors surveying the implementation of EU rules:

*“In this role [as watchdogs] they are of course very important to the European Commission with regard to the Natura 2000 sites: if they notice that something is going wrong, like you may have heard of the forest in Sajólád.”* (KvVM1)

Among the Hungarian NGOs, T.T.T. was the most active in reporting to the EU (NPI5). The NGO reported five cases of violations of the protection status of Natura 2000 sites to the EU, of which two resulted in an infringement procedure against Hungary (NGOlr2, NPI5, EC 0148/2005, EP 1277/08, EC 2008/2011, EP 1328/2007, EP 1654/2009, EC 2010/4112, IP/08/1538, IP/10/526). An expert of T.T.T. emphasized that when they reported cases to the EC, they always at the same time also sent a petition to the EP because it supervises the EC (TTT1).

The most prominent case T.T.T. reported (EC 2008/2011, EP 1328/2007) was the clear-cutting of the Sajólád forest. In this case the EC initiated an infringement procedure against Hungary because Hungarian authorities did not prevent the depletion of the forest through illegal logging and clear-cutting which resulted in the disappearance of many protected animals, including the highly endangered Fritillary butterfly (*Euphydryas maturna*) (2008/2011; IP/08/1538, IP/10/526; see annex 2 XII.). This infringement procedure was clearly based on the information sent by T.T.T. (letter by the EC to T.T.T., 31/01/2008; see annex 2 XV. letter 4). Another forest clear-cutting, the one of the Girincs Great Forest (*Girincsi Nagy Erdő*), was reported by T.T.T. too, and also led to an infringement procedure by the EC (EC 2010/4112, EP 1654/2009; reply letter by EC 17/04/2012 to request by author; see annex 2 XV. letter 2) because the Natura 2000 site was severely damaged and several protected species (*Hypodryas maturnai*, *Cerambyx cerdo*, *Zerantha polyxena*, *Lycena dispar*) had disappeared (TTT1). In this case, too, a letter by the EC sent to T.T.T. (04/10/2010) (see annex 2 XV. letter 6) proves the crucial role of the ENGO's report for the start of an infringement procedure against Hungary. In their reports to the EU concerning the clear-cutting of the Sajólád and Girincs forest, T.T.T. also generally complained about the status of protection of Natura 2000 forests, and about the new Hungarian forest act of May 25, 2009 (2009.évi XXXVII. tv.) in which Natura 2000 forests were not listed as a category of protected forests (Etv. 22. §), and so did not enjoy any priority compared to the other economically used forests (letter to EC (08/12/2009) 420/09/ENVI; see annex 2 XV. letter 5). The EC responded to these general concerns regarding Hungarian legislation on Natura 2000 forests in the second part of the infringement procedure concerning the Sajólád forest, which deals with non-conformity of Hungarian legislation

with EU laws and demands a better protection of Natura 2000 woodlands under national legislation (2008/2011, IP/08/1538, IP/10/526).

The first case reported by T.T.T. concerned a building permit for a bypass and residential blocks in the immediate vicinity of Debrecen's Great Forest (EC 0148/2005) – in this case no infringement procedure was started by the EC. T.T.T. further reported the case of the Tubes Mountain to the EC and the EP (1277/08). A more recent prominent case in which T.T.T. protested at the responsible environmental inspectorate, at EU-level with the EP and EC, and via the media was the construction of a new AUDI car factory on a Natura 2000 site in Western Hungary (Tiszántúli Természetvédők Társulata, 2011; see annex XIV., XV. letters 7.-9.). In relation to this case the NGO did get problems because their director was remanded into custody based on charges of unjustified enrichment (this case is still open to date; 29/11/2013; Bajomi, 2011; Jávör, 2013; Index, 2013). The NGO's protest was not successful for the site was withdrawn from the Natura 2000 list with EU approval and the factory was built (for more details see annex XIV.). From the beginning the ENGO was well aware that their protest brought them into conflict with the authorities: in an e-mail sent to the author (7 March 2011), a member stated that T.T.T. "*was the only environmental NGO which dared to initiate an official legal proceeding*" and that T.T.T. could wait to be "*declared a terrorist organisation*". T.T.T. nevertheless continued to protest in this case – the director spoke in front of the EP's Petition Office in 2013 with the aim to prevent this case from becoming a precedent for similar investments in CEE (Index, 2013). As the ENGOs continued to follow the case, the EC now has to disclose its documents on the case (Riesbeck, 2013) – so this can be considered a success for the ENGO.

Nimfea, too, planned to report cases to the EC (Sallai, 2008). BirdLife Europe cooperated with the EC for infringement procedures against members states (BLe1). A local MME member, however, stated that he did not know "*if it's worth to go [to the EU] because legal regulations [on the national level] are generally quite good after all.*" (MMElr2). So the number of ENGOs which actually used the opportunity to report to the EU was not high. Interestingly an interviewed expert of EMLA could not name who had reported the clear-cutting of the Sajólád forest: "*No, idea. I don't know the informer.*" (EMLA1).

Some ENGO officials stated that the original Hungarian Natura 2000 decree, especially some regulations concerning the Birds Directive, was revised thanks to communication of BirdLife, WWF and FoE with DG Environment desk-officers after designation (MMEn3, BLe1). This and the fact that the EC so explicitly refers to the IBA list in its demand for amendments to the SPAs (letter by EC to Hungarian Foreign Ministry, 27/06/2007; see annex 2 XV. letter 3), shows that also after the designation process BirdLife continued to exercise influence on the implementation of the Birds Directive in Hungary. Concerning the pressure of the EU to revise the Natura 2000 decree an expert of EMLA noted, however, that it might have been just the result of a normal transposition check (EMLA1). This expert was, thus, not aware of any lobbying efforts of ENGOs at EU level which might have led to this. The national level ENGOs did not send official complaints to Brussels but informed the EC informally.

A T.T.T. expert criticised the other ENGOs as being too tame for initiating legal proceedings, and complained that also the national Natura 2000 working group of ENGOs was not interested in cooperating in conducting legal cases (TTT1). Even though MME, WWF and Nimfea were involved in cases, too, apart from Nimfea, no other ENGO was mentioned as particularly active in this matter. According to a member of T.T.T., other ENGOs were not willing to take on the financial risk of losing at court:

*"...their directors are worried about their own existence, they are afraid that they won't get project funding, they don't start court procedures against companies and firm because they cannot pay the costs of proceedings."* (TTT1)

A member of the NGO further explained that because of this financial risk T.T.T. always tried to estimate the chance of success very well in advance, and only one of 20 legal cases case had not been successful (TTT1). The considerable risk which a court process meant for NGOs was

recognized also by a NPI official, who added that a court case could absorb all the attention and resources of an NGO, so that, even if the case could be won, the ENGO did not have any energy left for other important issues (NPI2). Following a Nimfea expert, however, the financial risk was not the main reason why not more NGOs took cases to court because NGOs could in fact get support for undertaking legal cases, like free legal advice and representation from EMLA and by TASZ (*Társaság a Szabadságjogokért*, the Hungarian Civil Liberties Union<sup>80</sup>), and even some financial support from the state through the Hungarian National Civil Fund (*Nemzeti Civil Alap*, NCA), as well as from other funds, like the CEE Trust Fund and the Norwegian Fund via Ökotárs (Nimfea1). So he concluded that if an ENGO really wanted to fight a case it would get support (Nimfea1). EMLA and Nimfea experts, thus, did not believe that financial issues were the main reason why some NGOs did rather not want to go to court (EMLA1, Nimfea1). The expert of EMLA noted that it was mostly bigger regional and national NGOs which went to court, while smaller local ENGOs hardly engaged in legal processes and suggested that the reason could be that small ENGOs lacked the capacities and expertise required<sup>81</sup> and that they moreover might not want to get into conflicts because they were “*too much rooted in the rural society*” (EMLA1). A lack of capacities and the financial risk involved, as well as a fear to deteriorate their relationship with some important local or state contacts are, thus, reasons why ENGOs may refrain from initiating a legal procedure against threats or damages to protected sites and species.

#### 4.1.3. Visualisation of ENGO activities over the course of the Natura 2000 process

Based on the findings of the previous sections, figure 3 illustrates how different ENGOs and state actors, as well as other non-state actors at different governance levels were involved during the different stages of the Natura 2000 implementation process. The degree of involvement is distinguished into higher and lower levels of activity. The Natura 2000 implementation process consists of two stages: first the transposition of the EU Natura 2000 regulations into Hungarian law – this includes the selection of Natura 2000 sites and their official designation, and second the maintenance of the legally protected Natura 2000 sites in praxis. For the latter different activities are (or would be) necessary, namely the establishment of a general scheme supporting farmers managing Natura 2000 sites or individual projects ensuring the protection of specific sites, the monitoring of protected species and habitats, and the reporting of violations to Natura 2000 protection. A prerequisite for Natura 2000 maintenance is also that people know about the programme and its regulations. For this, communication about Natura 2000 was needed. Whereas communication about Natura 2000 could have started early in Hungary, as already before accession it was known that this European nature conservation scheme would have to be implemented in Hungary with EU-accession, it only began when the selection and designation of sites was almost completed. The figure shows at which level of governance and when, *i.e.* at which implementation stage of the Hungarian Natura 2000 process, the different activities of ENGOs, as presented and discussed in the previous sections, occurred.

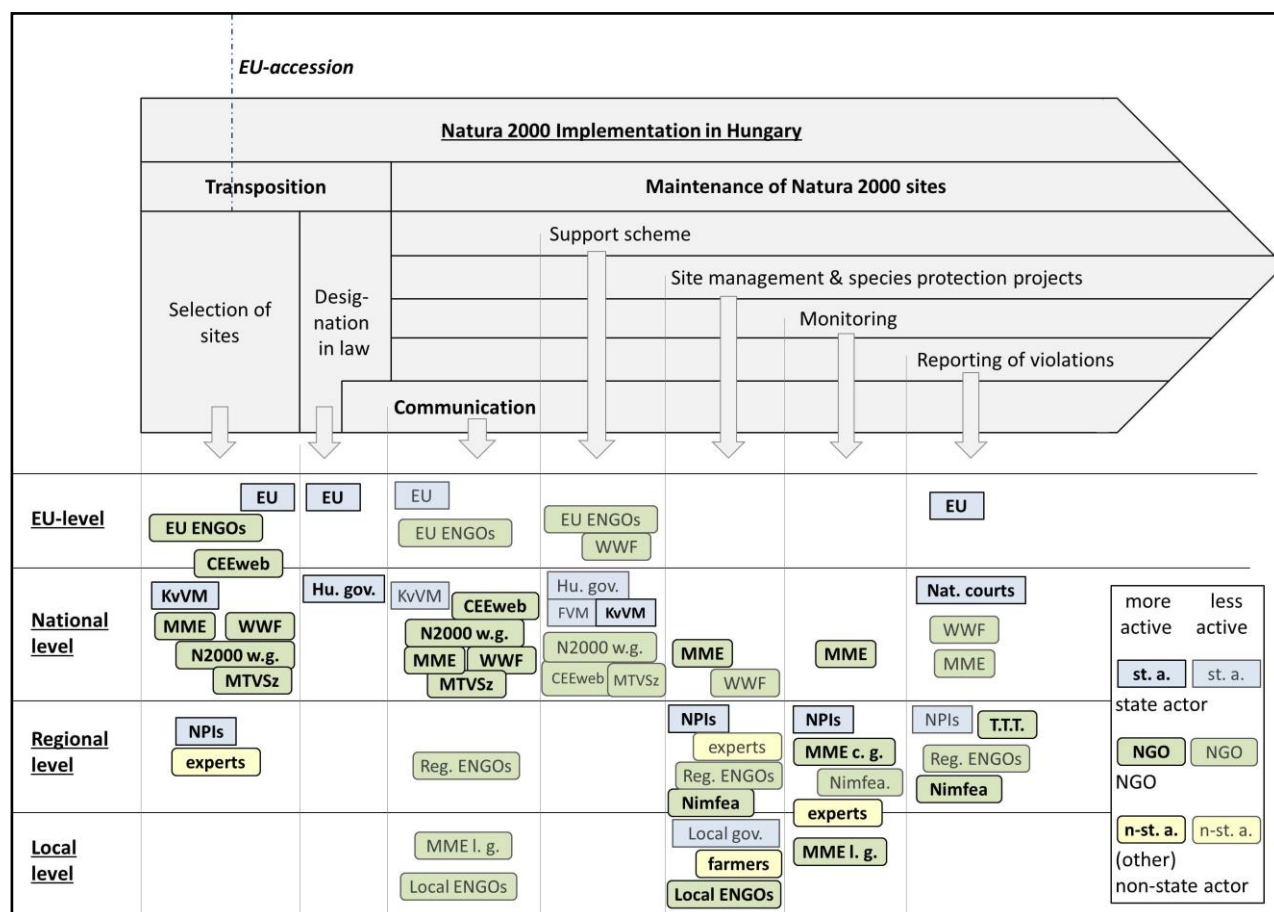
For the transposition of Natura 2000 into Hungarian law, ENGOs were very active in selecting Natura 2000 sites; as the actual designation in law was a legal act, NGOs were naturally not involved in this activity. The figure shows that while during the designation phase, mainly national level and European ENGOs were active besides state actors, at the later stage of Natura 2000 maintenance subnational ENGOs became more active, whereas some of the national ENGOs rather retreated. Major communication efforts (stakeholder workshops, the Natura 2000 website), for which the Hungarian environmental ministry gave financial, but little practical support, were conducted by national ENGOs, yet with little involvement of local groups. The establishment of a

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<sup>80</sup> TASZ: The Hungarian Civil Liberties Union (HCLU) is a non-profit human rights watchdog NGO established in Budapest, Hungary in 1994. (<http://tasz.hu/en/about-us>)

<sup>81</sup> The expert recalled one case (construction of a residential park in Budapest) where a smaller local NGO did not want to continue to the second judiciary level, which was then pursued by private individuals without the NGO (EMLA1) – this case may be a sign of limited capacities of the local NGO.

support scheme was difficult and not fully successful, which was explained by a lack of cooperation between the two responsible departments of the Hungarian government. ENGOs tried to lobby the ministries but could not really do much themselves to establish a general support scheme. Especially subnational ENGOs and MME did, however, get engaged in single projects aiming at the protection of certain sites. Monitoring was largely based on the activities of the NPIs and MME, as well as some other experts. T.T.T. and Nimfea were the two subnational NGOs most active in reporting violations of Natura 2000 protection to the EU and Hungarian authorities.



**Figure 3: Participation of ENGOs at different stages of the Hungarian implementation process:** State and non-state actors at different governance levels participated during the various stages of the process; the time of EU-accession is indicated with a dotted line. Actors who were strongly involved at a specific stage are shown in bold boxes, while less involved ones in fainter colour. Abbreviations: Hu. gov.: Hungarian government; Local gov.: local government; Nat. courts: national courts; N2000 w.g.: ENGO Natura 2000 working group; Reg. NGOs: subnational regional ENGOs; MME c.g. MME: county group, MME l.g.: MME local group; for further abbreviations see the list of acronyms p. 7.

Some NGOs (WWF and CEEweb) were thus only involved at higher governance levels, while others (e.g. Nimfea) were mainly active at lower levels of governance; MME was the only ENGO involved in most activities and active at all governance levels.

#### 4.1.4. Discussion and summary

This chapter demonstrated that ENGOs participated in the Hungarian implementation process of Natura 2000 in various ways. Table 1 lists the roles ENGOs fulfilled during Natura 2000 implementation and names the ENGOs, which were most active in this way, the governance level where they were active and the stage of the implementation process when they performed these tasks.

Looking at the different campaigning and operational activities performed by ENGOs, one could find that the major ENGOs were involved in the diverse tasks to a different degree. It was the four ENGOs of the Natura 2000 working group (WWF Hungary, MTVSz, MME and CEEweb) that lobbied the national government for Natura 2000 designation and (with less success) the establishment of a support scheme for Natura 2000 site maintenance. Via sharing information with their European umbrella organisations these ENGOs also supported lobbying efforts at EU-level. In their efforts to ensure a good site designation, ENGOs expressed their expectations towards policy-makers by sharing a list of sites (namely the IBAs for the designation of the Bird Directive's SPAs) and by explicitly demanding the inclusion of certain sites in the negotiations of the biogeographical seminar. The ENGO site suggestions can be classified as lobbying, but also as expert advice. The distinction between value based lobbying and expert advice is thus not easy to draw – this becomes clear when looking at the relationship between ENGOs and state nature conservation officials, which will be explored in subchapter 4.3. (4.3.3.2.).

**Table 1: Roles of ENGOs during Natura 2000 implementation:** The table shows the different roles of ENGOs, the ENGOs most active in a role, the governance level where they were active, and the stage of the implementation process when they performed these tasks.

<b>Role</b>	<b>ENGOs most active</b>	<b>Governance level</b>	<b>Stage of the Natura 2000 process</b>
Lobbying	WWF, CEEweb, MTVSz, MME	European, national	Transposition, maintenance
Communication	WWF, CEEweb, MTVSz, MME, Nimfea	CEE-region, national, subnational	Maintenance
Expert advice for policy-makers	MME	European, national, subnational	Transposition, maintenance
Site management	MME, Nimfea	Subnational, local	Maintenance
Watchdogs	Nimfea, T.T.T.	National, local; across levels	Transposition, maintenance

Communication activities could already have been conducted during the designation stage, yet were mainly realized only after designation. Even though ENGOs were not able to reach all affected stakeholders, without their engagement in communication, there would have been much less information for the general public and stakeholders. For the establishment of a Natura 2000 website the Hungarian government relied on the activities of ENGOs. While targeting the general public with the aim to raise awareness for nature conservation issues, communication activities thus also constitute a service for policy-makers, because ENGOs distribute information on the Natura 2000 policy and thereby may help to implement the policy. As such communication is, therefore, not just a campaigning activity but may also have characteristics of an operational activity: the provision of a service to policy-makers.

Another important service – expert advice – was provided by ENGOs in two occasions: by sharing data needed for the designation of sites and by monitoring species for the further maintenance of Natura 2000 species and habitats. As noted by Raustiala (1997), these two kinds of expert activities were useful at different stages of the policy process – this was also observed in this case: ENGO expertise on the occurrence of species (as recorded in the IBA list) was needed in the early stages of policy-making for selecting and designating the Natura 2000 sites, ENGO monitoring capacities were then needed for ensuring the implementation of Natura 2000 in the field. MME's IBA list and

SPA proposal constituted information congruent with the on-going needs of decision-makers, and as such was particularly useful to achieve ENGO influence (Dietz *et al.*, 2003).

As an integral part of maintenance, site management only occurred at the later stage of Natura 2000 implementation. MME and some of its local groups, as well as other subnational ENGOs, like Nimfea, were active in initiatives and projects aiming at the maintenance of specific sites. Through these projects and initiatives ENGOs could provide examples for how a favourable protection status on a Natura 2000 site could be maintained or achieved. They could, however, not ensure the maintenance of the overall Natura 2000 network.

As violations to the protection status of Natura 2000 sites occurred, NGO watchdog activities became important. While several ENGOs, especially Nimfea, initiated court cases in Hungary to prevent the destruction of natural values on Natura 2000 sites and to raise awareness for the existence of Natura 2000 regulations, only one ENGO (T.T.T.) officially reported violations to the EC and EP. As watchdogs, ENGOs control the activities of the government and authorities; this role is, therefore, not normally considered as a service for policy-makers (Willems, 2002). Yet as this research showed, taking into account that there are different policy-sectors and levels of governance and not all state officials share the same interests regarding certain policies, also when acting as watchdogs, ENGOs are providing a service to some policy-makers who share their goals, namely the EU, or more specifically the EC's DG Environment in the case of Natura 2000 – as was also reported for Natura 2000 implementation in the UK by Fairbrass and Jordan (2001).

For evaluating NGO influence it is important to analyse whether political outcomes reflect the objectives of NGO and if other actors changed their behaviour in response to NGO activities (Betsill and Corell, 2001). The latter was confirmed in this case for the stage of site designation because state officials explicitly noted that ENGO suggestions were taken into account. While most ENGO experts were satisfied with the results of the designation process and ENGO influence therein, ENGO experts were, however, not very satisfied with the further implementation process, including communication and maintenance of Natura 2000 sites. This can be explained by the fact that at the later stages ENGOs were mainly involved locally and at a project scale, yet could not influence national policy-making for Natura 2000 maintenance (see figure 3, p. 85). As the major national ENGOs concentrated mainly on Natura 2000 implementation at national level, Assetto *et al.*'s (2003) observation that Hungarian NGOs focused rather at national affairs could largely be confirmed for the activities of these major ENGOs. Yet a number of ENGOs got engaged at subnational level, too, including some of the national ENGOs, namely by MME's local groups.

Having discussed how and when ENGOs participated in Natura 2000 implementation in Hungary, one should try to understand why they could do so, including the question why certain ENGOs participated rather at certain stages of the policy process. The next two chapters try to address these questions by looking at the capacities and resources (subchapter 4.2.) and the links ENGOs have among each other and with other actors (subchapter 4.3.).

## **4.2. Capacities and resources of ENGOs**

### **4.2.1. Capacities of staff and volunteers**

All national and bigger regional ENGOs have several professional, including full-time, employees – MME had around 20 employees in its Budapest office, WWF Hungary, too, ca. 20, CEEweb ca. 10, and MTVSz had ca. 15 employees in its Budapest office and its member organisations across the country had ca. 50-60 employees (NGOlr1). During the time of Natura 2000 designation, MME, WWF Hungary, MTVSz and CEEweb all employed a Natura 2000 officer. In 2009, though, only CEEweb and MME still had an employee dealing specifically with Natura 2000 issues. According to a WWF expert, after Natura 2000 designation WWF Hungary decided to cover Natura 2000 issues by several experts who at the same time worked on other issues, too; Hungary was, moreover, no longer a priority country for WWF Europe because WWF's focus on Natura 2000

financing resulted in a concentration on the EU policy level (WWFe1). A change of focus within WWF away from nature conservation in Hungary was also noticed by a MME expert:

*“...there is a smaller and smaller amount of national conservation work in WWF although they preserve something”* (MME<sub>n</sub>1)

Within MTVSz, the professional staff does most of the work, according to a national park expert (NPI5). Another national park official confirmed this stressing that full-time employees were really important for NGOs:

*“Those bigger NGOs, who have full-time employees, who deal with it every day, can really kick the ball.”* (NPI3)

The bigger regional ENGOs, like Nimfea, have employees too; three ENGOs in Miskolc (Zöld Akció, Ökológia Intézet Alapítvány and Holocén) shared an office and together employed one accountant for their project administration, so that the other employees and NGO members could concentrate on their professional work (NGO<sub>l</sub>r4). Local ENGOs or the local groups of MME, however, work mainly on a voluntary basis; most of them do not have full-time staff; some have no permanent office, and may not even be registered but just a group of people interested in an issue (NGO<sub>l</sub>r1, NGO<sub>n</sub>7). A local MME member (MME<sub>l</sub>r1) expressed the wish to have an employee for the administrative work because local members, who work voluntarily in their free-time, would then not be burdened with unpleasant work. Active volunteers, who enjoy bird watching, form the basis of most local MME groups:

*“The association’s resource is real common people, students, real civil society people, who just like to do something which is not world-shaking, but they really like to feed birds.”* (NPI6)

*“...the most loved activity is to go to the site and watch birds, [...] most of the people taking part in MME’s work basically love to touch, see birds, so that’s the most typical kind of activity.”* (MME<sub>n</sub>1)

The activities of MME’s local members were thus rather described as a hobby than as a political engagement in environmental civil society. The strength of many ENGO, especially of the smaller local ENGOs, depended a lot on single active members (NPI7, NPI6, NGO<sub>l</sub>r6). A local MME expert stated that in his local groups of about 130-140 members 5-6 members were really active (MME<sub>l</sub>r2); MME’s data collection and monitoring, too, is based largely on the voluntary contribution of about 2300 members (MME, 2012a). Even though MME members in most cases conduct bird-watching and monitoring on a voluntary basis, in the case of an EU transition facility project administered by the Hungarian ministry of environment, the ENGO received money for the task of monitoring (NPI4, MME<sub>n</sub>1) – yet this was mentioned rather as an exception, for these temporary project funds cannot sustain a permanent monitoring (NPI4, MME<sub>l</sub>r1).

In order to better know about the expertise of its members and whom to ask for certain issues, MME’s central office started an initiative called “competence matrix” through which the ENGO tried to collect information on the expertise, knowledge and relevant capacities of their employees and active members, for even though professionals knew about each other’s capacities informally, with almost 10,000 members there was a lot of knowledge the NGOs could use in a better way (MME<sub>n</sub>1). Thanks to MME’s members there are thus many volunteers working in nature conservation in Hungary – according to Futó and Fleischer (2003), who studied EU integration mechanisms in Hungarian waste management, this was, however, no general trend in environmental civil society in Hungary, they observed that, even though local ENGOs have expertise regarding EU regulations, the activities of the green movement were hindered by financial and legal problems and a lack of volunteers.

National level ENGO experts had a considerably better knowledge of foreign languages than most local experts (most interviews at national level were conducted in English, while at local level they were mostly conducted in Hungarian, see section 3.3.1.2.). Language skills may thus also explain some differences in involvement and interactions between national and local ENGOs – for example



Nimfea, whose director did not speak English, was not as active in reporting to the EU as T.T.T., some of whose active members spoke English well.

#### 4.2.2. Scientific expertise and procedural knowledge

All interviewed ENGO experts had a university degree: mostly in natural environmental sciences, like Biology, Ecology or Nature Conservation, but also Landscape Management, Forestry or Gardening; an exemption are of course the lawyers working for EMLA. Besides EMLA, T.T.T. has expertise in legal and administrative matters because its director studied environmental law by himself as he found that there were no well-trained environmental lawyers in Hungary since the field was rather new and did not offer a good income (TTT1). So most Hungarian ENGOs have a good expertise in nature conservation and some organisations also special expertise in particular fields (Nimfea for instance has a fish fauna expert). Most such specific expertise depends on single persons: for agricultural issues MTVSz and MME had expertise; MME did not have a forestry expert, while WWF had one (MMEn1). Bird conservation expertise has been institutionalised in MME: the organisation was founded as an ornithological experts' organisation in 1974 and until today many of its active members studied ornithology or are enthusiastic bird-watchers. Based on the work of its ornithologists and bird-watchers, MME has conducted bird monitoring for years and established a database on birds in Hungary. Already since the early 1990s, MME has its own monitoring centre for coordinating its monitoring of common birds, rare and nesting birds, and migratory water birds (MMEn1; MME, 2012a). Their network of Important Bird Areas (IBAs), part of a programme by BirdLife International to identify sites of priority for bird conservation, is recognized as the best available knowledge on the occurrence and endangerment of birds also by the EC, which used the IBA lists for checking the completeness of each country's SPA proposal (EC press release IP/07/938; see section 4.1.2.1.). According to an MME official it was this clear expertise of MME that necessitated an involvement of the ENGO, and cooperation between the ministry and MME (MMEn1). A ministry official stated that MME was an important scientific background institution in bird protection (KvVM1), and for this reason also participated in the national monitoring system (see above section 4.1.2.4.).

*“They [NGOs] have an important role, well, at least in Hungary as a sort of scientific background institution, in bird protection certainly.”* (KvVM1)

In other fields, too, ENGOs possess expertise on certain species and habitats (NGOl1, NGOl3, NGOl6), which was asked for by NPIs for the selection of SCIs (see above section 4.1.2.1.), since this was to happen according to scientific criteria (EU, 2007). Scientific expertise was thus an important asset for ENGOs enabling their participation in the Natura 2000 process.

Besides scientific expertise, procedural knowledge was needed for successfully participating in the Natura 2000 process. To use and foster the expertise of its member organisations, CEEweb established internal “CEEweb Academies” for sharing scientific knowledge and expertise among its member ENGOs and for increasing their capacities (CEEweb3; CEEweb, 2013). Mandated by the EHF, and supported by WWF, CEEweb organised preparation workshops for ENGOs of the CEE region to train them for the process of the biogeographical seminar (CEEweb3, CEEweb2, WWFe1, CEEweb1).

*“And they could talk about methodology, [...] tips, how to communicate to the European Topic Centre, what to send, how to send it, in what form, when. So it was some good practical information, it was very useful for them I guess”.* (CEEweb1)

*“...my role is always to prepare NGOs and to ensure that there is always a coordinated answer nationally, internationally, and also towards the EU, so we have good representation, follow up previous biogeographic seminars, make sure that we have the necessary information in place.”* (WWFe1)

Similarly BirdLife Europe, RSPB and NABU shared their experience with its CEE BirdLife partner organisation and in this way supported MME in negotiations with the government (BL1, MMEn1).

According to ENGO officials the difference between the countries in terms of results achieved in the biogeographical seminar<sup>82</sup> depended mainly on how well the ENGO representative had been prepared (NGOn1, WWFn2). Other ENGO experts, too, stressed that good preparation had been crucial for participating in the Natura 2000 process (CEEweb3, WWFe1, NGOn9, BLe1). One ENGO expert further explained that it was their good preparation for the designation process in combination with the time pressure under which the state authorities suffered during designation that enabled ENGOs to get involved in the process and successfully advocate their proposals:

*“Yeah, but the time pressure was positive to some extent. Because WWF had a list already, so they [the KvVM] said, why don’t we just take it over, [...] I think the NGOs already, were prepared, so they could promote the designation of the government by input.”* (NGOn9)

*“We [BirdLife] published the inventories on time, and we have been working hard to lobby them before and after accession to get these designated.”* (BLe1)

So as they were already prepared and had the expertise, and knew at which stage in the process it would be requested ENGOs could take the opportunity and provide the needed information in the right moment – this confirms the findings of Dietz *et al.* (2003) that timely information congruent in content and form with decision-makers’ needs was important for NGO influence.

#### **4.2.3. Financial resources**

ENGOs get funding from different public and private sources; public funding includes support by the Hungarian government, municipalities, the EU, international organisations or by other (Western) countries; private funding stems from membership fees, individual donations, companies or foundations. An ENGO financing expert evaluated the financial situation of Hungarian ENGOs in the following way:

*“In some ways Hungarian environmental NGOs are in a fairly good position regarding funding. But the devil is in the details, how this funding comes about, what are the conditions [...], what are the strings attached, [this] creates a different picture.”* (Ökotárs1)

Some NPI experts judged the financial situation of ENGOs as relatively good, one expert stated that *“NGOs, they have the budget”* (NPI5) – at least compared to the NPIs, which had suffered severe cuts over the last years and could not access some funds via which NGOs could get support (NPI5, NPI4, NPI6)<sup>83</sup>. Other NPI experts (NPI3, NPI7), in line with ENGO experts (NGOn8, NGOl6), however, disagreed with this view and stressed that the financial situation of ENGOs is not at all good and has rather become more difficult in the last years as grants for ENGOs became scarcer.

Several ENGO experts stressed that Hungarian ENGOs did not have as much money as Western ENGOs (NGOl2, NGOl1, NGOn8). Due to a lack of other sources, Hungarian ENGOs continuously have to apply for project funding (NGOl1), which contributes a considerable share to their total budget (in the years 2002-2011 typically between ca. 40-80 % for MME, MTVSz, CEEweb and Nimfea – with extremes ranging from 24- 95%; see annex 2 VII.). So a large share of their budget is very unstable. For WWF Hungary, which has received considerable support from its umbrella and partner organisations, this share was lower (ca. 5-20% in the years 2004-2011, see annex 2 VII.). The membership fees are a significant source of income only for MME – thanks to its almost 10,000 members (ca. 120-210 million Forint or ca. 3-5% of the organisations yearly budget between 2005 and 2011, see annex 2 VII.), yet project grants are more important for MME too (MMEn1; see annex 2 VII.). One national park expert explicitly acknowledged the work of ENGO experts because of the fact that they work under conditions of high material insecurity.

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<sup>82</sup> Comparing the success of the representatives of the three countries of the Pannonian biogeographical seminar, the Hungarian ENGO representative concluded that for Slovakia and Hungary the ENGOs had been very successful while the Czech representative had been less successful (WWFn2).

<sup>83</sup> For the history of public funding for ENGOs in Hungary see annex 2 VIII.

*“I think that in the NGOs people work under much higher living insecurity [than in the state administration], and also often under much worse material conditions, I don’t want to praise them excessively, but I really have a positive opinion about people who take this form of life upon themselves.” (NPI2)*

In the following, the role of different types of funding, public or private, for Hungarian ENGOS will be discussed.

#### **4.2.3.1. Public funding**

The state support for ENGOS was considered as very low at the time of interviewing, because it has been much higher in the late 1990s (NGOn3, NGOl1, Ökotárs1). Since 2004 the Hungarian National Civil Fund (*Nemzeti Civil Alap, NCA*)<sup>84</sup> is the largest source of basic funding for ENGOS in Hungary. For smaller NGOs the fund is an important stable source, for bigger ones, like MTVSz or Nimfea, though, the funding only amounts to 1-2% of their yearly budget (NGOl1). The environmental ministry supported various ways of ENGO participation in Natura 2000 through providing own ministry (Green Fund) and EU-funds (KvVM1, KvVM2). Most municipalities and local governments have local funding schemes for NGOs, general NGO funding or in bigger towns also specific environmental funds. These local funds (typically 50,000 – 100,000 Forint annually) are often the only source small local NGOs have access to (Ökotárs1, NGOl6). State funding was considered as an important source for ENGOS by interviewed experts (NPI7, NGOl1, Ökotárs1); a national park official explained that ENGOS were weakened through the reduction of state funding:

*“They, [...] are weaker and weaker because they really withdrew a lot of state support from them, in the last years they have not had much money any more for anything. [...] So I thus think they [NGOs] are not so strong, as they don’t have any state support, they don’t have own income, from what should they have it? [...] A lot of NGOs split up because they could not maintain the organisation as the state withdrew its state support, and by their own they could not keep it up.” (NPI7)*

Many, especially smaller ENGOS thus depend on state funding; Hungarian ENGOS are, therefore, not really independent from the state even though this dependence has become less dominant in recent years:

*“Nowadays it’s not so strong anymore, but formerly there were direct small projects run by the ministry of environment, [...] and every NGO has to be a beggar to get some money. Now there are much more possibilities because of EU funding, but in the beginning of the 21<sup>st</sup> century they very [much] belonged to the state.” (NPI4)*

So with EU-accession the EU has somewhat replaced the role of the Hungarian state as an important donor and EU-funds became available and an important new source of money for Hungarian NGOs (NGOn3, Ökotárs1). There are two kinds of EU-funding: calls published directly by Brussels and the funds managed by Hungarian authorities, like structural funds<sup>85</sup>. The EC’s DG Environment directly provides funding to ENGOS (EC, 2012a, 2012b)<sup>86</sup>. Nature conservation experts very much appreciated new funding opportunities through the EU, especially the LIFE projects (KvVM1, NPI3, NPI1, NGOn5, NGOn2). EU-funding offers many possibilities for NGOs to get money for bigger projects, yet these funds also require international cooperation and good

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<sup>84</sup> 60% of the fund are spent on the core operation costs of NGOs, the amount one single NGO can get is limited to 1-3 million Forint. Most NGOs apply for the NCA, which supports 10,000 – 12,000 NGOs per year (Ökotárs1; NGOl1).

<sup>85</sup> The environmental ministry for example via the transition facility fund run two big projects to establish monitoring and to prepare management plans for Natura 2000 sites, in which ENGOS, especially MME were involved as (sub)contractors (KvVM1, NGOn3, NPI4).

<sup>86</sup> EU-funding is provided in three ways: via LIFE projects, the Competitiveness and Innovation Framework Programme – Entrepreneurship and Innovation Programme (CIP-EIP), and operating grants to environmental NGOs (EC, 2012a, 2012b).

administrative<sup>87</sup> and financing capacities, because they are mostly post-financed, and, therefore, benefit mainly bigger institutionalised NGOs (Ökotárs1, NGOlr6):

*“Who doesn’t have any capital, can now simply not gather the funds, from which it could work normally. Those NGOs work well, where there are fulltime employees.” (NPI3)*

*“[NGOs] benefit in the sense that they could successfully apply for big projects and get large amounts of money<sup>88</sup>, but it had its downsides as well. [...] but the other part of it is that in order to manage such an EU funding scheme, you have to have accountants, administrators, etc., so it requires a structuring” (Ökotárs1)*

According to Hicks (2004), the EU has had a shaping influence on the agenda of NGOs, which was perceived as somewhat problematic, for the issues prioritised by the EU<sup>89</sup> may not be the priority ones in each CEE country. An expert for example criticised that there was hardly any funding any more aimed specifically at strengthening civil society and ENGOs, which had been part of the PHARE funds (Ökotárs1). An additional problem of EU-funding is that since it is project-based, it does not provide any stable basis for ENGOs:

*“...it might be that one year you have three major EU-projects running, which require ten employees working full time and next year you have only one and you have to fire eight people then, and then the year after you need to re-hire them. So there is no stability” (Ökotárs1)*

An ENGO expert, moreover, criticised that the decision-making on funding was less transparent at EU-level than it had been at national level:

*“Just while the decision-making in the [Central] Environmental Conservation Fund [KKA] was relatively clear and consistent, with societal control, in the EU, in Brussels we don’t see the decision-making so much. There, foreigners decide about our fate and the grant applications, [officers] who don’t know the local circumstances, who don’t know the local organisations [NGOs]. Given this, the financing of environmental NGOs developed in a very, very bad direction.” (NGOlr1)*

The availability of EU-funding, according to ENGO experts, was, moreover, a reason for the reduction of national state funding and for the retreat of private, mainly American, foundations (Ökotárs1, NGOlr1. So the EU, as noted also by Hicks (2004), VanDeveer and Carmin, (2005) and Carmin (2010), became the main donor for NGOs in CEE.

*“So regardless of whether they really have the capacity, they do apply and they do manage EU-grants because they have no other choice, which may lead to really serious organisational problems.” (Ökotárs1)*

International donors and some Western countries and their governments too have provided funding for environmental NGOs, including a support from the Dutch government, the REC (the Regional Environmental Centre for Central and Eastern Europe) and USAID (Ökotárs1; Nimfea, 2011). More recently, *i.e.* since 2008, the environmental part of the Norwegian Fund<sup>90</sup> has become “*a significant source of funding*” for NGOs (Ökotárs1), mentioned by several experts (KvVM1, NGOlr5, Ökotárs1). Like Norway, Switzerland, too, in a bilateral agreement with the EU created a fund to

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<sup>87</sup> The interviewed NGO expert recalled that in the pre-accession period the PHARE programme was already perceived as bureaucratic, yet this could not be compared with the current EU-programmes: “*PHARE was already there in ’96, ’97. [...] so they had special funding lines to support and strengthen NGOs as such. These were usually smaller amount. At that time they were found very bureaucratic, but compared to the present EU-funding they were peanuts.*” (Ökotárs1)

<sup>88</sup> As an NGO that is active and has members in more than two member states, CEEweb for example could repeatedly successfully apply for the EC’s operating grants ([http://ec.europa.eu/environment/ngos/list\\_ngos97\\_07.htm](http://ec.europa.eu/environment/ngos/list_ngos97_07.htm)).

<sup>89</sup> Which issues became part of EU environmental policy was based on the development in the old member states Hicks (2004).

<sup>90</sup> In exchange for trading opportunities with the EU, Norway together with Iceland and Lichtenstein established funds which aim at promoting security, equality of opportunity, environmental sustainability and a decent standard of living for all in the European Economic Area through supporting projects in the 12 new EU member states, as well as Greece, Portugal and Spain (EEA Grants – Norway Grants, [www.eeagrants.org](http://www.eeagrants.org))

support among other goals<sup>91</sup>, NGO activities in the environmental and social sector in the 12 new EU member states in order to reduce economic and social disparities within the enlarged EU<sup>92</sup>.

#### 4.2.3.2. *Private funding*

ENGO experts noted that in Hungary ENGOs could not live off donations, as it was a typical way of funding for NGOs in Western countries – “*in terms of donations, I think environmental NGOs are quite weak in Hungary*” (NGOn8). Among the green NGOs, MME has been the most successful in getting these donations<sup>93</sup> (ca. 13-31 million Forint in the years 2005-2011, see annex 2 VII.). MME’s success was explained by its high membership (Ökotárs1, Nimfea1, MME1). Besides MME, also the Hungarian branches of Greenpeace<sup>94</sup> and WWF, have been able to get higher sums through donations thanks to the know-how of their umbrella organisations (Ökotárs1, NGO1r1). For most Hungarian ENGOs donations are, however, not very relevant, as most donations go to organisations working with sick children or animal welfare (Ökotárs1, NGO1r1).

WWF Hungary was strongly supported by WWF partner organisations (between 2000 and 2002 77-87% of its annual budget came from WWF partners, see annex 2 VII.). For Natura 2000 preparation WWF Europe covered the travel costs also for other CEE ENGOs to attend the NGO preparation seminars for Natura 2000 (WWFe1). Apart from individual donations, ENGOs may also get funding from corporations, an interviewed expert explained, however, that this was unacceptable to most ENGOs and companies were not very interested in supporting ENGOs either (Ökotárs1). Even though most ENGOs do not accept corporate funding, two major ones, WWF and MME, do<sup>95</sup>.

From the early 1990s three American private foundations (the Rockefeller Brothers Fund, the German Marshall Fund of the U.S. and the Charles Stewart Mott Foundation), as well as the Hungarian Soros Foundation and several smaller foundations (Ökotárs1, Nimfea, 2011; Ökotárs, 2012)<sup>96</sup> supported the CEE NGO movement to foster democracy in the region<sup>97</sup>. Ökotárs, which distributed these funds, has had an annual budget of 50-60 million Forints; the expert explained that the benefit of these funds was especially that they could be used flexibly (Ökotárs1).

*“And this was relatively free money, [...] the Americans never attached any strings as to how this money should be spent. The only thing was that it should be re-granted towards supporting and developing the environmental NGO movement.”* (Ökotárs1)

Once the foundations believed their mission of democracy development to be accomplished with the EU-accession of the CEE countries<sup>98</sup>, most American foundations (except of the C.S. Mott Foundation) left the region to refocus their efforts elsewhere (Ökotárs1). The NGO movement however had gotten used to this funding and the opportunities it provided.

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<sup>91</sup> *I.e.* basic infrastructure and environment, health care, private sector promotion, research and twinning programmes.

<sup>92</sup> [www.swiss-contribution.admin.ch/hungary](http://www.swiss-contribution.admin.ch/hungary)

<sup>93</sup> In Hungary, there is another special kind of donation opportunity: taxpayers can decide to attribute 1% of their income tax to a registered civil society organisation.

<sup>94</sup> Greenpeace was hardly mentioned in the interviews; it does not focus on nature conservation and biodiversity issues but rather general environmental protection – according to one interviewee Greenpeace was outside of the Hungarian environmental movement (NGO1r1).

<sup>95</sup> Among other donors, like a natural cosmetics company, an international law office, a metal company, the Hungarian power network company and a supermarket chain, MME also lists a big pesticide, seed and biotechnology company as its supporter ([www.mme.hu](http://www.mme.hu)). WWF international was strongly criticized for its close ties to industries in a television documentary (WDR, 2011; Huisman, 2012).

<sup>96</sup> In the early 1990s American philanthropists (and USAID) did not only help the civil environmental movement but also funded several other foundations with the goal to support civil society and democratic change, like the Autonomia Foundation dealing with Roma issues or the Foundation for Democratic Rights (Ökotárs1).

<sup>97</sup> *“And actually in the early 90s it was quite instrumental in getting the Hungarian environmental NGO movement off the ground. [...] So basically the Hungarian NGO network started on foreign, mostly private money.”* (Ökotárs1) Several authors considered this international support as problematic because the international donors shaped the strategies and priorities of CEE NGOs, who thus developed according to the Western model (Jancar-Webster, 1998; Baker and Jehlicka, 1998; Hicks, 2004).

<sup>98</sup> Looking at the recent development in Hungary, this may, however, have been a too optimistic or rash conclusion.

*“[Now] this type of small but independent funding is really painfully missing.”* (Ökotárs1)

With the remaining more flexible and independent funding Ökotárs tries to support especially more controversial actions and campaigns for which it is difficult to get funding for from state and EU sources (Ökotárs1). According to ENGO experts financing is particularly scarce for local and subnational NGOs, which cannot employ people, and thus work just on a voluntary basis; this, however, was not seen as effective (NPI3, NGOlr6). An expert of a subnational ENGO explained that the ENGO did mainly what it could get funding for (NGOlr4), so their activities were determined by the availability of grants for certain issues and could not be planned strategically.

In the quest for new income sources a typical activity of ENGOs was land management or agriculture (Ökotárs1, NGOlr2, NGOlr3); a local ENGO expert for example wished that the paid task of preparing management plans would be contracted to local ENGOs and their experts more often (NGOlr3). These activities were, however, considered as problematic by the interviewed Ökotárs expert because they require substantial initial investments and imply new obligations which may consume an NGO's energy and time and thus restrain them from other important activities like awareness-raising (Ökotárs1). A local ENGO expert confirmed this perception and warned, moreover, that the financial investments and income also brings a potential for new conflicts among the members of an NGO (NGOlr6).

As it has rather been challenging for ENGOs to get funding for new initiatives and campaigns, the expert of Ökotárs demanded that private and local foundations should be created across the country:

*“Well, I think a domestic basis must be created, [...] largely from individual giving probably. I don't really see any other way because we can't rely on foreign funding forever. I think foundations like Environmental Partnership must be established, maybe not on a national but on a regional or local level, [...] It might take a very long time.”* (Ökotárs1)

The expert thus called for the Hungarian ENGO movement and society to open and gain new private domestic supporters, in order to decrease its dependence on foreign donors, whose funding had not proved reliable.

#### **4.2.4. Discussion and summary**

The expertise, procedural and other knowledge of their employees, volunteers and members constitute important resources for ENGOs. Financial resources are of course important, too, since they are needed to employ experts to work for the ENGO and its aims. All nationally active ENGOs could afford to employ full-time staff and thus work professionally. Local ENGOs largely rely on the voluntary work of a few active members; their capacities thus vary considerably over time and between different ENGOs; local ENGOs rarely have the capacities to conduct bigger projects. Yet also at national level the status of employees is rather unstable as they are typically financed from project grants. As private donations are low in Hungary, Hungarian ENGOs have relied mostly on public funding and support by international foundations. With EU accession, most Western foundations withdrew from CEE, leaving the EU as a major donor for NGOs; this was reported by several authors (Hicks, 2004; VanDeveer and Carmin, 2005; Börzel and Buzogány, 2010a, 2010b; Carmin, 2010). As EU-support comes in grants for bigger projects requiring high administrative skills, smaller ENGOs without full-time employees can hardly access these funds. Confirming what Hicks (2004) had noted as problematic for the EU, some interviewed experts also indicated that donors did shape the agenda of ENGOs – state funding is mainly provided for activities through which ENGOs assist the national and EU administration, yet not for more confrontational activities.

The scientific expertise of Hungarian ENGOs proved crucial for their participation in the site designation process. Especially MME was given credit for its ornithological expertise; the environmental ministry developed its SPA proposal based on a proposal by MME. Besides their expertise, procedural knowledge, acquired through the good preparation by European umbrella organisations, was crucial for it enabled ENGOs to share their site proposals at the point in time when the environmental administration needed this scientific input – it was thus congruent with the

on-going needs of decision-makers, which was recognized as important for NGO influence by Dietz *et al.* (2003). In the field of ornithology MME had a control over knowledge and data about birds and sites in Hungary – this according to Haas (1992a) can be considered as a dimension of power, too, for it ensured the organisation's influence in the designation process. This case also confirmed the observation by Hallstrom (2004) that the role of technical expertise was strengthened by the EU because the nature conservation expertise of ENGOS was an important basis their participation in Natura 2000 implementation.

### 4.3. Links of and among ENGOS

#### 4.3.1. Relations among ENGOS

##### 4.3.1.1. Links among ENGOS in Hungary

The relationship among ENGOS in Hungary was described as quite good by most interviewed ENGO experts (NGOn7, NGOn5, NGOn9, NGOn8, NGOl1). The Hungarian environmental ENGO community differentiated regionally and according to issues (see annex 2 V. and VI.) so that competition was not common among Hungarian environmental NGOS (NGOl1, NGOn8). The dominant way interviewed ENGO experts talked about other ENGOS was in terms of cooperation<sup>99</sup>.

*“In the environmental movement automatically, sometimes also otherwise conflicting parties work together well for certain causes – if one has to protest against a minister, if one has to fight for some funding, if one has to try to knock down a law. In these cases the NGOS work together very well. [...] Sometimes some competitions comes up about one little topic, but this is not characteristic at all, there is much more cooperation.”* (NGOl1)

According to this ENGO expert the general good communication can be attributed to the development of NGOS in the 1990s when the ENGOS enjoyed funding from one common source, which had to be distributed fairly (KKA, see annex 2 VII. and VIII.); and this, following the ENGO expert, strengthened the cohesion of the environmental movement (NGOl1). While regarding financing the ENGO community has been supported by Ökotárs, for legal matters they can rely on EMLA. Nimfea for example was represented by EMLA in many court cases; and Nimfea in turn gave expert advice to EMLA in other cases (Nimfea1, EMLA1; Sallai, 2008). MME, too, cooperated with EMLA in some case, especially by giving expert advice on how much a planned investment could threaten Natura 2000 species (NGOn9). T.T.T., the other regional ENGO especially active in pursuing legal cases did not cooperate with EMLA<sup>100</sup>.

The ENGOS meet annually in a national gathering (országos találkozó, OT)<sup>101</sup> to discuss common issues and democratically elect representatives to the committees ENGOS are invited to (MTVSz1, NGOl1, NGOn1, NGOn8). Besides the election of delegates, ENGOS also exchange information and hold presentations<sup>102</sup> for each other during the OT. The OT, in which every ENGO has a mandate, was considered as the core of the internal cooperation among ENGOS in Hungary<sup>103</sup> (NGOn8, NGOn1):

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<sup>99</sup> MTVSz for example, cooperated very well with WWF and MME on agricultural issues, while for energy issues they cooperate with other ENGOS, like Klíma Klub (NGOn7).

<sup>100</sup> A member of T.T.T. complained that T.T.T. had not been mentioned in the booklet prepared by EMLA on the role of civil society in implementing EU legislation in Hungary (EMLA, 2010; TTT1) – other NGOS, like Nimfea and MME, with whom EMLA cooperated were, however also not mentioned explicitly in this publication. So a non-mentioning of one organisation cannot clearly be interpreted as a sign of disregard.

<sup>101</sup> The OT is organized by MTVSz in cooperation with a regional or local member ENGO in a different location every year.

<sup>102</sup> *E.g.* on opportunities for legal action in case of Natura 2000 to inform regional and local ENGOS; organized by CEEweb in cooperation with Nimfea and T.T.T. (NGOn1).

<sup>103</sup> The OT was established shortly after the change of regimes in the early 1990s because the environmental NGOS resisted governmental pressure to establish a permanent umbrella organisation but wanted to elect their representatives to the National Environmental Council (*Országos Környezetvédelmi Tanács*), a governmental advisory body, democratically, (NGOn8, NGOn1).

*“All NGOs meet there, so it’s pretty well organised, delegates are elected, so it’s a democratic system. Its main function is the election of the delegates who represent the NGOs in various organisations.”* (NGOn1)

A T.T.T. member, however, stated that T.T.T. did no longer attend the OT because the other ENGOS were too tame and T.T.T. did not perceive its work of controlling and reporting to be valued appropriately by other ENGOS (TTT1). Yet apart from this view by one ENGO, the OT was well respected by all interviewed experts of other ENGOS. There is thus a democratic structure of “good governance” within the Hungarian environmental NGO movement (NGOn1) – the Hungarian environmental NGO community, therefore, complies with the call of the EC’s White Paper for internal “good governance” by civil society organisations (EC, 2001). An NGO expert emphasized that it was thanks to the OT that Hungarian environmental NGOs were well organised.

*“[Its benefit today is] the simple fact that the environmental NGOs are much more organised and can step up and advocate better than other sectors.”* (NGOn8)

The OT is quite unique for there is no similar system for other sector of civil society – an ENGO expert noted that *“the other segments of the Hungarian civil society are looking at it with envy, and they try to adapt it or copy it.”* (NGOn8). Yet as it had evolved in a long and difficult process, copying it was not easy (NGOn8).

While the cooperation within this national gathering is more formal in character, there was also a more informal cooperation platform established during the Natura 2000 process. To coordinate their activities for Natura 2000 implementation and to avoid acting in parallel, MME, MTVSz, WWF Hungary and CEEweb<sup>104</sup> in 2002 established a joint Natura 2000 working group (*Natura 2000 munkacsoport*<sup>105</sup>). The cooperation involved communication activities, publications and regular meetings with the environmental ministry, where ENGOS lobbied for appropriate Natura 2000 legislation and communication; cooperation within this working group was described as rather loose and informal but good and complementary (NGOn1, NGOn3, NGOn6). While MME focused mostly on the Birds Directive and was involved in issues concerning the agri-environmental scheme (NGOn7, NGOn6); WWF gathered and shared information and was active in lobbying, especially in issues of Natura 2000 financing (WWFn1, WWFn2); CEEweb was also active in policy issues and with publishing information material and reports – based on joint work: some authors belonged to other ENGOS, like WWF (NGOn3, WWFn1; Papp and Tóth, 2004; Bozsó and Nagy, 2005; Arany and Tripolszky 2007): Via its members, the Natura 2000 working group was thus linked to higher governance levels (via WWF, CEEweb and MME) and to lower governance levels (via MTVSz and MME) – this was regarded as important by ENGO experts (WWFn1, WWFn2). The ENGOS jointly decided to send WWF’s Natura 2000 officer as representative of the Hungarian ENGOS to the biogeographical seminar:

*“...we sat down together at last with WWF, MME, CEEweb and MTVSz and discussed who had the capacities for it and was professionally prepared for it, and so we chose WWF, but the representative anyway involved the other NGOs, too.”* (MTVSz1)

This joining of their forces for Natura 2000 implementation was important also symbolically because it strengthened the negotiation position of NGOs. While during Natura 2000 site designation this Natura 2000 working group was very active and the basis for the cooperation among national ENGOS, it was no longer active in 2009, for then only MME and CEEweb still employed a Natura 2000 officer, while WWF Hungary and MTVSz did no longer have an employee specifically concentrating on Natura 2000 after the site designation stage, WWF and MTVSz stayed involved in Natura 2000 only for specific issues, like forestry or agriculture (NGOn3, NGOn5).

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<sup>104</sup> An expert of Nimfea stressed that also Nimfea participated in the work of the Natura 2000 working group and was involved in communication activities via MTVSz and CEEweb (Nimfea1).

<sup>105</sup> [www.natura.2000.hu/index.php?p=munkacsop&nyelv=hun](http://www.natura.2000.hu/index.php?p=munkacsop&nyelv=hun)



#### 4.3.1.2. Relationship between national and local ENGOS

There were mixed opinions on part of national level ENGO experts regarding the capacities of local ENGOS and their interest in Natura 2000 issues: While one national level ENGO expert criticised local ENGOS for not being interested in Natura 2000 and the European possibilities of nature conservation (NGOn1), another expert contradicted this perception:

*“Most of the NGOs, which are in the countryside, are aware of Natura 2000 areas around their location, so they are quite conscious.”* (NGOn9)

MME and MTVSz both have links to many subnational ENGOS (subgroups or member organisations respectively).

*“The MME, it’s like a spider around, we have like 30 local groups here and there.”* (MMEn1)

MTVSz’ network of local and regional ENGOS was considered as important by an expert of WWF, too:

*“They have the biggest network of environmental NGOs around Hungary. So they have good connections with local NGOs. It was a big help [for the Natura 2000 working].”* (WWFn1)

An MTVSz expert stressed that for the organisation of the OT MTVSz could count on its local member NGOs to take over the responsibility for the logistical parts, while MTVSz organized the programme and contents (MTVSz1). MTVSz coordinated the activities and input of its member NGOs, of whom ca. one third (e.g. Nimfea) deal with Natura 2000 issues, in preparing a Natura 2000 reference list and for communication (MTVSz1, NGOn5, Nimfea1). MTVSz cooperated more intensively with member organisation which had their own employees; the smaller member organisations without permanent employees interacted with MTVSz mainly via member conferences, trainings and the newsletter (MTVSz1). Following an expert of a regional member organisation, the exchange with MTVSz depended largely on personal contacts, MTVSz cooperated with some member organisations for certain issues if they have a bigger project of which a certain part could be taken over by a member NGO; yet MTVSz did not provide any general information on funding opportunities as MTVSz itself lived of grants (NGOl4) – so there may also be instances of competition between MTVSz and its member organisations. Different member NGOs of MTVSz also cooperate among each other, like for instance the three ENGOS which share an office in Miskolc.

Likewise, different local groups of MME cooperate among each other based on personal contacts, they help each other in their bird ringing and monitoring activities and also meet in regions where there is currently no active local group to do bird ringing there (MMElr1). For certain projects MME cooperates also with other local ENGOS which are not members of MME (MMEn1). T.T.T. for example cooperated with MME at local and national level (TTT1). According to interviewed experts, MME derives its strength from its almost 10,000 members (MMEn1, MMElr1, NPI6).

*“It’s very good to have a local NGOs and the national NGO in the back, so it’s always more effective. [...] this is how the problems should be treated because otherwise if you are a country-wide NGO and you get to know about a certain problem, then you go to the local mayor and he will say ‘Who are you? I have not seen you before.’ But if there is a local NGO, they know the people.”* (MMEn1)

A national MME employee, however, found that local MME groups were not very effective and explained this with the fact that Hungary is a very centralised country (MMEn1):

*“...the local groups are not really effective in anything, this is because, well, if you look at Hungary, this is a water-headed country, the water head is in Budapest, and all the rest, is the rest, well that’s how it goes in the MME [,too].”* (MMEn1)

Experts further noted a lack of capacities and stability at the local level: not everywhere in the country there is an active local group of MME; a local MME group for example had stopped working when a leading member moved away, and was re-established only a few years later by

young people (NPI6, MMElr1). The experts to some extent blamed insufficient support by the national MME office for the weakness of many local groups:

*“The central office of MME is too far away from the local groups, it’s not well arranged yet that also the people working in the local groups get some support from the central office, that’s not working yet. If this was the case, I could go to the national park and say ‘I’m from MME, a 35 years old NGO with 10,000 members is backing me and we would like you to do this and that’, [...] then I think we would have more chances.”* (MMElr1)

Confirming these complaints, a NPI expert criticised that some directors of MME would not share the organisation’s resources with all its members:

*“90% of the members just don’t get access to this equipment. The directors use it for their own scientific and research ambitions.”* (NPI6)

Another local MME member did, however, not share the perception that the central office provided only insufficient support because the central office supported the local groups by doing their bookkeeping and recently local groups could apply for some project support (MMElr2). What is more, this expert rather appreciated the freedom of the local group to work rather independently:

*“Practically we decide everything, they really don’t interfere because we don’t do anything where they would need to intervene.”* (MMElr2)

Yet also a national MME expert considered the links to the local groups as insufficient: he mentioned that due to a lack of time, the national office had not yet succeeded in establishing a so-called “caretaker system” for monitoring IBAs, which would institutionalise and strengthen the exchange between local groups and the central office (MMElr1). So even though national and local MME experts were aware of the importance of good cooperation between local groups and the central office, many believed that it was not working sufficiently well – yet not all local experts actually wished for a more intensive cooperation with the central office.

CEEweb’s links to the local level were not considered as very tight by other Hungarian ENGO experts (NGOn5); CEEweb was hardly mentioned by local ENGO experts; a CEEweb expert though emphasized that many of its member organisations, like Nimfea, are active locally (CEEweb1). Apart from some special project with local NGOs or land owners<sup>106</sup>, WWF has not been active at local level either (WWFn2). This explains the perception of a member of a Hungarian subnational ENGO that WWF Hungary was not substantially involved with the Hungarian environmental movement but stood a bit apart (NGOl1).

One could thus observe a distance between national level and local level ENGOs, as was detected by several authors studying ENGOs in CEE (Jancar-Webster, 1998; Carmin, 2010; Börzel and Buzogány, 2010a). Changes in the funding source for ENGOs towards more funds for bigger projects requiring considerable administration and a decreasing availability of small flexible funding (see section 4.2.3.) have, moreover, further increased the distance between big ENGOs and smaller ones in Hungary over the last years (NGOn8). Yet there are also several links between the national and local level – MME has a national level office and local level bodies within one organisation, MTVSz regularly cooperates with local and regional ENGOs, and almost all Hungarian ENGOs meet annually at the OT. ENGOs like Nimfea or the other ENGOs in the bigger regional centres, moreover, form an intermediate level between national and local ENGOs. Interviewed experts also did show awareness for the need to strengthen these links between national and local ENGOs. One can, therefore, not simply group Hungarian ENGOs into two separate “clusters” as some authors did – clusters of on the one hand mainly national highly-professionalised, policy-oriented ENGOs that work with international organisations and can successfully obtain international assistance, and on the other hand small grass-root groups, which provide important environmental support services at the local level but are often overlooked by international foundations (Jancar-Webster, 1998; Petrova and Tarrow, 2007; Carmin, 2010). As

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<sup>106</sup> WWF Hungary has, however, used the services of local NGOs – for example by subcontracting Nimfea for a project on the Water Framework Directive (Nimfea1).

there are links between national ENGOS and subnational ENGOS and also intermediate organisations, there is also no real gap between the two levels, yet due to lower capacities and financial resources at local level, and insufficient attention of national ENGOS to foster the exchange with local groups there is indeed a distance between the national and local level. Local ENGOS can thus be considered as weak actors, who could hardly be empowered by the increased opportunities for participation in the European MLG setting – so for them MLG of biodiversity rather proved a “Faustian bargain” (Peters and Pierre, 2004). The relatively low attention of national ENGOS to interacting with the local level ENGOS can be attributed to the fact that for Natura 2000 designation, the major national ENGOS first of all concentrated on exchange with EU-level ENGOS.

#### **4.3.1.3. Links to European umbrella organisations**

All nationally active nature conservation NGOs in Hungary are members of European and international umbrella organisations (see annex 2 V. and VI.). Apart from the umbrella organisations of single NGOs, there are three important umbrella organisations at European and international level respectively: the European Environmental Bureau (EEB), the EHF and IUCN (see annex 2 V.9.). The cooperation with the EU umbrella organisations was characterised as good by many European and Hungarian experts (WWFe1, NGOn5, NGOn6)<sup>107</sup>. In their lobbying efforts for site designation, changes in legislation, and the development of a good financing scheme for Natura 2000 management Hungarian national ENGOS cooperated well with each other and with EU-level ENGOS; often the simultaneous lobbying at EU-level by the ENGO umbrella organisations was important because desk officers in Brussels could exercise the needed pressure on the Hungarian government (NGOl1, NGOn1, NGOn4, NGOn6, NGOe3, NGOe2).

*“[The revision of the Natura 2000 decree was achieved] Through WWF, and communication, personal, face-to-face communication with desk officers. And through lobby, BirdLife, and WWF, Friends of the Earth, and so on” (NGOn4)*

So for their national level lobbying efforts, too, Hungarian ENGOS relied on information and support from Brussels (NGOn6). The possibility of linking to this higher governance level brought new connections into the Hungarian biodiversity governance setting, and, thereby, changed power dynamics. As noted earlier (see section 4.2.2.) the preparation of CEE ENGOS was largely based on training through their umbrella organisations – several authors noted that already before the Natura 2000 process too, the international financial support and the integration of CEE ENGOS into the transnational environmental community was crucial during the transition process and helped ENGOS increase their capacities (Baker and Jehlicka, 1998; Jancar-Webster, 1998; Beckmann *et al.*, 2002). CEEweb which, based on a mandate by the EHF, held the responsibility for preparing CEE ENGOS for Natura 2000, organised seminars and published manuals about the Natura 2000 process addressed to CEE ENGOS to inform them about their participation rights and opportunities in the Natura 2000 process (NGOn1, NGOn2, NGOn5, NGOe1, NGOe3; Papp and Tóth, 2004, Arany and Tripolszky, 2007; letter by EHF Secretariat 08/12/2004; see annex 2 XV. letter 1). CEEweb’s efforts to prepare the ENGOS of the accession countries for Natura 2000, and in particular the biogeographical seminar, were strongly supported by WWF, which shared its experience from the old member states, covered travelling costs for CEE ENGOS to these preparatory seminars, and supported the preparation process through its European Natura 2000 coordinator (WWFe1; see below). According to a WWF expert the support of WWF was crucial for preparing CEE ENGOS:

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<sup>107</sup> In Brussels, too, the environmental umbrella NGOs cooperate not only in the umbrella organisations but also directly, trying to make sure that they to speak with one voice: *“In Brussels absolutely yes, we [WWF and BirdLife] work very, very much together. We make sure that we don’t send contradictory messages, we are always in contact, one of the ways is through the EHF.” (NGOe1)*

*“And for the Terrestrial process, the EHF agreed to appoint or to delegate, [...] CEEweb as the key organisation for the site designation process. This happened like this. And the WWF had a very, very strong support, and in particular, we were supporting even financially. [...] [WWF was] involved [...] in all these preparatory meetings, which were supposed to be part of CEEweb. So I mean it was part of CEEweb, but it was depending very much on WWF.” (WWFe1)*

So even though CEEweb and WWF cooperated well, this statement also shows some competition between the two organisations about the credit given for preparing CEE ENGOS for Natura 2000. Realizing that the EU regulations were key policies for nature conservation in the accession countries, WWF Europe focused its work on Natura 2000 and employed an EU-wide Natura 2000 coordinator who was supported by the European policy office of WWF (WWF-EPO) in Brussels (WWFe1, WWFn1, WWFn2). The following statement of a WWF official, who criticised the EHF, shows that the ENGO was very convinced of its central role:

*“And WWF – actually, I’m saying WWF at the end because I’m polite. [...] We always do that, we always realize it, even if we are the main organizer, that we have to take care of it, the WWF lobby is strong enough. [...] Definitely we have our own channels because we are much more dynamic and much more involved in several issues, while the EHF is, it needs more coordination, and it’s challenging.” (WWFe1)*

The crucial role of WWF in the lobbying efforts of ENGOS with the EC was confirmed by an MME expert, too (MMEn3). While WWF Europe largely reduced its activities in Hungary after Natura 2000 site designation, because it then focused on EU financing opportunities for Natura 2000 at the EU policy level (WWFe1), CEEweb remained active in the CEE region with a variety of trainings for ENGOS (CEEweb3; CEEweb, 2012). CEEweb keeps the contact with its member organisations through regular working group meetings (CEEweb1, CEEweb2). As a member of the national Natura 2000 working group, CEEweb also acted as a national-level NGO in Hungary. While, according to Willets (2002), the location of an NGO or its historical origin are no good criteria to classify it as national or international, its staff, membership, funding and programmes are. CEEweb has members also outside of Hungary and organised programmes there too, but at the same time most of its staff members are Hungarian, CEEweb has received support from the Hungarian National Civil Fund (NCA) and its website is available in English and Hungarian, but in no other CEE language. So CEEweb is clearly more active in Hungary than in other CEE countries<sup>108</sup>. Via CEEweb’s intermediate role, the Hungarian ENGO community, thus, had particularly good links to the European ENGO network.

Similarly to the internal working groups of WWF and CEEweb, BirdLife Europe has different task forces on specific topics, like agriculture or forestry; its Birds and Habitats Directive Task Force, which works for a better implementation of the directives, meets twice a year and constitutes the main channel for exchange in Natura 2000 matters between the European umbrella organisation and national BirdLife members (MMEn1). An expert of MME stressed that, even though MME, as well as WWF Hungary both belong to an international umbrella organisation, the development of these links was very different; the expert especially stressed the importance of bottom-up processes within MME:

*“The WWF is again a bit similar to the BirdLife in terms that there is the big WWF and there is the country NGO. But the development of it, how the WWF in Hungary appeared is different because it was founded from above, but the MME was founded in 1974 and BirdLife was nowhere in the scene. So we, later on the MME said it’s very good to become a member of a big network like that.” (MMEn1)*

As a member of FoE, MTVSz also belongs to a big umbrella organisation. In contrast to WWF and BirdLife, the interviewees did, however, not mention any direct involvement of FoE in the Natura 2000 process at European level – FoE was mainly involved as a member of the EHF. An expert of

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<sup>108</sup> Polish colleagues did for example not find that CEEweb played an important role for Natura 2000 implementation in Poland, for it was not mentioned by interviewed Polish ENGO experts (Cent *et al.*, 2013).

MTVSz complained that FoE did not really focus on biodiversity issues as much as MTVSz did, and that even FoE partner organisations in other countries, like Germany or Switzerland, which also focused on nature conservation issues, did not share MTVSz's approach to focus on the drivers of biodiversity loss (MTVSz1):

*“We are the odd ones, because the organisations that are active in nature conservation – the Swiss are very strong, the [German] BUND is also very strong [...] but [...] they have a different approach towards nature conservation than we do.”* (MTVSz1)

This statement shows that cooperation among different ENGOs also depends on a joint understanding of policy issues and how they should be addressed – if such a joint view is missing this can be an obstacle for collaboration. There is, however, some direct exchange among the members of FoE, too, which as an MTVSz official explained is usually based on individual contacts (MTVSz1).

While for the biodiversity experts of MTVSz the exchange with European partner organisations was less rewarding, links and support from partner organisations in Western Europe were very important for WWF Hungary and MME. WWF Hungary was not only supported by its European umbrella organisation but also by WWF Austria, *e.g.* with a toolkit for the seminars (WWFn1). MME, too, cooperated with BirdLife partners from other countries, like RSPB (the Royal Society for the Protection of Birds, UK) and NABU (BirdLife Germany) (MMEn3, NGOn5). Especially RSPB, provided a lot of assistance to BirdLife members in CEE, for example through a Natura 2000 communication training for Hungarian, Slovak, Czech and Slovenian BirdLife members (MMEn1):

*“They [RSPB] do a lot of policy work and they do it very well, [...] So we went there for a communication training, and we learned a lot how to deal with this or that. So after that we launched this communications programme.”* (MMEn1)

Nimfea works together with other CEEweb members in CEE, with Western ENGOs, like Legambiente (Italy) or BUND (Germany), Nimfea cooperates only via MTVSz (Nimfea1). There is also cooperation among subnational ENGOs of different countries, especially in the border regions: one local group of MME for example worked together in a project with a Slovenian ENGO (MMElr2); a regional ENGO for instance participated in projects together with partners from Austria, Denmark and Poland (NGOl4).

This research confirmed earlier findings that with the help of funding and advice from Western ENGOs, the ENGOs of the CEE region increasingly participated in policy-making in a governance system which has developed following the model of Western countries (Jancar-Webster, 1998; Hicks, 2004; Börzel and Buzogány, 2010a).

### **4.3.2. Links to other non-state actors**

#### **4.3.2.1. Researchers**

Many researchers, university teachers and experts are members of NGOs, and sometimes even founded an ENGO; there are therefore close links between some researchers and ENGOs, *e.g.* between the Botanical and Ecological Institute of the Hungarian Academy of Sciences in Vácrátót and MTVSz (NGOn4, NGOl7, NPI6, NGOl1, MTVSz1). ENGOs meet and exchange with researchers at conferences and workshops, and have also cooperated for training students, *e.g.* by offering internships and supporting them in writing their theses (MTVSz1). The local groups of MME often cooperate with researchers from regional universities or research institutes if there is one in the region (NGOl5, NGOn2).

#### **4.3.2.2. Media**

The media was not mentioned by ENGO interviewees very often when talking about Natura 2000. The regional ENGO T.T.T. regularly published statements to the press about damages and threats

for Natura 2000 sites. One local ENGO member stressed that the local ENGO always informed the local media about nature conservation issues, for only then one could get attention:

*“At least that’s the experience: if for a bigger issue we don’t involve the press, then it gets dragged away and it slips people’s minds so that they don’t pay attention to it as they should.”* (NGOl5)

Many articles published on Greenfo ([www.greenfo.hu](http://www.greenfo.hu)), an environmental news portal, are based on information by ENGOs. In the general media, however, environmental issues do not play a big role, with the exemption of some single issues like the Ajka alumina sludge spill in 2010 or the planned radar station near Pécs (Boda, 2012).

#### **4.3.2.3. Farmers**

Local ENGOs are sometimes important contact points for other actors, like researchers, and can provide links to farmers or farmers ask advice from ENGOs in case of problems with nature conservation regulations (UN11, MMElr2). As they manage large areas of land, farmers and foresters are key actors for the ecological status of their areas. With Natura 2000, many new sites, including many privately owned cultivated areas, were put under protection, making farmers crucial actors in nature conservation policy-making, especially outside nationally protected areas<sup>109</sup> (NGOn2). As several laws and regulations concerning farming on protected areas and support schemes for farming were in conflict, farmers could find themselves in a dilemma when trying to respect nature conservation rules (NGOn9). Many interviewed ENGO experts showed a high awareness for the challenge of land use conflicts around nature conservation and expressed understanding for the difficult position of small farmers who had to respect the new Natura 2000 rules but could hardly get any support for doing so (NGOn3, NGOn6, NGOn7, NGOn9).

*“Most of the farmers were very concerned that Natura 2000 will prohibit some things and they will be inhibited in what they can do. Of course they don’t like the EU coming and telling what they are supposed to do.”* (NGOn6)

One ENGO expert for example stated that he did not assume that nature conservation experts had a unique and generally valid knowledge on how best to use the land, and so concluded that Natura 2000 should not be about exclusion:

*“I don’t think that conservationists are any, really any better, or know things better than other stakeholders [...] It’s obvious that you cannot close out yourself, and you cannot say, well this is banned here, there is the border, this is the protected area, and this is your area, it’s obvious it will not work.”* (NGOn3)

Yet apart from communication activities (see above section 4.1.2.3.) and some projects by local ENGOs, e.g. to protect old fruit trees or the site management initiative by Nimfea (see 4.1.2.2.; NGOl4, NGOl5), there are not many direct interactions reported between farmers and NGOs.

### **4.3.3. Links to state actors**

#### **4.3.3.1. Links to the EU**

Interviewed ENGO experts spoke about the EU in mostly positive terms, for it brought more opportunities to ENGOs, including grants, and the possibility to go abroad and cooperate across Europe (NGOl6, NGOn3).

The EC itself, on its website, explained its financial support for ENGOs with the following statement (EC, 2012b):

*“For development and implementation of EU environmental policy there needs to be an open and wide-ranging dialogue with all stakeholders. It is important that NGOs are able to take part in such a dialogue since they have a good understanding of public concerns on the environment.*

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<sup>109</sup> Nationally protected areas are managed by the NPIs (see annex 2 III.).

*Their presence is important to provide a sound balance in relation to the interests of other actors. European NGOs are for example valuable in co-ordinating and channelling the views of national organisations and citizens as input to the decision making process. For the development and implementation of policy, they also participate in preparatory work and expert groups and conduct research and studies. Another example of an area where NGOs play an important role is awareness raising and environmental education.” (EC, 2012b)*

This quote illustrates that the EC tries to support the implementation of EU policies by involving NGOs as stakeholders and experts, and also to strengthen public concerns in environmental matters through communication and education activities by NGOs. This complies with the view of the EU as a system of participatory governance, in which civil society actors can through joint problem-solving and as co-producers of knowledge provide important services for efficient and effective policy-making (Kohler-Koch, 2009). The vision of the EU as an emergent polity, with civil society as a social constituency in the making, as noted by Kohler-Koch (2009), was a basis for the reporting of T.T.T. to EU bodies. One member of T.T.T. noted that it was because he felt European that he wanted to act for the implementation of EU laws and regulations, to which Hungary getting money from the EU should adhere to (TTT1).

As the EU in general, and the DG Environment in particular have backed the positions of ENGOs and the environmental ministry in domestic conflicts, as observed also for Natura 2000 implementation in the UK by Fairbrass and Jordan (2001), ENGOs can exercise pressure on other actors by threatening to inform the EU if Natura 2000 nature conservation requirements are not adequately respected:

*“I think for an NGO it’s very good to have the EU, as background, you can always argue OK I go to the EU and, you find yourself in a very bad situation.” (NGOn3)*

*“[The ministry of environment], they do not own the political power, so they can’t do anything... with respect to this it’s really good that we at least have the EU, I mean if things go wrong, the EU will come, that’s the only power in the hands of the ministry of environment and in the hands of NGOs.” (NGOn1)*

EU support was thus considered as especially important for nature conservation because the domestic position of the nature conservation administration was relatively weak<sup>110</sup>. Yet the case of T.T.T.’s protest against the construction permit for a car factory on a Natura 2000 site (see above 4.1.2.5., and annex XIV.) showed that ENGO protest at EU-level against violations of Natura 2000 protection did not help to prevent these, as the EC was not sufficiently supportive of conservation interests. The EC is thus not always an ally of ENGOs in protecting habitats and species.<sup>111</sup> Through contacts in Brussels, Hungarian ENGOs have joined in lobbying efforts at European level. So they can try to influence policies at an additional supranational governance level.

*“For us [NGOs, EU-accession] [...] shows a wider picture, we can go to, we can try to, at least, affect the European policy in a way.” (NGOn3)*

ENGO experts stated that there was good access to the European institutions via the EHF, which meets with the EC regularly (three times a year) and has successfully lobbied for better ENGO participation (NGOn1, NGOe3). So, apart from some direct interactions by T.T.T. with EU desk officers (TTT1, NPI5), Hungarian ENGOs linked to the EU mainly via their Brussels umbrella organisations. The exchange of information between EU-level ENGOs and national ENGOs was described as very smooth; sometimes ENGOs received information from Brussels faster via NGO channels than the state authorities did via the official channels:

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<sup>110</sup> The EU’s effect on nature conservation was not evaluated as being only a good one: an ENGO expert, who had noted that EU-accession was good for NGOs and their financial resources and participation opportunities, also mentioned that ENGO experts saw the EU critical at the same time because of the relative weakness of the DG Environment compared to other DGs (NGOn3). Concerning EU policy priorities, a European level NGO expert also demanded that more EU funding should be ear-marked for biodiversity (NGOe1).

<sup>111</sup> In 2013 Zsák deplored that while around EU-accession EU regulations were taken seriously in Hungary, this was no longer the case due to the anti-EU sentiment in the country. (Riesbeck, 2013).

*“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.”* (NGOn6)

This observation is an example for the perception of state actors as clumsy and inefficient and private actors as more efficient; this statement, thus, stresses the importance of efficiency in public-service delivery as emphasized in the governance literature (Peters and Pierre, 1998).

In contrast to national level ENGO experts, local ENGO members hardly mentioned the EU and if so mainly as donor of a project or because of problems at local level due to EU agricultural rules (NGOl6, NGOl4, NGOl5). So, apart from T.T.T., no other subnational ENGO was observed to have established direct links to EU bodies.

#### **4.3.3.2. Links to the Hungarian nature conservation administration**

This section explores the reasons or obstacles for interactions between ENGOs and state nature conservation officials. Since for Natura 2000 implementation the ENGOs mostly interacted with state officials of the nature conservation sector, the focus of analysis of NGO-state interactions, as presented in this section, lies on interactions with state officials from this policy sector (for the interactions with other policy sectors see 4.3.3.3). First, attention will be paid to what factors were a reason for cooperation with state actors, or why cooperation was sometimes not considered as sufficiently good. The final part of this section then looks at the ways in which ENGOs interacted with the state administration.

- **Enabling or impeding factors for cooperation with the state administration**

The participation of NGOs in policy-making in Hungary was considered as rather good, at least not worse than the average of the CEE countries. Yet it varied considerably between different ministries (NGOe2, NGOn1). Typically, state officials of the environmental sector did not see ENGOs as being in confrontation with state actors, but they regarded them rather as allies in fighting against activities which destroy natural values (NPI6, NPI7).

*“Oftentimes, however, they come to us with advice and ideas for modifications of laws and regulations. [...] they come to us with the intention of helping, so not to attack”* (KvVM2)

As a conclusion of this observation, this official of the environmental ministry, as well as a NPI official demanded that NGOs should be involved even better than was common by many state officials (KvVM2, NPI2):

*“I think that this is inherent to a democratic system that the state authorities are able to accept any external control.”* (NPI2)

This national park official, thus, regarded NGO control and critique as an inherent and important element of democratic governance. Participation of NGOs was, however, not encouraged by all state actors (KvVM2, NPI2, NGOl6). Yet according to an ENGO expert state officials were aware of the fact that ENGOs could be influential actors who needed to be taken into account:

*“The point is actually that the ministries know that the NGOs can be very effective, powerful and that they have to deal with the NGOs somehow”* (NGOn3)

This perception was confirmed by a statement of a ministry official who noted that the ministry preferred to talk directly with ENGOs to avoid a public confrontation via the press:

*“...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 straight 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.”* (KvVM1)

Despite mentioning a number of problems, a ministry official considered the recent interactions of the ministry and ENGOs concerning Natura 2000 issues as going into the right direction, the official



especially appreciated the help of ENGOs in data collection and in negotiations with the agricultural ministry.

*“Recently the situation [cooperation] improved, now there have been negotiations with the NGOs several times, [...] concerning the forestry law, also concerning the maintenance plans, and also for the Natura 2000 advisory body we would like them to take part and help. [...] we can say to the NGOs: ‘OK, this is a big problem, please help us, go and try to do some communication or lobby’ and so on.”* (KvVM2)

Several state nature conservation officials explicitly used the word “help” when speaking about interactions of ENGOs with their state body (KvVM2, NPI7, NPI6, NPI2).

*“It’s very characteristic that they [NGOs] can help the state sector.”* (NPI7)

*“They do species surveys. Draw maps, make little publications, and in workshops they explain how important it is to have the Natura 2000 sites here. With this they help this way. [...] or for the support scheme they also tried to help somehow. They also lobbied with the FVM [...] if they win money from us for such Natura 2000 [projects], then they have to give us the data, so there they help in this way.”* (KvVM2)

Especially MME was only mentioned as a cooperating partner (NPI6, KvVM2, KvVM1). The following statement of an ENGO member shows that ENGOs, too, consider their work as help for the NPIs:

*“We helped them to show the indicator species so that based on these they could draw the borders, where which Natura 2000 site should be designated.”* (NGOlr3)

The fact that ENGOs support the state nature conservation administration was confirmed also in an official document by the environmental ministry:

*“Due to their quick reaction they effectively help the work of government bodies and possessing appropriate expert knowledge they also have a controlling function. [...] In the field of nature conservation there are a number of tasks which – according to the current legislation – should be implemented by the government or local authorities, however part of the tasks could be performed by civil organisations in most cases more effectively, quickly and in a more cost effective way removing burden from government bodies.”* (Ministry of Environment and Water, 2004, p. 145)

The authors of the NEP-II thus believed that NGOs acted more effectively than governmental bodies, and cooperation should therefore be further supported (Ministry of Environment and Water, 2004). A national park expert, too, described the state administration as ineffective:

*“And being a state body, there is a sort of ineffectiveness and slowness. So there is a lot of administrative work, bureaucracy. This takes away people’s energy.”* (NPI3)

By portraying the state administration as inefficient, clumsy and bureaucratic this official document and this state expert thus shared views discussed in the literature as characteristic for changes in policy-making processes from hierarchical top-down structures to governance settings involving non-state actors (Peters and Pierre, 1998). Due to a lack of funding, unstable structures, frequent institutional reforms, fragmentation and overlap in administrative responsibilities, a brain-drain by the private sector and corruption, several authors have described the capacities of CEE environmental administrations as weak, especially in view of the large amount of new legislation which had to be implemented in a short period of time before EU-accession (Baker and Jehlicka, 1998; Von Homeyer, 2004; Carmin and VanDeveer, 2004; Zielonka, 2007; Schliep and Stoll-Kleemann, 2010; Börzel and Buzogány, 2010a; see annex 2 III., XI., XII.). Insufficient institutional capacity was a reason for the delay of implementation and bad practical application of Natura 2000 in Hungary (NGOn4, NPI5, NPI6, KvVM1). Yet, thanks to exchange with the EC and a Twinning Project<sup>112</sup> the administration, too, not just ENGOs, received some training for Natura 2000

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<sup>112</sup> In the pre-accession phase besides support through direct talks with the EC, Hungarian nature conservation authorities also received assistance in preparing for the Natura 2000 process in an EU Twinning Project with Spain and

implementation (KvVM1, NPI2, NPI5). Nevertheless, Hungarian state officials stated that implementing Natura 2000 was a huge task to be completed in short period of time for which Hungarian authorities had not adequately been prepared (KvVM1, KvVM2, NPI3, NPI4, NPI5):

*“...the environmental ministry had not really been prepared for this task [of site designation] which takes a lot of time, even in the old member states it took several years.”* (KvVM1)

*“The Natura 2000 network, it’s a very big responsibility because its two directives, the nature directives were really new for the Hungarian legislation, and we haven’t got enough background to establish it for the Hungarian circumstances.”* (KvVM2)

As the environmental ministry delegated the task of selecting sites for Natura 2000 to the NPIs only towards the end of the accession process, the NPIs only had one and a half years for completing this task before EU-accession (NPI5, NPI3, NPO3). The NPIs thus had to complete this task under huge time pressure, and what is more, they did not get any additional funds or staff<sup>113</sup> for this task<sup>114</sup>, but suffered from cuts, a lack of capacities and administrative and practical<sup>115</sup>, and, therefore, somewhat shifted some attention from nationally protected sites to Natura 2000<sup>116</sup> (NPI5, NPI3, NPI6, NPO3, NPO1). One national park ranger was especially pessimistic about the situation of the NPIs:

*“The situation of the national parks is very difficult. The restrictions that are there now make professional work simply impossible. The situation is very dreadful.”* (NPI6)

The nature conservation administration was thus considered as weak, for which reason it could especially profit from ENGO support – this confirms the observation by Van Rooy (1997) that in a field of “low politics” with a weak bureaucracy, ENGO capacities are comparatively higher and ENGOs can provide information in an area where decision-makers do not or cannot have expertise. By providing the updated IBA list as the basis for the SPA proposal, MME provided information the state officials needed to make the policy-process more efficient (see above, 4.1.2.1.). The NPIs regularly subcontract experts for species surveys for which the NPI itself lacked the capacities (NPI7, NPO3). The cooperation with NGOs, especially locally, was considered as important by NPI experts (NPI1, NPI2, NPI3, NPI6); ENGOs for example developed conservation concepts which the directorate could use (NPI1). The exchange of data between ENGOs and experts of the NPIs was, however, not only a one way street, NGOs have also asked for species data from the NPI experts, when preparing for the biogeographical seminar or in case of a project on butterfly monitoring run by MME (NPO5, NPI2, NPI6). A ministry official, further, stressed that the environmental ministry should be interested in a better cooperation with ENGOs, especially because, contrary to other ministries it did not have a scientific background institute and the ENGOs could to some degree make up for this by providing data:

*“I think [that the ministry does often not welcome NGOs] this is a big problem, mainly because our ministry does not have a good background institute.”* (KvVM2)

Concerning the reasons why the NPI cooperated with ENGOs in terms of management and species monitoring, a NPI official explained that the NPI had to do so also because administrative constraints did not allow for employing people directly for some types of work (e.g. in the case of night time monitoring of bats, for which due to inflexible working regulations in the public sector, NPIs could not contract expert themselves) (NPI4). As some funding was, moreover, only available

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Finland, which shared their experiences with Natura 2000 (Demeter *et al.*, 2002; KvVM1, NPI2, NPI5). This was judged as helpful by Hungarian state officials who mentioned the project (KvVM1, NPI2, NPI5).

<sup>113</sup> A lack of staff was also found by Mocsári (2004a) as a reason for delays in Natura 2000 implementation in Hungary.

<sup>114</sup> The same was reported for Romania (Ioja *et al.*, 2010).

<sup>115</sup> A particular problem in Hungary was that the site designation was based on three different geographical systems – (1) the topographic site borders as submitted to the EU, (2) the cadastral land registry parcels (*helyrajzi szám*, HRSz), and (3) the MePAR blocks (*Mezőgazdasági Parcella Azonosító Rendszer*, agricultural parcel identification system) for agricultural funding (see annex 2 XI. and XII.).

<sup>116</sup> As 90% of the nationally protected areas are at the same time Natura 2000 sites (Sashalmi, 2008), this has in most cases, however, not affected the conservation status of the former (NPO1).

for or via NGOs (NPI5, NPI6, NPI4), some national park rangers founded an NGO to be able to access these funds for equipment they needed for species monitoring – for this reason one ENGO was described as a hybrid organisation – it had been founded by NPI officials to get access to certain funds (like the *Zöld Forrás*) which they could use for research activities or to close a rubbish dump – so for NPI tasks (NPI6). This case also explains the use of the term “money washers” for some NGOs by another NPI expert (NPI4). Not all local ENGOS are thus fully independent of the state bodies, some are instead closely linked personally (NPI2, NPI6, NPI4).

Another aspect, which was mentioned by NPI officials as a reason for why they cooperated with ENGOS, was that NGOs could speak and act more freely, and protest more easily than the NPIS, which being governmental bodies were constrained politically (NPI3, NPI6, NPI7, KvVM1):

*“They are not so bound as state bodies, so they can often achieve much more, or they can achieve things with other means, [...] a state body never interferes, in a specific case it cannot shoulder a conflict, like an NGO can. [...] They can help the state sector. [...] A state official could not risk a confrontation, because the person would no longer have a job then.”* (NPI7)

*“We, as the National Park Directorate, cannot be outraged [at an investor’s plans like local inhabitants and NGOs] but we can only give technical advice. In such a case the national park practically relies on NGOs, that’s the truth, because NGOs can more effectively impede such [an investment].”* (NPI6)

This dynamic was reported by ENGO members, too (NGOl5, Nimfea1).

*“They [the national park rangers] very often see where the national park doesn’t act, and then they ask the help of an NGO, to prosecute it. Not just one or two of our cases started like this.”* (Nimfea1)

Local ENGO members, further, noted that even the NPIS would and could not always act in the interest of nature conservation due to political constraints and because of economic reasons as the NPIS are required to gain income from the state land they administer (NGOl6, NGOl1, NGOl2). NPI officials described their work as difficult because they suffered from a lack of resources and had to find compromises between the wishes of ENGOS and the ones of investors (NPI6, NPI3, NPI5, NGOl6)<sup>117</sup>:

*“...it is difficult to work for the state bodies, it’s true that there are a lot of tasks and one has to suit everyone.”* (NPI2).

The NPIS were, moreover, seen as impotent because they no longer had authority power in permission processes<sup>118</sup> (NGOl5, NGOn2).

*“The national park can oftentimes not do a lot because it’s not an authority.”* (NGOl5)

To compensate for this weakness of the NPIS, ENGOS sometimes support the NPIS in nature conservation issues.

*“And therefore NGOs had a stronger role because sometimes the NGOs have to link these two institutions, [...] because the nature conservation is a smaller part inside of this whole authority [the environmental inspectorate], therefore NGOs have to support the opinion of the national park in nature conservation issues.”* (NGOn2)

So ENGOS helped the NPIS in two ways: (1) by providing data and (2) strategically through activities the NPIS could not undertake themselves due to administrative or political constraints. Despite cooperation of ENGOS and NPIS in many occasions, a local MME expert deplored, however, that the regional NPI only called the local MME group if they had a concrete problem, but was not interested in establishing a more permanent cooperation, which could help to achieve better

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<sup>117</sup> The NPIS did not have enough fuel to drive out to inspect all protected areas (NPI6).

<sup>118</sup> An important reason for the perceived weakness of the NPIS is that they had had more power until 2005: besides their maintenance responsibility they also held the authority power for all questions regarding protected areas in their territory; this power is now exercised by the inspectorates for nature conservation, environmental protection and water management, an authority within which the nature conservation branch is less strong (NGOn2, NPI5, NGOl5).

results for nature conservation (MMElr1). This pattern of contacting NGOs when they needed them was noted also by a NPI official:

*"We are not in daily contact with NGOs, if there is something, then we ask them."* (NPI7)

Likewise also at the national level, the environmental ministry and ENGOS do not always exchange information readily – each party contacted the other one when they needed them, but was not necessarily cooperating in other cases (KvVM2, NGo6):

*"...and oftentimes I also experience that from within [the ministry] we also go to them if we need them. But when we don't need them and they come, then it's like: 'What do you want? Go away! Now we don't have time.'" (KvVM2)*

So a reason for the fact that there is little continuous cooperation by the ministry with ENGOS is that cooperation is time consuming. Unless there was a special need for it, ministry officials rather did not engage in it. Civil control by NGOs was not readily accepted by all state officials:

*"And then the authority views it like, when I ask questions that I only always have to complain."* (NGOl6)

*"Obviously the directors of the state bodies do not appreciate that [control by NGOs]" (NPI2)*

There was also some dissatisfaction on the side of the ministry about a lack of willingness by ENGOS to cooperate reliably:

*"...they do not always ask us. Sometimes they evade us, instead of asking how and what do you think about this and that."* (KvVM2)

So while experts of both sides wished for a more continuous cooperation neither the state bodies, nor ENGOS generally tried to ensure that cooperation was fostered permanently. ENGOS and state officials thus cooperated mainly when they needed each other's resources and capacities. The next paragraphs will explore in more detail what resources or other factors enabled or hindered interactions between NGOs and state officials of the nature conservation sector.

A factor mentioned as crucial for good cooperation between ENGOS and state experts were personal contacts – or personal dislike as an obstacle for collaboration (KvVM2, NPI6, NGo2, NGo6, NGOl1, NGOl5, NGOl6, NGOl7).

*"...in the last year [...] new people came, and with them we got along very well personally. This way it advanced a bit, but a few years ago the national park didn't really have an interest to cooperate with NGOs."* (NGOl5)

*"There are closer friendships with some people with whom we can work together very well and with whom we have a very good relationship. And there are some where it's less the case; they don't like us because we announce it if something is not working as it should."* (NGOl1)

*"I have the feeling that that our relationship with the NGOs is not good enough, and this is also our fault. I think it's oftentimes personal hostilities or personal dislike," (KvVm2)*

Cooperation between ENGOS and state nature conservation bodies is, thus, not generally stable, but very much depends on single persons and their individual links. It is not particularly close in every NPI area. What is more, not in all regions there are good opportunities for cooperation because in some NPI areas there is no local ENGO, and not everywhere where there are active ENGOS a NPI is close enough for good cooperation (NGOl5, NPI6, NPI2).

*"They [ENGOS] are not very active in my territory, that's sometimes also a disadvantage because when I would need data, then there is no one to get it from."* (NPI6)

Local ENGO members further differentiated between the national park directors and national park rangers saying that the directors thought mainly in political and prestige categories and did not intervene for nature conservation in a case which had become a political issue (NGOl6, NGo9), while the rangers were actually interested in nature conservation and cooperated more with ENGOS (NGOl1, NGOl2, NGOl6). A member of a subnational ENGO noted that the ENGO did not have good relations to the environmental minister itself, but to the ministry's nature conservation

secretariat, which regularly shared information and even asked the ENGO to initiate an EU infringement procedure against the new forestry law (TTT1). Regarding the environmental ministry, another ENGO expert, when stating that it was not always easy to get official information, explained that the working conditions for ministry officials were rather insecure:

*“And all the time they are so much uncertain [...] if they are going to be employed next week or not.”* (NGOn6)

Schliep and Stoll-Kleemann (2010) and Börzel and Buzogány (2010b) noted that frequent reforms made it difficult for state actors to establish stable exchange relations with non-state actors, who themselves often faced difficulties to organize themselves as reliable partners. Following a ministry the environmental ministry would prefer to be able to interact with one group or coalition representing all ENGOs, instead of with different groups with different positions.

*“...we sometimes don't see that they [NGOs] hold together.”* (KvVM2)

So one challenge for interactions between state actors and ENGOs may lie in the often unstable structures of ENGOs and the state administration and the insecurity of working contracts of their experts.

An essential basis for cooperation between ENGOs and state actors of the nature conservation sector was the shared policy goal of protecting ecologically valuable sites by designating them as Natura 2000. As the following statements by NPI officials illustrate, the NPIs welcomed Natura 2000 as an opportunity to put sites under protection which could not be protect nationally:

*“...we [the NPIs] were happy that they [the Birds and Habitats Directive and Water Framework Directive] had to be taken over from the EU, we saw chances in them. And I think it also became true that the Habitats and Birds Directive helped in the protection of many sites which we would have lost already if the accession hadn't provided these new opportunities for their conservation.”* (NPI2)

*“National Park Directorates started to use the Natura 2000 as a tool on those areas where [...] the designation of national protection was historically unsuccessful or [which were] later discovered as interesting sites. [...] For nature protection it's absolutely positive, I would say, that we have some kind of protection on those areas.”* (NPI5)

*“Some sites will never be protected nationally, or at least for sure not in the next 10-15 years. Now we could put these sites into the Natura 2000 network so that there is some protection status for them.”* (NPI6)

*“...this was actually the last big opportunity to designate protected areas in Hungary. [...] so therefore we tried to get all good areas into the Natura 2000 network. [...] We think that this was a good strategy to get as many good sites as possible included in Natura 2000. Not only because the EU expected it but also because it's in our interest to have tools and a support scheme for an appropriate management.”* (NPI3)

So the requirement of implementing Natura 2000 was welcomed by some domestic actors, whose position in domestic power struggles was strengthened by the EU (see above section 4.3.3.1.). An official of the environmental ministry considered Natura 2000 as a big gain for Hungarian nature conservation<sup>119</sup> and, like a NPI expert (NPI2) highlighted the crucial role of pressure by the EU:

*“...the Natura 2000 network was a very big gain for nature conservation in Hungary, [...] before the network was designated and the government decree was approved we had not hoped for so much Natura 2000 area in Hungary, we thought that there would be even more resistance from other ministries, they tried to resist, but the pressure from the Commission was very helpful, and it's still very important now, when we need to designate more sites, there is not much support inside Hungary, [...] from other parts of the government, so we rely on the Commission, if they*

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<sup>119</sup> According to a NPI official Natura 2000 was a strong protection system which came at a time when due to political pressures the national protection scheme had been weakened compared to the 1990s (NPI5).

*want more sites to be designated then they have to express more pressure, then this can be achieved, hopefully.” (KvVM1)*

In their efforts to ensure that sites were designated as Natura 2000, ENGOs were, thus, supported by many state nature conservation experts. While there was a general agreement between ENGOs and state experts about Natura 2000 designation, ENGO experts criticised the environmental ministry for paying insufficient attention to communication (see 4.1.2.3.). So despite the general common aim of implementing Natura 2000, ENGO experts also disagreed with many state officials, especially regarding what was necessary for a good implementation with stakeholders:

*“That time [in 2004] we [the NGOs of the Natura 2000 working group] were arguing really a lot with the government about the situation that they did not published the detailed list of areas. So you couldn't really identify your territory or your field, if it's under Natura 2000 or not.” (NGOn6)*

Some ENGO officials criticised the government, and especially the environmental ministry for implementing Natura 2000 only in order to fulfil EU-requirements, but not enthusiastically, *i.e.* not taking any efforts to win the support of people for it (NGOn6, NGOn3).

*“Hungary was as always trying to follow the EU regulations and fulfil the minimum criteria we needed because there was some news that certain funds would be diverted, or Hungary won't get some funds unless we fulfil these criteria.” (NGOn6)*

*“The ministry of environment thinks about the Natura 2000 as a work they should really, you know, 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, [...] they just say, OK that's a new element, let's [...] try to be as good for the EU as much as we can, because otherwise [...] they start a legal process.” (NGOn3)*

These NGO experts thus deplored that the government followed a legalistic approach to Natura 2000 implementation, which paid attention only to formal compliance by law but not to the implementation in praxis. This criticism of ENGO experts confirms the notion of a tacit compromise on an implementation on paper but not in reality between the Hungarian government and local actors interested in using sites economically (Boda, 2013, personal communication).<sup>120</sup> ENGO experts instead wished for a more positive and proactive communication about Natura 2000 taking it as an opportunity to reposition nature conservation by better involving stakeholders and applying more people centred approaches, aiming at sustainable land use (NGOn4, NGOn1, NGOn3; see 4.1.2.3.). Yet, according to ENGO criticism, the ministry kept a traditional, rather technocratic nature conservation approach without stakeholder participation (NGOn6, NGOn3, NGOn1):

*“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.” (NGOn1)*

*“I don't think that they really see the opportunity to a bit reposition to a bit rearrange or rethink nature conservation [towards a rural development approach]” (NGOn3)*

The following statement of a ministry official (KvVM2) shows that this criticism by ENGOs is rather a bit too general though.

*“Natura 2000 is a really good thing in this perspective to show how [people can live together with nature]. [...] We are not making a reserve out of it but something more sustainable.” (KvVM2)*

Following Sabtier (1998) actors' policy goals are rooted in their belief system. To better understand the basis for shared policy goals between ENGOs and state actors the next paragraphs, therefore, analyse the beliefs held by the interviewed experts. This analysis of the beliefs of state and ENGO experts can explain why a close cooperation for site designation was possible, while for

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<sup>120</sup> Such an approach was observed and criticised also for other countries, *e.g.* the Netherlands (Beunen *et al.*, 2009).

communication the ministry interacted with ENGOs only through providing some funds for activities deemed necessary by ENGOs.

State officials, as well as ENGO experts used very similar terms when speaking about nature, highlighting nature's importance for human life and that it should be prioritised in decision-making:

*"So nature is the most important thing in the world."* (KvVM2)

*"...nature is the basis for everything else in the world, functioning ecosystems, biodiversity, this all is the basis for the economy"* (NGOn1)

*"For me the first priority is that human beings cannot exist without the insurance of the environment, without the natural environment we cannot exist. So it's a priority question for me."* (NPI1)

*"...nature could live without us, but we couldn't live without nature."* (NGOn5)

*"[Protecting nature] is really our interest, which is not really recognized in many economic sectors."* (NGOe3)

While the above quoted experts highlighted mainly the value of nature for humans (anthropocentric value), most interviewed nature conservation experts<sup>121</sup> stated that nature also had an intrinsic value, which makes its protection an ethical obligation (biocentric or ecocentric arguments; see Rosa and Marques Da Silva, 2005).

*"There is an intrinsic value of every species and habitat."* (NGOe3)

*"The 'official' reason is that nature conservation is important even for the survival of mankind, [...] The 'unofficial' personal motive is that in my understanding every species has its own place on Earth."* (KvVM1)

*"I believe that also the theory that every being has a right to live and that we have an ethical obligation to protect our environment is important."* (NPI2)<sup>122</sup>

Overall, comparing the statements of state officials and ENGO experts, one cannot find any characteristic difference why they considered nature conservation as important. The above statements showed that ENGO experts and the officials of the state nature conservation administration have rather comparable views regarding nature conservation.

As state nature conservation officials and ENGOs shared beliefs and interests and cooperated in achieving a common policy goal, the two groups belong to one policy network (Rhodes, 2006; Rhodes and Marsh, 1992). Since each group needed resources of the other group (*e.g.* data on species occurrence, other information, or funding), they were interdependent. Their network lies in between the high cohesiveness of a policy community and the low one of an issue network – while on the one hand the consistency in values and the frequent and high quality interactions with many MME members are characteristic for policy communities, on the other hand the rather fluctuating level of contact depending on the current needs of actors are rather characteristic for issue networks (Rhodes, 2006; Rhodes and Marsh, 1992). Due to their shared policy core belief in the fundamental value of nature and the policy priority of protecting it, ENGOs and state nature conservation officials can also be considered as belonging to one advocacy coalition (Sabatier, 1998). Regarding the secondary aspects of the belief system, *i.e.* the performance of actors and the concrete need for specific policy measures, one can observe differences between ENGO experts and state officials.

This network of state nature conservation experts and ENGO experts, especially with MME members, can also be considered as an epistemic community, as it is based on knowledge, shared

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<sup>121</sup> One ENGO expert confessed that he personally had some philosophical doubts about an intrinsic value of nature (NGOn3). So this idea was not shared by all experts.

<sup>122</sup> This national park expert, further, explained that he did not consider the different reasons for nature conservation as equally applicable and justified in all situations and towards different groups of people: *"...the theory that every being has a right to live and that we have an ethical obligation to protect our environment is important. I think that this is a just argument but I think that it's not enough to convince the decisive majority of the people that in the current situation we have to sacrifice something for conserving nature."* (NPI2)

beliefs, as well as a common policy enterprise (Haas, 1992a, 1992b). Many interviewed officials of the state nature conservation administration, described their work as their mission in life:

*“Simply on all kinds of levels it’s our obligation as biologists, [...] So I can say that I absolutely see it as the vocation in my life to work for this.”* (NPI3)

*“I grew up in it [nature], literally – I couldn’t even walk yet and already then I went to the field [...] then I got the chance to go to work at the national park, [...] I could do [professionally] what I would enjoy doing anyways.”* (NPI6)

*“When I was a small child, [...] my parents taught me which creatures surround us, birds, little animals. [...] I spent a lot of time outside in nature, and saw everything, how manifold it is. And this strongly motivated me to devote myself to it,”* (NPI1)

*“So I think that there is no other meaningful thing, one could do because if there would be no nature, then we wouldn’t exist either. [...] Well, and I simply love animals and plants, so it’s really like a good aim. It’s not like I fight for something and at the very end of it people will starve from it”* (KvVM2)

According to one NPI expert the reason why people work for the NPIs was that they could actually have a positive impact on nature conservation:

*“What keeps people here [at the National Park Directorate] is first of all that they apparently know and feel that one can have more impact on the implementation of nature conservation interests than as a researcher in civil society.”* (NPI2)

Likewise, ENGO members, too, noted that they had been involved in nature conservation activities since their childhood and were highly motivated to work for protecting nature (NGO1r1, NGO7, MMEn1):

*“Originally, [...] I was very much involved in bird ringing, it was really in primary school, [...] the drawing teacher was a nature lover [...] I went to bird ringing stations very often, every summer. [...] it was really good, [...] the birds, you could grab them, you could hold them, so I had a birding licence very early, at the age of 16.”* (MMEn1)

One ENGO member, a former artist, stated that conserving nature was more important than art, especially nowadays that humanity was fighting a war against nature (“*Inter arma silent Musae*”, cited by NGO1r2). All these experts, thus, considered working for nature conservation as more than a job: as a real vocation and mission in life.

The interviewed experts, ENGO members, and state officials alike, showed the strong convictions and commitment expected from members of an epistemic community. As the professional background of state nature conservation and ENGO experts is, moreover, comparable – most are trained biologist, ecologists or landscape architects, it is probably, not surprising that throughout their careers a number of professionals have changed positions from working for an ENGO to working for the state nature conservation administration or vice versa<sup>123</sup>. By switching between these positions these experts, thus, intensified the linkages between state and non-state actors of the nature conservation sector. The typical alternative to working for the NPIs for many appropriately qualified graduates of university (mainly of Biology and Ecology), according to an interviewee (NPI2), was to work as a researcher for an ENGO. One NPI official even explained the fact that there was no active local ENGO in the town of the national park centre by an absorbing effect the NPI has on well-trained experts:

*“Who lives here and works actively [in nature conservation] will sooner or later be employed at the national park or have such close bonds that he cannot operate an independent NGO.”* (NPI2)

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<sup>123</sup> Examples of senior officials include the director of the nature conservation secretariat of the environmental ministry who had worked for MME previously, and the former director of WWF Hungary who became a national park director, while the director of the Natura 2000 department of the environmental ministry became director of WWF Hungary after he left the ministry.



Nature conservation in Hungary started with and has been based on bird conservation initiatives and programmes (NGOlr7, NPI6, NGO2). There have therefore been particularly close links between MME and officials of the environmental ministry and NPIs (NPI6, NGO2, Nimfeal):

*“This is a very interesting Hungarian speciality, namely that MME has very well cooperated with the state for a long time.”* (Nimfeal)

*“Now not so much anymore but 10 years ago 90% of the staff of the state nature conservation bodies were bird experts, coming from MME. Like now, too, most state secretaries and everyone working in leading positions practically comes from there.”* (NPI6)

*“Members of BirdLife Hungary for example always had, or some of the members of BirdLife Hungary, always had jobs in national parks for example.”* (NGO2)

Membership in MME was mentioned as helpful for getting a job as a national park ranger; so the ornithological experts of national parks are typically members in MME (NGO2; KvVM1).

*“The personal contacts are old, too; almost everyone has been a member of MME for a long time. So, of the national park officers almost 90% were MME members, or they got there via MME. So old acquaintances, the new ones too, practically we help each other where we can.”* (MMElr2)

Experts linked to ENGOS thus held key niches in the Hungarian nature conservation administration; as according to Haas (1992a, 1992b) holding key administrative niches makes epistemic communities particularly influential, these positions in the state administration may explain the strong ENGO influence in Natura 2000 designation. Unlike observed by Börzel and Buzogány (2010b) that establishing stable exchange relationships between ENGOS and state actors was difficult, this was thus not the case for links between MME and state official. Experts even indicated that much of the cooperation was based exactly on the MME membership of many NPI officials (MMElr1, MMElr2, MMElr3):

*“NGOs and national parks often cooperate very well. But it’s this way that for example the ranger working for the national park in the area is also a member of MME, otherwise it does not work.”* (MMElr1)

*“...in other places where also ornithologists work for the national park, [...], they [the rangers] can get much more help from the local bird experts and bird watchers because they already have links with them.”* (NPI6)

During the time of Natura 2000 site designation the State Secretariat for Nature Conservation was located on the same grounds as the headquarters of MME (in Budapest’s Költő utca), so ministry officials and ENGO members were literally neighbours. This enabled frequent interactions – a factor which was recognized as an important characteristic for policy communities by Rhodes (2006), and as crucial for ENGO influence by Van Rooy (1997). The third condition for ENGO influence proposed by van Rooy (1997), namely continuous access to decision-makers, was thus fulfilled, too, besides the first two criteria, namely high salience of the policy issue and the fact that the case belongs to a “low policy” field (as Natura 2000 implementation was of importance for EU-accession and biodiversity governance is commonly considered as “low policy”; see 2.2.4.1.).

Due to these strong links between MME and the state nature conservation administration one can postulate that MME would probably also have been consulted in Hungary as *the* ornithological expert organisation even if it was not a general EU guideline to refer to the IBAs. The expertise of this epistemic community was well recognized (see section 4.2.2.), and the epistemic community held key niches in the administration – this institutionalised bureaucratic power, according to Haas (1992a, 1992b), can explain the influence of an epistemic community, like the selection of SPAs based on MME’s IBA list. This case is thus typical for the influence of epistemic communities for decision-makers needed advice in a technical area, which could be provided by an epistemic community nationally and transnationally (Haas, 1992a).

As could be expected within epistemic communities (Haas, 1992a), many committed officials maintained good contacts with ENGOS:

*“There are many people who are really committed to nature conservation working for state bodies, and there are also some who are less so. [...] among the public servants there are many who have and maintain good contacts with civil society [organisations].” (NPI2).*

Following Haas (1992a) members of epistemic communities working for the state administration operate not only to preserve the mission and budget of their bureaucracies, as simple bureaucrats would, but may use their knowledge and apply their normative objectives in a policy issue. This could be observed not only in case of the SPA selection: according to the Hungarian ENGO representative in the biogeographical seminar, while some officials did not want to make any changes on the Hungarian SCI proposal, other ministry experts were themselves proposing to make amendments (WWFn2). The latter, thus, acted as members of a nature conservation epistemic community. Table 2 shows which attributes and resources state nature conservation actors and ENGOS needed from each other to cooperate. The fact that ENGOS and state nature conservation bodies had different resources which the other party needed made them interdependent, *i.e.* mutually dependent on resources of the other party. Beliefs and policy goals are no resources, but cooperation depended on the fact that they were shared.

**Table 2: Interdependencies between ENGOS and state nature conservation actors**

Interdependency		Direction	
Information	<b>ENGOS</b>	←	<b>State nature conservation bodies</b>
Expertise		→	
Finances		←	
		→	
Ability to speak out; Strategic support in conflicts with other departments		→	
Values and beliefs		≈	
Policy goals		≈	

- **Ways of participation**

Their commitment to nature conservation may explain why some officials informed ENGOS informally about threats to valuable sites – several court cases by Nimfea were initiated based on such information (Nimfea1). A national park expert pointed out that providing this information was matter of course:

*“For me this is a natural thing that in a given case, we also help NGOs with information about which issue would be worth for initiating an investigation.” (NPI2)*

Informal ways of cooperation were recognized as important because NPI officials could not inform ENGOS officially about potential threats to valuable and protected sites, but they could do so via informal channels (NGOl5).

*“And if there is such a thing where they cannot act, [...] officially they cannot ask us [...], we have more space for manoeuvring and we can better act on it.” (NGOl5)*

ENGOS, therefore, oftentimes get important information informally and less so via official paths: while sensitive information was shared informally, ENGOS were not readily informed officially by state bodies:

*“...there is some people of course you can talk to – but to get official information, [...], so it’s an issue.” (NGOn6)*

Informal paths for negotiation between ENGOS and state actors were described as more important and more influential than the formal ones, such as official membership in committees and advisory boards (NGOn3, NGOn5, NGOn6, NGOn10). A ministry official, too, explicitly noted that interactions were mainly based on informal exchange:

*“But we communicate rather informally [with NGOs] or maybe with one or two organisations we have an agreement.”* (KvVM2)

The NPIs cooperated officially with NGOs (e.g. by subcontracting them), and informally based on friendships and acquaintances (NPI2, NPI3, NPI7).

*“[Regarding the selection of Natura 2000 sites], we negotiated partly officially, partly informally with the green NGOs.”* (NPI2)

The ENGOS are members in ministerial committees, like e.g. the national Ramsar Committee, the Water Framework Directive committee, the Natura 2000 advisory committee, for the latter the ministry asked NGOs to delegate two representatives (KvVM1, NGOn1). The ministry, moreover, has some cooperation agreements with some ENGOS, like MME, MTVSz and an NGO taking care of nature trails and tourist paths (KvVM2). There are, thus, formal, as well as informal interactions between ENGOS and state officials (see table 3, p. 127). In line with the proposition of the governance concept that informal interactions are crucial for understanding policy processes, these were considered as highly relevant by interviewed ENGO and state experts. Two ENGO experts used the term “deal” to describe their cooperation with the environmental ministry and NPIs:

*“Well, it’s a kind of deal, if we gather data, either they [the environmental ministry and national parks] pay for it, or they do something we do something, it’s like that. [...] It’s a kind of deal.”* (MMEn1)

*“I had some deals with the ministry. For example, there was a site, I wanted to be designated for bats, [...] and I was not signing it by all species, only three, not ten. [...] We discussed before the seminar that ‘OK, I will tell it by three species, but you should promise me that you will designate it for ten.’ [...] it was a deal. Because I don’t want to make it too uncomfortable for them, and it has no real meaning to sign it by ten, it was enough three, just to make it sure. [...] [it was then designated] by ten, yes, of course.”* (WWFn2)

These two statements illustrate that ENGOS have reliable contacts they trust within the nature conservation administration and that the two parties interacted as equals, as was depicted as characteristic for governance settings by Peters and Pierre (1998). So based on informal negotiations, ENGO experts and the nature conservation officials have in some cases cooperated very well.

Discussing the success of different ways of participation, a Nimfea expert noted that while MME by interacting with state authorities very much informally had been more successful in achieving its aims than Nimfea had been via court proceedings:

*“MME through searching for compromises can get their own professional interests accepted very well, we could do it less well. [...] we tried to exercise civil control through participation of society, not with much success, but [...] this is not the general experience of civil society because as I said, MME did it very well.”* (Nimfea1)

Regarding the strategies of ENGOS, one national park official explained that for cooperation of NGOs and state bodies it was important that the ENGOS did not act too confrontationally (NPI4). Concerning MME, this expert noted that while the ENGO is taking on a critical control role in some cases, they rather avoided conflicts in other cases.

*“The BirdLife, MME changed a lot, they are much more professional, but they are still trying to find their role, because [...] they don’t want to protest against the state in some questions, but [for] other questions they are [in] confrontation.”* (NPI4)

So the reason why MME is often rather avoiding conflicts, according to this expert, is that it can be more influential in other ways, i.e. based on informal negotiations with personal contacts, as was

indicated by a Nimfea expert (see above). In contrast to MME, MTVSz was described as more critical of the government:

*“MTVSz, so Friends of the Earth Hungary, just like Nimfea, are much more critical, they argue much more with participatory rights of society, they practice much more civil control over the state and because of that don't have such a good relationship with the state sphere, and state nature conservation bodies.”* (Nimfea1)

Yet, MTVSz, too, was well-aware of the fact that with informal ways of lobbying they could be more successful than through direct confrontation – an employee of MTVSz, while noting that MTVSz was in deed critical in its positions, stressed that MTVSz nevertheless used “traditional” means of interacting with state authorities, such as communication in committees and lobbying of the government (MTVSz1):

*“Concerning the means we [MTVSz] however try to use rather traditional ones. So exactly for this reason we communicate a lot with the ministries.”* (MTVSz1)

The preference for participating based on informal interactions and personal relationships and the observation that nature conservation goals could be achieved easily via informal interactions, especially so by MME thanks to long-term relationships with the state administration, than via more confrontational of formal ways confirms Petrova and Tarrow's (2007) proposition that relational aspects of engagement are a crucial characteristic of participation in CEE. The findings of Börzel and Buzogány (2010a) that as state actors did not really involve ENGOS substantially, ENGOS used more confrontational strategies, can, therefore, only be confirmed for some ENGOS, the bigger national NGOs, however, still preferred to use informal ways for participating in the policy process, and their chances of influencing the process in this way were not regarded as low. As small local ENGOS also rather avoided public and legal conflicts (EMLA1; see 4.1.2.5.), only Nimfea and T.T.T. actually systematically used more confrontational strategies. So the finding by Von Homeyer (2004) that most CEE ENGOS were rather apolitical and reluctant to stage public protest applies to many Hungarian ENGOS. The importance of informal interactions, moreover, shows that the focus of the MLG concept is a valid one. As interactions are mostly informal and not hierarchical the observed setting, in which ENGOS and state nature conservation officials interact, can be described as Type II MLG (“Marble Cake MLG”) (see Marks and Hooghe, 2004).

#### **4.3.3.3. Relations of ENGOS to authorities of other policy sectors**

As noted above the cooperation of ENGOS with the environmental ministry was not based on a generally good relationship with the authority but on good personal links with state officials belonging to the same epistemic community or policy network. ENGOS thus did not generally have good links to all actors of the Ministry for Environment and Water. An ENGO expert criticised that even within the environmental ministry the water management branch was not always aware of Natura 2000 (NGOn9). There had for example been some conflicts at the local water management authority because of the cutting of trees in a Natura 2000 floodplain (NGOl5).

The ministry of defence is involved in Natura 2000 with some of its training sites (see annex 2 XI. and XII.); no particular links or interactions with ENGOS concerning these were mentioned, however. The ministry of transport was hardly mentioned by interviewed ENGO experts either. According to one ENGO expert, there were naturally some smaller conflicts, concerning road constructions, but these were by far not as severe as the ones with agricultural ministry:

*“They also have troubles when they are constructing roads. We had a workshop with them, but they saw that there are problems with nature conservation [...] So there, too, there are these little conflicts, but I think that the problems are not as big as especially the ones between the agricultural ministry and the ministry for environment.”* (NGOn1)

Nature conservation NGOs have some links to the agricultural ministry via some officials working in the agricultural ministry. One employee of MME, who worked on agricultural issues in a LIFE

project on Pannonian grasslands, for example established good links to the agricultural ministry in the course of this project (MMEn1). EU-accession and the need to implement EU-rules on nature-friendly farming and land management, made a difference for the ways environmental NGOs can link to the agricultural ministry because the ministry had to hire some nature conservation experts – some of them fellow university students of ENGO experts (NGOn2).

*“...because of EU accession, there is a pressure for the ministry of agriculture to open the doors towards this area, [...] And they have to bring new ideas into the ministry, and therefore, now there are new ways to cooperate with this ministry.”* (NGOn2)

*“I hope that there is light at the end of the tunnel, [...], if there would be no EU-funds, no Natura 2000, we wouldn't even talk to the ministry of agriculture. So we definitely talk more.”* (NGOn1)

EU-accession, thus, had an effect on domestic linkages in the Hungarian biodiversity governance setting – ENGOs have started to communicate more with the agricultural ministry. ENGOs, thus, now have some personal contacts also to officials of the agricultural sector, yet just on a lower hierarchical level. The links of ENGOs to the agricultural ministry are, however by far not as good as the ones to the environmental ministry:

*“Nature conservation NGOs do have links towards this ministry [FVM], but [...] these are not highways [...] as for example to the ministry of environment and water, but small paths.”* (NGOn2)

As indicated also with the metaphor of a tunnel, ENGOs were not at all satisfied with their interactions with the agricultural ministry (NGOn5, NGOn1, NGOn7).

*“The agricultural ministry doesn't like us a lot, we have had quite a lot of conflicts because they now prepared the new agri-environmental programme, and we got the documents very late, then when we got them our hairs stood on end. [...] So we fought quite a lot with them. [...] Concerning the forests, we also participated in negotiations, [...] But consensus is sometimes so far in this field.”* (NGOn7)

ENGO experts stated that in contrast to the environmental ministry, the agricultural ministry did not consider NGOs as reasonable partners:

*“In general we have a common point of view with the environmental ministry, in opposition to the agricultural ministry. [...] We have links to both ministries. With the environmental ministry it's rather a partnership, in the agricultural ministry they know us, but rather hate us.”* (NGOn7)

*“...it doesn't look very good; we have very little to say, actually we constantly feel considered stupid and not taken seriously”* (NGOn1)

This perception was confirmed by an expert of the agricultural ministry who did not regard the activities of ENGOs as helpful because he found that ENGOs disregarded the rights of land users:

*“NGOs, yes, exactly [they are] very active [...] It's very controversial, because sometimes they don't want to notice that there are owners who want to live from their lands, [...] and they just want to handle the protected species and trees and other things, [...] they cannot accept the property rights of the owner. It doesn't hurt them if they restrict someone, they only want to see the birds”* (FVM1)

This expert of the agricultural ministry, thus, described ENGO behaviour as extreme and their demands as unrealistic and unjustified – so he clearly regarded ENGOs as outsiders of the agricultural sector (see Rhodes 2006, Rhodes and Marsh, 1992). The lobbying by ENGOs of the agricultural ministry took place in a situation of conflicts between the environmental and agricultural ministry, especially regarding Natura 2000 implementation. The two ministries blamed each other for problems in Natura 2000 implementation (NGOn1); according to ENGO officials the shared responsibility for a Natura 2000 maintenance schemes (see annex 2 II., XII. – institutional setting)<sup>124</sup> was a source of conflicts between the environmental and the agricultural ministry which

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<sup>124</sup> While the KvVM had to ensure that Natura 2000 sites are maintained, the FVM administered the funds for supporting a maintenance scheme.

need to cooperate to establish a funding scheme for Natura 2000 sites (NGOn3, NGOn1). Yet, due to a lack of cooperation between these two ministries<sup>125</sup> the Natura 2000 implementation process was delayed – the negotiations between the two ministries even stopped, so that at some point the ministries were not talking to each other about Natura 2000 at all (NGOn1, NGOn3)<sup>126</sup>.

*“At the moment [March 2009] they don’t speak to each other at all any more [...] This was one of our goals this year to somehow force the government that it forces the two ministries to establish a functioning joint working group. Because there is none, and then there are no real solutions to the problems.”* (NGOn1)

ENGOS, thus, tried to foster communication between the two ministries to improve Natura 2000 implementation and for this purpose also negotiated with the agricultural ministry (NGOn1, KvVM2). An ENGO expert complained that the ministry of agriculture took the fact that it had hardly been involved in the designation process (NGOn1, NGOn7), as an excuse not to look for benefits of Natura 2000<sup>127</sup> and to search for solutions for site management:

*“But I’m also a bit critical [concerning talks with the agricultural ministry], because I see a lot of talking, but not nearly as much being done as is required from the European Union [...] as much as we [Hungary] would need to do to reach our goals”* (NGOn1)

Contrary to ENGO experts, a forestry expert, however, found that despite the strong opposition between nature conservationists and foresters<sup>128</sup>, negotiations were going into the right direction because some compromises were found (FVM1).

*“Until now there was a big opposition between the foresters and nature conservationists, [...] and actually during the writing of this law [the regulations concerning Natura 2000 in the new forestry act] there were bloody fights about cutting a bit more, a bit less, But now it’s the happy medium, no one is really satisfied. So this means that everyone conceded something. This shows that we are going into the right direction.”* (FVM1)

Yet an ENGO expert did not have such a positive opinion about these compromises:

*“And we have to make weak compromises and be happy about every little crumb.”* (NGOn1)

Through starting infringement procedures, the EC confirmed the reservations of Hungarian nature conservation experts against the new forestry act, and even suggested that the Natura 2000 forests should also be designated as nationally protected areas – which would take them out of the responsibility of the state forestry companies and under the management responsibility of the NPIs.

A regional ENGO had particular big conflicts with a local state forest company (NGOl1, NPI7, NPI2; NGOn9); one of the conflicts concerned a site with endangered Natura 2000 species, where the state forest company wanted to create a boar park, which according to the ENGO threatened the protected species because boars dig up the whole ground. An ENGO member complained that it was not even a private entrepreneur, who was threatening the site but the state itself, which should be protecting the species, actually endangered it through the activities of its forestry company:

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<sup>125</sup> Another example for the lack of communication was that the maps of the cadastral land registration numbers and the MePAR maps<sup>125</sup> owned by the agricultural authorities were not readily provided to the NPIs for Natura 2000 site designation (NGOn3, NPI4, see annex XII.).

<sup>126</sup> Not only Natura 2000 maintenance, but the Hungarian designation process, too, had been delayed by the conflicts between different governmental departments (Börzel and Buzogány, 2010a), in particular between the environmental and defence ministry (NPI5).

<sup>127</sup> *“...but it’s really far away from this kind of approach, that everybody would see the benefits of the possibilities [of Natura 2000], but now they see it as a problem or something very negative; to see it positive, and try to concentrate on what they can get out of it. As long as we don’t have this approach we’ll have wrong solutions. So I think this mental challenge is the biggest task for the next years,”* (NGOn1)

<sup>128</sup> The most severe conflicts between nature conservationists and land users, and their ministries, arose when discussing the management of Natura 2000 forests. All state owned forests, i.e. including Natura 2000 forests, which are not also protected nationally, are under the responsibility of the state forest companies, which according to an interviewee are rather profit oriented and do not very much take ecological concerns into account (NGOn9).

*“The most terrible thing about it is that it’s not the little man who threatens these, not [...] a private entrepreneur, but the state forestry enterprise. A big state-owned company, it believes that it can do everything.”* (NGOl1)

Another case, the Sajólád Natura 2000 forest, which was clear-cut by the state forest company, became well-known because a local ENGO (T.T.T.) informed the EC about it.

*“And then the forestry company stole the [other] half because it was the only solution how they can protect the national treasure. So half was stolen by the locals and for half – they got the permission by the forestry authority.<sup>129</sup> [...] they said, OK, you can clear cut it because you plant a new forest.”* (NPI4)

The activities of the forestry company were, thus, clearly considered as illegal by the NPI expert, who for this reason appreciated that T.T.T. informed the EC about it (NPI4).

Conflicts between the nature conservation NGOs and foresters were based on different views concerning the forest. The state forestry company was interested in the value of timber as a national treasure, while conservationists valued it for its old trees:

*“Maybe from a forestry point of view it’s not so bad, but if the whole forest was clear cut, from Natura 2000 point of view it’s terrible because not any tree, and in the next 50 years there will be nothing.”* (NPI4)

The interviewed expert of the agricultural ministry (FVM1) did highlight the importance of the economic aspects of forestry, when stressing that the owners wanted to live off their land. The following statement by an ENGO expert very well illustrates the conflict between nature conservationists and foresters: as they value the forest as a climax association nature conservationists tend to be against forest management, which, however, is the core of foresters’ identity.

*“...as it’s a climax association, if you leave the forest as it is, it’s the best way to manage the forest for conservationists, I mean it’s not true for grasslands, not true for any other things, [...] but the foresters of course think that the forests exist because of them, without forestry, forests will, I don’t know be threatened, and disappear.”* (NGOn3)

The following statement by a forestry official shows that he in deed considered a professional management of forests as vital:

*“Actually, if in 50-100 years the Hungarian forest management will be conducted at a very high professional level, then there will be no need to designate protected areas.”* (FVM1)

Even though, by talking about the future the official of the agricultural ministry indirectly admitted that today some kind of nature protection may be justified, he did not see stricter nature conservation regulations as urgent, but rather stressed that conflicts between nature conservationists and foresters would be solved with time anyway (FVM1). Nature conservation experts in contrast believed concrete conservation measures to be more urgent to protect the still existing natural values of the Carpathian basin<sup>130</sup>; they further believed that many people were ignorant of nature conservation issue, e.g. the importance of insects (KvVM1, NGOl2, NGOl6)<sup>131</sup>.

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<sup>129</sup> Commenting on this case, one NPI official noted that this case was linked to social problem because poor people living around the forest needed the wood, and the state forest company wanted to save the value of the timber: *“But it’s terrible, and nobody tells that it’s a social problem. You know this was a fragmented forest and surrounded by villages, where there are a lot of poor people, mostly gypsies, and they stole the timber.”*(NPI4)

<sup>130</sup> In the CEE countries biodiversity is high compared to Western Europe, there are many protected areas and still extensively cultivated agricultural landscapes, as well as less developed areas at the borders (Turnock, 2001; Turnock, 2002; Lawrence, 2009). The EC, on its Natura 2000 website, praised the “amazing richness in nature and wildlife [which] is one of the environmental assets the new member states bring to the EU” (EC, 2011a).

<sup>131</sup> Also the fact that only one official of the FVM was willing to give an interview on the Natura 2000 implementation process hints at conflicts and a certain ignorance towards nature conservation issues by officials of the agricultural ministry, who obviously felt uncomfortable to talk about this topic.

*“...it’s not like in a Western European country, where these natural values don’t exist anymore. [...] we have such a big natural treasure here in our hands in the Carpathian Basin that one does need people’s responsible behaviour to conserve it, and that is the great challenge in Hungary, that this approach spreads.”* (NPI7)

*“And I would like personally to see stricter rules, and more pride about [...] these natural treasures that we have.”* (NGOn6)

According to the environmental ministry *“in Hungary forests represent the most important scenes for retaining biological diversity”* (Ministry of Environment and Water, 2004, p. 25). An ENGO expert criticised foresters for only seeing the trees in the forest but not all the other species and the forest as a whole; he noted that at university foresters would not study the whole network of species as biologists did, but only tree-ecology and so foresters got to know other species only as pests; he concluded that for this reason foresters did not understand nature conservation and did not take it seriously, and so perceived conservationists only as being against everything (NGOl2). An official of the environmental ministry explained that many state officials from other sectors considered nature conservation as a minor issue, they could not pay attention to when faced with many other tasks (KvVM1)<sup>132</sup>.

*“Very often people tend to ignore nature conservation: that’s just a thing for fancy minded people, not something to be taken seriously.”* (KvVM1)

An ENGO expert noticed that many people and decision-makers regarded nature conservation policies just as a bureaucratic obstacle to development and, therefore, demanded less regulations:

*“...the people and the developers, the decision makers think Hungary has a too strong environmental protection and permit system, Natura 2000, [...] is a hard [obstacle] [...], [the permit process] should be shorter, [...] the mainstream thinking [...] is deregulation. This is a threat, because the real solution is not a deregulation but good governance.”* (NGOn4)

Another expert witnessed an embitterment with many people working for the nature conservation sector as they experience that for most people economic interests prevail over nature conservation (KvVM2). So the staff of the nature conservation administration oftentimes finds itself in a defensive position – this may be an underlying reason for the defensive communication strategy of the environmental ministry, as criticised by ENGOs (see 4.1.2.3.). Comparing specific statements of nature conservation and agricultural experts, one can, furthermore, observe that some of their evaluations of each other have a stereotypic character. ENGO experts, on the one hand, criticised land users for being interested only in the wood, but not the species of the forest, and generally only in producing as much as possible (see above; NGOl2, NGOn2). This was, however, not confirmed by the interviewed expert of the agricultural ministry:

*“One cannot say that now there is the world economic crisis, and so one has to allow everything, [...] But one can also not say that nothing is allowed.”* (FVM1)

The official of the agricultural ministry, on the other hand, complained that ENGOs did not respect land ownership rights (FVM1; see above). Yet several ENGO experts did recognize that it was important to pay attention to land users, too – and some ENGOs for this reason engaged in communication activities (see section 4.1.2.3.; NGOn3, NGOn4, NGOl1, NGOl5)<sup>133</sup>:

*“...it is time we should focus on the land use and the people’s attitude, [...] and competency. And this is sustainability.”* (NGOn4)

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<sup>132</sup> ENGO experts also criticised the public or many fellow citizens in general for not being interested in the conservation of nature, arguing that first the economic situation had to get better before one could pay attention to nature conservation (NGOn8, NGOl6).

<sup>133</sup> A national park expert, too, was very aware of challenges and ethical conflicts related to nature conservation: *“...you cannot tell this [that every being has a right to live, and thus should be protected] in the same way to people who have bad luck at present, people living in poor conditions also have a right to an appropriate human quality of life, [...] Apparently if I look at it with the eyes of a nature conservationist, I could devise a lot more restrictions, which would have a good effect [on species and nature], yet on the other hand the claim is justified that [...] one at least has to explain to the people in detail that this also serves their long-term, medium-term, or even short-term interests.”* (NPI2)



With their initiative for nature-friendly community-based land management, Nimfea explicitly tried to address the needs of the local population.

*“So our aim is not how one should restrict [agricultural management] [...] Our aim is to graze as much as possible [...] For grazing one needs people. So in this way one can give work to people.”* (Nimfea1)

Some negative imputations on either side (nature conservationists and foresters) are, thus, somewhat over-exaggerated stereotypes, as is typical for describing an out-group (Turner, 1982; Stoll-Kleemann, 2001). Another sign for a process of social categorisation and the existence of an in-group and out-group in the Hungarian nature conservation policy setting, according to Social Identity Theory (Turner, 1982, Stoll-Kleemann, 2001), is the perception of land users as a shared threat and common enemy by nature conservation experts. An ENGO official recalled that the environmental ministry was teaching its staff to view the agricultural ministry as an enemy:

*“So it’s like many people who go to [work in] the ministry of environment, in the first week, I think, they learn that the ministry of agriculture is our enemy – ‘So let’s hate them, and simply we cannot cooperate!’”* (NGOn3)

This animosity was confirmed by an official of the environmental ministry, too:

*“The two ministries are a bit as if they were each other’s enemy. It’s difficult.”* (KvVM2)

An ENGO official, too, used a hostile tone when talking about foresters:

*“So the lobby association of the forest owner is our opponent in this fight, they actually only want to get money for as little [nature-friendly management] as possible.”* (NGOn1)

So Visser *et al.*’s (2007) finding that differences between land users and conservationists are rather characterised by mutual ignorance than opposition, cannot be confirmed for the Hungarian nature conservation setting – for there is an obvious animosity between the two groups. This conflict between policy sectors regarding nature conservation, however, exists not only in Hungary but also at EU-level, which was also recognized and criticised by an expert of the agricultural ministry who called for better negotiations between the policy sectors to find compromises (FVM1):

*“...there are also big tensions within the EU between the DG Environment and DG Agri. There are quite big tensions, between the Hungarian authorities [...] The one wants to protect at any price, the other wants to cultivate and produce at any price. The right thing is between the two. [...] one needs a fine negotiation.”* (FVM1)

This expert of the agricultural ministry<sup>134</sup> thus called for compromises between the different policy sectors. According to one official of the environmental ministry, ENGOs could help in negotiations because they represent a third point of view to the one of the two ministries:

*“...they also lobbied a lot for the forest management plans, but they in this way represent a third point of view, the NGOs joint together”* (KvVM2)

As indicated above, ENGOs tried to interact with the agricultural ministry but were not involved well.

*“...the environmental ministry began to involve the NGOs sooner, [...] In the agricultural department they have been learning this in the last years [...]. So it’s not enough that they tick it off that there was consultation but they don’t ask or invite those who may have another point of view than theirs.”* (NGOn7)

This criticism of the ENGO expert, however, disregards the fact that ENGOs were involved by the environmental ministry precisely because they shared values and policy preferences. Regarding the planned Natura 2000 advisory committee an official of the environmental ministry stressed this by noting they would not invite actors with opposing opinions:

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<sup>134</sup> As this expert was the only one of the experts contacted in the agricultural ministry who was willing to give an interview on the topic of Natura 2000, one may suspect that he does not represent the average opinion among Hungarian agricultural experts, but rather one that is friendlier towards nature conservation than the opinion of other agricultural experts.

“Obviously one does not ask ones opponents to be members in such an organisation which should give advice” (KvVM2)

So the ENGOS were clearly perceived as belonging to the nature conservation advocacy coalition or policy network; they have supported the environmental ministry in departmental conflicts and in most cases shared an opinion with the environmental ministry (KvVM2, see above subchapter 4.3.3.1.). One ENGO interviewee indicated that he did not consider this fact that ENGOS were on the side of one ministry but opposing the other as ideal (NGOn3) – as members of the nature conservation sector, the relationships ENGOS could establish with actors of the agricultural ministry were rather limited. ENGOS did, therefore, not have many options to influence crucial actors for Natura 2000 maintenance. The “third point of view” ENGOS could represent according to an official of the environmental ministry (KvVM2), is not so different from the one of state nature conservation officials themselves. So ENGOS could not act as a boundary or bridging organisation (Cash *et al.*, 2006; Pretty and Smith, 2004) between the nature conservation and agricultural sector.

#### **4.3.3.4. Links to local level authorities**

At local level, too, there is some cooperation between ENGOS and agricultural experts, namely of the agricultural extension service (“*falu gadaza*” in Hungarian) or experts of the regional forestry company. A local ENGO member mentioned that he had personal contacts with two of the local farming advisors, and that one of them informed the ENGO in case he observed any nature conservation problem (NGOl5). Some NGOs could also cooperated very well with some experts working for the regional state forestry company who were at the same time ENGO members, *e.g.* by providing jeeps of the forestry company to support monitoring activities they could help the local ENGO (NGOl2, NGOl6). Yet as noted above (4.3.3.3.) in many other places there was conflict and, therefore, little to no cooperation between ENGOS and experts of the agricultural and forestry sector.

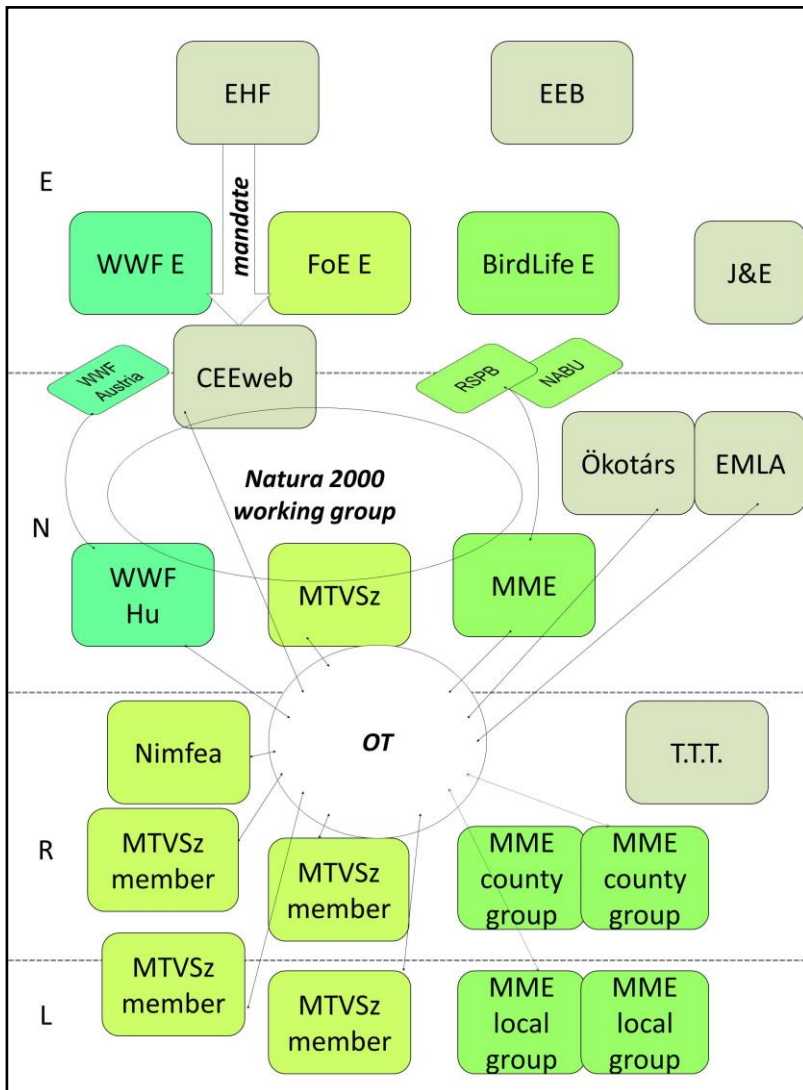
Local governments were not mentioned as important actors in Natura 2000. They were only officially involved if a locally protected area was declared as Natura 2000, and therefore had to be maintained by the local government (*e.g.* in Tata; KvVM1). Local governments cooperate mainly with local ENGOS or local groups of MME. Some are supporting local NGOs by funding projects (*e.g.* for environmental education); some local ENGOS also informed the local government about nature conservation issues (NGOl5, NGOl6). A local ENGO member, however, complained that the local government in his municipality was not really aware of environmental issues and that the ENGO’s opinion on a regional development plan was asked very late when they did no longer have a chance to really influence the decisions (NGOl6).

### **4.3.4. Visualisation of ENGO links across governance levels**

#### **4.3.4.1. Links among ENGOS**

Figure 4 visualizes the more regular or formalised cooperation among ENGOS across different levels of governance. As discussed above there are also individual collaborations between different ENGOS – as no complete account of the latter can be given these are not included in this graph. The highlighted links are, thus, not the only ones that exist. The membership of national and subnational ENGOS (and ENGO subgroups) in major international ENGOS (WWF, FoE, BirdLife) are signalled in different shades of green; all other ENGOS not belonging to one of these big ENGOS are not marked in a specific colour. The figure highlights the mandate CEEweb received from the EHF, the European ENGO umbrella organisation dealing with Natura 2000 issues; it also indicates the special position of CEEweb as an intermediate between a regional umbrella organisation and a Hungarian national ENGO. At national level CEEweb, WWF Hungary, MTVSz and MME cooperated in a specific Natura 2000 working group – the other national ENGOS did not form part of this working group (see 4.3.1.1.), but some supported the other ENGOS for specific issues. All ENGOS belonging to the Natura 2000 working group were members of European umbrella

organisations, WWF Hungary and MME, moreover received support from partner ENGOS in Western European countries (namely WWF Austria, RSPB and NABU).

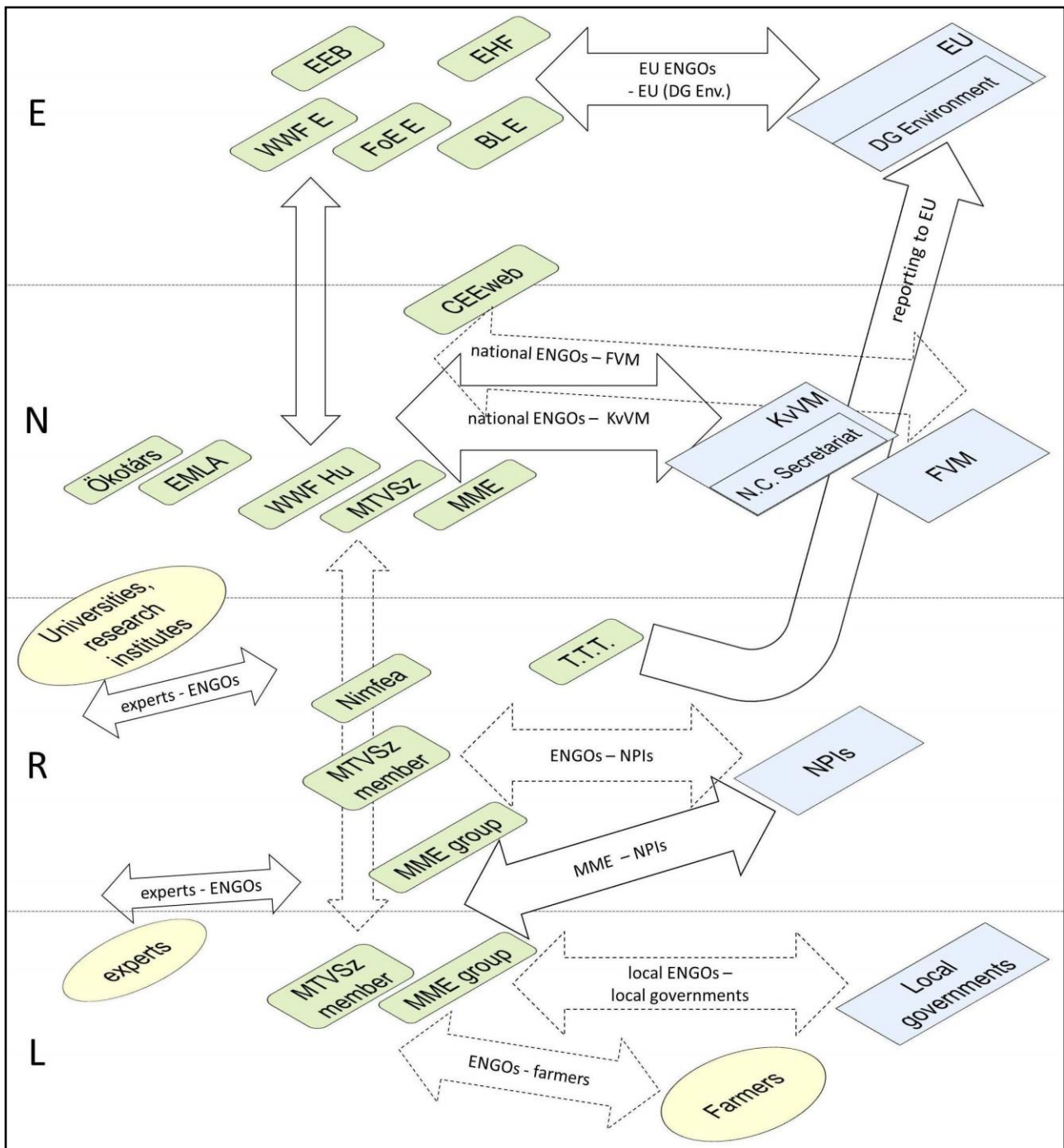


**Figure 4: Cooperation among ENGOS:** CEEweb received an official mandate by the EHF to prepare CEE ENGOS for Natura 2000. The four NGOs most active at national level formed a joint Natura 2000 working group. For cooperation and exchange with regional and local ENGOS, the annual meeting of Hungarian ENGOS (OT) is an important regular event. As MME’s local and regional groups are represented by the main office, these arrows for participation are dotted. Abbreviations: E: European level, N: national level, R: subnational regional level, L: local level; for further abbreviations see the list of acronyms p. 7.

The major platform for cooperation among green NGOs in Hungary is the annual national gathering (OT), where national and subnational ENGOS come together to elect representatives and exchange information. T.T.T. formally participated in the OT but did no longer do so at the time of interviewing (2009). So this ENGO, which was the most active in reporting to the EU (see figure 5), was an outsider within the Hungarian ENGO community.

#### 4.3.4.2. Links of ENGOS with other actors

Figure 5 illustrates the major interactions and relationships between ENGOS and state actors, as well as other non-state actors at different and across levels of governance.



**Figure 5: Interactions of ENGOS with state and other non-state actors:** The intensity of the interactions is indicated by continuous lines (frequent, good interactions based on reliable contacts) vs. dotted lines (less intense, occasional interactions). Interactions between ENGOS across levels of governance are indicated, too, to complete the picture (for more detail on these interactions see figure 4). Abbreviations: E: European level, N: national level, R: subnational regional level, L: local level; BL E: BirdLife Europe; N.C. Secretariat: Nature Conservation Secretariat of the environmental ministry; for further abbreviations see the list of acronyms p. 7.

The interactions are distinguished into stronger and less strong ones. Strong interactions existed between ENGOS and the state nature conservation administration at all governance levels: the European level (DG Environment of the EC), the national level (the Nature Conservation Secretariat of the environmental ministry), and at subnational level (the NPIs). The links of ENGOS to the administration of other policy sectors, especially the agricultural ministry (FVM), were, however weak. Although there are exceptions in some places, ENGOS did also not generally have strong links to the local administration and farmers. As many experts for certain species or nature conservation in general are members in ENGOS or even founded them, the relationship between

experts, and the institutes they work for, and ENGOs tends to be good. Strong links could thus be found between ENGOs and actors belonging to the nature conservation policy network, but not between ENGOs and actors (state or non-state) outside this network.

Most interactions between ENGOs and state actors, as well as other experts occurred at one level of governance. The links T.T.T. established to the EU-level by reporting directly to the EU, which were described as typical for MLG settings (Hooghe and Marks, 2001a; Fairbrass and Jordan, 2004), thus rather constituted an exception. The possibility of scale-jumping was, thus, not used by most ENGOs.

#### **4.3.5. Discussion and summary**

The analysis of the links ENGOs share among each other demonstrated that that links are strong and interactions function well with the European-level umbrella organisations of each ENGO. During the Natura 2000 process these interactions were crucial for the preparation of Hungarian ENGOs, as it was based in preparatory seminars organised by CEEweb, which had officially been appointed for this task by EHF, and then throughout the designation phase ENGOs were supported by experts of their umbrella organisations also informally. The informal Natura 2000 working group of the four ENGOs active in Natura 2000 at national level could not be established permanently but functioned as long as ENGOs shared the common goal to ensure that site designation happened to their satisfaction; at the later stage of Natura 2000 maintenance the engagement of the national NGOs varied and the informal cooperation within this working group on Natura 2000 was not continued. During the accession period and for Natura 2000 designation the cooperation of CEEweb, WWF Hungary, MME and MTVSz within this working group was, however, reported as good, complementary and important. At national level the interactions of ENGOs were mostly informal or partly formalised (see table 3, p. 127). Thanks to their annual gathering (OT) there has been a tradition of cooperation among Hungarian ENGOs. Competition was not described as a major issue, unlike in other countries (*e.g.* Germany; Jongman *et al.*, 2008). What is more is that with the OT democratic principles are respected in decision-making processes (selection of delegates) within the Hungarian ENGO community, which thanks to this fulfilled the demand for political responsibility not just concerning the goals of their campaigns but also concerning the processes (Jordan and Van Tuijl, 2000). Yet, although Hungarian nature conservation NGOs meet annually and MTVSz and MME have a lot of subnational member ENGOs or regional or local groups respectively, interactions between the national level organisations and subnational ENGOs were less frequent and reliable. This was attributed on the one hand to instability of the organisational structures at local level: as the capacities and resources of subnational ENGOs varied considerably (see 4.2.), also their involvement in Natura 2000 implementation varied across the country and between ENGOs; while some subnational ENGOs actively engaged in monitoring, reporting, communication and management, in other regions hardly any local ENGOs were dealing with Natura 2000 issues. On the other hand these weak local links between national-level and local ENGOs were explained with the fact that national level organisations had not attributed particular attention to intensifying their links with the local level; during Natura 2000 designation they rather focused on interactions with EU-level ENGOs. The relatively weaker links to local level ENGOs are one reason why national ENGOs could not be as active for Natura 2000 site management, which is happening at local level, as they were during the site designation phase.

The analysis of links ENGOs have outside the ENGO community at different governance levels showed that they have strong links, based mainly on good personal contacts, as well as shared beliefs and policy goals, with the EC's DG Environment, with the Hungarian Nature Conservation Secretariat of the environmental ministry, and with its subordinate NPIs – with the latter contacts are rooted in MME's networks (figure 5). There was a high degree of bonding social capital based on similar world views (Pretty and Smith, 2004) between ENGOs and state nature conservation actors in the Hungarian biodiversity governance setting. The network of Hungarian nature conservationists can be conceptualised as an epistemic community (Haas, 1992a), an advocacy

coalition (Sabatier, 1998), or a policy network (Rhodes, 2006), including state and non-state actors. Due to the frequent and high quality of interactions between MME and the state nature conservation administration, this network has the characteristics of a policy community (Rhodes, 2006; Hill, 2009). Most interactions between ENGOs and state actors, however, were rather fluctuating depending on the actual needs of the actors – this cooperation thus rather had the character of issue networks (Rhodes, 2006; Hill, 2009). The influence of ENGOs in Natura 2000 implementation, and especially in the designation phase (see section 4.1.2.1.), was fostered by several factors mentioned as important for NGO influence by Van Rooy (1997): (1) the high salience of Natura 2000 implementation for EU-accession; (2) the fact that the nature conservation bureaucracy was relatively weak made the expertise and capacities of ENGO welcome; and (3) a continuous access to decision-makers of the environmental ministry via the nature conservation policy community. With their capacities and engagement of ENGOs could assist state nature conservation administration in Natura 2000 implementation. ENGOs, thus, extended the state's capacity in the field of biodiversity governance – such an enhancement of the state's capacity was expected from civil society actors in the international development view of NGOs (Hicks, 2004; Raustiala, 1997). Following Peters and Pierre (1998), this network of ENGOs and the state nature conservation administration can be considered as an enabling network making the delivery of services (namely the protection of nature and biodiversity) a little more efficient. State experts mentioned several cases when for strategic or administrative reasons cooperation with ENGOs was an advantage.

Outside this nature conservation policy network ENGOs established only weaker links to state actors – as many nature conservationists and land users perceived each other as opponents, in particular concerning the priorities of Natura 2000 implementation, it was hard for ENGOs, being members of the nature conservation sector, to establish constructive relationships with actors of the agricultural and forestry sector, where ENGOs were considered as outsiders, *i.e.*, according to Rhodes (2006) and Rhodes and Marsh (1992), actors with extreme, unrealistic or unjustified behaviour and demands. Cooperation between ENGOs and land users was, moreover, hindered by negative stereotypes on both sides – according to Stoll-Kleemann (2001) stereotypes were typical for policy settings where an in-group and out-group exist. ENGOs could, therefore, not act as a boundary or bridging organisation (Cash *et al.*, 2006; Pretty and Smith, 2004) between the nature conservation and agricultural sector.

At local level relationships of ENGO members with state officials were very variable – in some places good cooperation developed based on friendships, yet in many cases ENGOs were met with scepticism, ignorance or opposition. As also within the ENGO community links to local ENGOs were weaker, the local level, which is particularly important for the actual protection measures, was, thus, not adequately represented in this governance setting. To be able to actually foster Natura 2000 and nature conservation measures on the ground, an improved interaction between local and national ENGOs and stronger support for local initiatives are therefore needed.

For interactions across governance levels most ENGOs relied on the internal ENGO network (see figure 4, p. 123). Linking social capital with vertical interactions (Pretty and Smith, 2004) thus existed mainly within the ENGO community, and more so between the national and EU-level and less so between the national level and subnational levels. While most ENGOs interacted mainly with public officials at the same governance level, one subnational ENGO actually used the opportunity to report directly to EU bodies – this was the only observed case of scale-jumping within the Hungarian-European multi-level biodiversity governance setting.

Table 3 categorises the presented interactions among ENGOs and between ENGOs and state actors into formal (or official) and informal (or unofficial) ones, as well as interactions which have a partly formal, partly informal character or can sometimes be formal, and at other times informal (like the sharing of monitoring data). Besides formal interactions, informal interactions proved to play a crucial role for ENGO involvement – the focus of the governance concept on formal as well as informal interactions (Benz and Zimmer, 2010; Brühl, 2003; Jordan, 2001; Peters and Pierre, 1998, 2004) was, thus, valid for understanding interactions of NGOs with other actors. ENGOs which

were well-linked in the Hungarian nature conservation network, *i.e.* especially MME, could successfully interact informally with state nature conservation officials and hardly resorted to more confrontational strategies.

**Table 3: Formal and informal interactions of ENGOs among each other and with state actors**

	<b>Formal (official)</b>	<b>Informal (inofficial)</b>
<b>Among ENGOs</b>	<ul style="list-style-type: none"> <li>• Membership in umbrella organisations (EU or national)</li> <li>• Mandate by EHF for CEEweb to prepare CEE ENGOs</li> <li>• Cooperation in joint projects</li> </ul>	<ul style="list-style-type: none"> <li>• Exchange with European umbrella organisations</li> <li>• Exchange with local organisations</li> <li>• Natura 2000 working group</li> </ul>
	<ul style="list-style-type: none"> <li>• Annual gathering (OT)</li> </ul>	
<b>With state actors</b>	<ul style="list-style-type: none"> <li>• Advisory committees</li> <li>• Participation in biogeographical seminar</li> <li>• Contracts (communication, maintenance planning)</li> <li>• Initiation of court cases</li> <li>• Reporting to EU</li> </ul>	<ul style="list-style-type: none"> <li>• Negotiations on site selection</li> <li>• Lobbying</li> <li>• Information shared by state officials</li> <li>• Mutual use of technical equipment</li> </ul>
	<ul style="list-style-type: none"> <li>• Update of IBA list as basis for Hungary's SPA proposal</li> <li>• Species and site monitoring</li> </ul>	

The notion of transactional activism that relational aspects of engagement based on informal interactions are characteristic for participation in the CEE region (Petrova and Tarrow, 2007) can thus be confirmed for an important part of Hungarian environmental civil society organisations. Close personal and informal links between ENGOs and state actors may, however, also inhibit more confrontational strategies. Official protests and reporting of violations to the EU was mainly or only conducted by T.T.T., an ENGO which was an outsider of the ENGO community. There was, thus, a relationship between the quality of links an ENGO had in the Hungarian nature conservation policy network and the strategies it used for achieving its aim of fostering the protection of nature.

#### **4.4. Discussion of ENGO participation with regard to challenges of “good governance”**

Based on the findings of the previous subchapters and the perception of interviewed experts, this subchapter will discuss ENGO participation in Natura 2000 implementation in terms of legitimacy and effectiveness to gain a broader perspective on the role of ENGOs as actors in this multi-level biodiversity governance setting. The question of legitimacy was not discussed explicitly in the interviews and neither mentioned as an issue by most interviewees, yet several interviewees, nevertheless, expressed their opinion on a number of issues relating to questions of legitimacy, namely who they represent, whether they are independent of state bodies, what roles they can legitimately take or are expected to play, which issues they address or not. Effectiveness was not addressed explicitly either but dealt with by asking about experts' satisfaction with the process. Besides more general aspects of legitimacy and effectiveness, this subchapter especially focuses on challenges arising due to the multi-level character of the governance system.

##### **4.4.1. Legitimacy of ENGO involvement**

All the legitimizing assets for environmental NGOs as defined by Jepson (2005) could be confirmed for the participation of ENGOs during Natura 2000 implementation in Hungary: NGO activities conformed with legal requirements and were mandated and encouraged by the (EU-) policy framework (regulatory legitimacy), ENGOs provided assistance to policy-makers (pragmatic legitimacy), ENGOs acted for ensuring the protection of species and habitats and, thus, benefited others and conformed the ideal of conserving nature (normative legitimacy), and their legitimacy as



watchdogs was taken for granted (cognitive legitimacy). Yet not all interviewed experts considered ENGO legitimacy as taken for granted: whether typical NGO activities, like acting as watchdogs, were perceived as legitimate instead depended on the interests and values of the actors (see below). The legitimacy of ENGO participation is, thus, not only a theoretical issue, but also as a practical one, for whether their involvement and activities are perceived as legitimate by actors influences participation opportunities and so the extent and kind of ENGO participation.

One aspect of legitimacy, which was raised by a number of interviewees, concerns the basis for their existence: According to one ENGO expert NGOs on the one hand exist to serve the country and on the other hand for their own happiness (NGOn2). In some cases financial reasons were the basis for the foundation of an NGO, as noted by an ENGO expert:

*“In Eastern Hungary it’s not easy to find a job, therefore we made the jobs for ourselves. We had time for it; we got together in an organisation, started to apply for grants and created our own living by sustaining workplaces.”* (NGOl1)

The foundation of an ENGO for mainly or also financial reasons was, however, not perceived as morally sufficient by some experts (Ökotárs1, NPI5, NPI4). As some ENGOs were founded by state bodies to access some grants (see 4.3.3.1.), one NPI official described Hungarian NGOs as “pseudo-NGOs”, stating that *“Some of them are only ‘money washers’”* (NPI4). Some NPI experts thus did not consider NGOs founded for financial reasons as “real” NGOs because they were not sufficiently independent from the state, neither in terms of its members, nor financially (NPI5, NPI4).

*“You can’t consider Hungarian NGOs compared to those, I would say real NGOs [in Western countries], with decades background<sup>135</sup> [...] In some cases the main reason for the existence of an NGO is the maintenance of itself, I mean to get different [grant] sources [...] Some exist to generate income.”* (NPI5)

Concerning the bigger, institutionalised ENGOs, an ENGO financing expert (Ökotárs1) somewhat supported this critique by NPI experts by emphasizing that a number of ENGOs very much concentrated on maintaining their organisations:

*“And these large institutionalised NGOs, they are in a bit of in trouble in the last few years [in as much] that as they grew quite a lot in the last one and a half decades, and they created their own institutions. These institutions now must be maintained somehow. And in some ways maintaining the institution became more dominant than running the campaign or the projects that they were originally formed to work on.”* (Ökotárs1)

Following the belief that NGOs may also exist to serve their own happiness the foundation of an ENGO for financial reasons is not problematic in terms of legitimacy. If ENGOs are, however, expected to serve a higher good this is different. A regional ENGO expert stressed that he only considered organisations founded by individuals in a bottom-up way as a real civil society organisation:

*“If I talk about civil society then I think of NGOs organised from the bottom-up by private individuals”* (NGOl1)

The importance of bottom-up input was recognized especially within MME, which distinguished itself from WWF based on this principle:

*“They [WWF Hungary] just try to have supporters from companies, supports, single supports [...], but not necessarily members, [...] MME will never do stuff like ‘save the dolphins’, ‘save the polar bears’, ‘save the whatever’s’ very far from here, [...] we think that, OK, this is a Hungarian NGO, so let’s deal with Hungarian problems, WWF says this is a Hungarian NGO but with a very strong connection to the big one who deals with all the global environmental or nature protection issues.”* (MMEn1)

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<sup>135</sup> The expert (NPI5) further explained that Hungary was “not in a stage of the Western European countries, where people have time and also money to voluntarily [work for] NGOs”.



This expert thus shared the opinion of Jordan and Van Tuijl (2000) that working globally does not provide a self-standing legitimacy, but can lead to a loss of touch with an NGO's origin and local relationships.

The tasks Hungarian ENGOS have or should have were said to be similar to the ones of Western European ENGOS (NPI2): Besides controlling the state, communication, managing their own land and even state tasks:

*“And naturally every such function, which the state nature conservation administration could also do; [like] discovering natural values, collecting data, and others, is apparently conducted by the NGOs.”* (NPI2)

Some experts believed that ENGOS should fulfil this variety of roles, including the state tasks of communication and site management (NPI2, MMElr1, NGOlr2, NGOlr1). Börzel and Buzogány (2010a) deplored that during Natura 2000 implementation, ENGO participation in CEE hardly went beyond consultation and the delegation of technical tasks because state actors were reluctant to give ENGOS “real say” in the policy process (Börzel and Buzogány, 2010a, p. 711). Like Jancar-Webster, (1998) these authors, thus, had very high expectations towards the role of NGOs. It is, however, especially questionable, whether NGOs should actually take decisions. Among the interviewed Hungarian experts there were different opinions as to how far NGOs should engage in state tasks. While one local MME member explicitly suggested that the NGO could take over a state task, like teaching nature conservation (MMElr1), other ENGO experts did not really support ENGOS undertaking state tasks or were at least sceptic about this role (NGOn8, MMEen1): An MME expert explained that even when the ENGO was asked about Natura 2000 issues by stakeholders, MME could not provide a definite answer as it was not a state authority; MME employees, therefore, transmitted these requests to authorities (MMEen1). Another expert demanded that ENGOS should act as watchdogs and campaigners only and not step in to complete state tasks:

*“...it's primarily a state responsibility, and state activity to appoint the Natura 2000 sites, to create the necessary regulations, [like] compensation schemes, etc. Here, NGOs can have a serious watchdog role as usually, and to some extent also awareness raising role as well, but I think, they shouldn't step in and do the state job instead of the state, rather pressure the state.”* (NGOn8)

Within the environmental NGO community there were thus differing points of view on what the role of NGOs in nature conservation should be. A state official, too, believed that NGOs should concentrate on controlling the state administration:

*“I mean, what must be in my view the role of NGOs, just to control, to be the watchdog of Commission, just to report.”* (NPI5)

The control by NGOs was recognized as essential for a democratic governance system:

*“One thing is communication, the other very important role, which is really obvious in a democracy is that one needs to exercise civil control over the state authorities.”* (NPI2)

A ministry official, too, acknowledged the watchdog role of NGOs as important:

*“The current role of NGOs is usually that they denounce us to the EU, so that they turn to the European Commission if they find such an irregularity, such an inconsistency on Natura 2000, that the authority gave out such a permission which it shouldn't have given out, or they see that something doesn't work well. This is good from such a point of view that they in the end have the role that they attack the government if it does not do good work, if we complete our work badly.”* (KvVM2)

Some experts also complained about corruption (NGOlr2, NPI2, NGOlr6), one NPI official explicitly stressed that due to this problem civil society organisations were very much needed to control policy-processes:

*“Corruption exists, political influence, etc. [...] even though the internal supervision of state bodies could also do it, and there are also examples for it. Yet it is still more frequent that the civil*

*sphere initiates an investigation of the swamp of public administration. [...] Apparently this is the control role of civil society, I think that it's important that they deal with that.*" (NPI2)

There were no complaints by the interviewed experts, however, that corruption had dominated the implementation process, as for example for the case of Greece, where powerful economic actors captured the site selection process, but NGOs were excluded (Apostolopoulou and Pantis, 2009). ENGO involvement in site designation in Hungary may, thus, have played a role in preventing corruption.

Based on this general acknowledgement of the control function of NGOs by state officials of the nature conservation sector, the more concrete actions of going to court or reporting to the EU by Nimfea and T.T.T. were considered as valid also by state nature conservation officials: Nimfea's work, including the initiation of court cases, was described as very good by many interviewed experts (NGOn1, NPI3, KvVm1, NPI1): e.g. *"Nimfea addressed the issue [of Natura 2000] in a very good, neat, active and brisk way"* (NPI3)

T.T.T. was well-known, too, and their activities and knowledge were acknowledged by ENGO, as well as state experts (NGOn1, KvVm1, NPI4):

*"They are specialised for beating the state, the ministry. But sometimes they {T.T.T.} are quite, right [to report to Brussels] because for example a whole forest was clear cut."* (NPI4)

This general acknowledgement by nature conservation experts of ENGOs acting as watchdogs to defend nature conservation rules, can, according to Jepson (2005), be considered as cognitive legitimacy as it was seen as taken for granted based on the need to defend nature conservation values shared by these experts (see 4.3.3.1.). One ENGO expert, however, noted that T.T.T. was a bit radical (NGOn1) – responding to this perception a T.T.T. member himself explained that T.T.T. tried to exercise civil control in a country where this was not easy, for Hungary was a weak democracy:

*"...we are representatives for civil control in a country (and city) where only few stand up against laws not being applied; in a weak democracy where democrats are in the minority they call democrats a radical minority."* (TTT1)

A member of T.T.T. further explained that in case nature conservation rules were not respected, T.T.T. regarded it as more efficient for achieving respect for nature conservation regulations to go to court than to protest on the streets:

*"It is important that the people, the authorities understand that they have to adhere to the rules; We are not radical, we are only doing what an NGO should be doing: we check that they keep the rules. We don't like to demonstrate, this is only our last resort when we exhausted all conflict management, i.e. negotiation, or legal possibilities."* (TTT1)

This statement shows that this ENGO took the role of being a watchdog very seriously and did not shy away from confronting authorities, and knowing that according to some state forestry officials T.T.T. was a traitor of the nation because it had complained to Brussels (TTT1). This opinion was shared by the interviewed expert of the agricultural ministry who blamed ENGOs for just trying to push through their interest of species protection using the easiest way, i.e. complaining to Brussels (FVM1). As the next statement shows this expert of the agricultural ministry did not perceive reporting to the EU as a legitimate way of protest, he believed that ENGOs should call on Hungarian authorities first, and what is more the initiated infringement procedures would just increase the tensions between land users and ENGOs:

*"And very often they do not even call on Hungarian authorities that they observe this and make sure that this Natura 2000 regulation is adhered to there, [...] instead they immediately run to Brussels, and then an infringement procedure begins and then because of this the tensions between the owners and the NGOs grow very, very much."* (FVM1)

This expert, thus, confirmed the warning by Weber and Christophersen (2002) that the way ENGOs participate at EU level, i.e. through bypassing national governments, could be perceived as not legitimate and so decrease the acceptance of Natura 2000 policy among stakeholders. These

different opinions on ENGO reporting can be related to different value priorities: while the agricultural expert considered ENGO reporting to the EU as objecting the sovereignty of Hungarian authorities, ENGOs and state nature conservation officials referred to the necessity of implementing EU rules to protect nature. An expert of T.T.T. explicitly stated that he considered himself as primarily European, and therefore felt responsible for ensuring the implementation of EU rules; so this expert regarded NGOs as members of an EU polity (see Kohler-Koch, 2009). By reporting to the EC and EP, T.T.T. provided a service to the EU – this activity can, thus, also be justified with pragmatic legitimacy (Jepson, 2005), for the NGO assisted policy-makers by sharing needed information. The help ENGOs provided for national and subnational state officials (see 4.3.3.1.) can be considered as legitimised in the same way.

As shown earlier, ENGO participation in Natura 2000 implementation in Hungary was to a high degree based on the membership of state and ENGO experts in the same epistemic community (see 4.3.3.1.). Haas (1992a) noted that many authors pointed out that the increasing influence of elite specialists, like epistemic communities, by transfer of decision-making authority may have serious negative implications for democracy and public participation. For Hungary, one cannot find an actual negative impact on general public participation through the engagement of this epistemic community in Natura 2000 implementation, as firstly there was no higher degree of general public participation earlier either and secondly MME, a key actor in the Hungarian nature conservation epistemic community, is at the same time the Hungarian ENGO with best links to the local level, where its local groups do conduct local projects and initiatives. Yet, the good participation of ENGOs at higher governance levels based on their expertise and interactions within the epistemic community did also not foster a wider public participation either. As noted above (see 4.3.1.1.) within the ENGO community links to the local level were weaker than links to higher levels. Since the need to improve links to the local level was recognized by ENGO experts, too (MMEn1, MMElr1; see 4.3.1.1.), these may improve in the future. In his criticism of ENGOs an agricultural expert stressed that it would be important for ENGOs to interact more with local stakeholder:

*“...they go to the site very often, they know the laws and regulations. What they don't invest the needed energy in is informing normal persons and land owners and making them familiar with their ideas and beliefs” (FVM1)*

So this expert deplored a low engagement of ENGOs with the general and affected public. ENGO experts, too, felt that ENGOs did not have a good standing in society, as there were many stereotypes, and ENGOs were mainly seen as protesters fighting to inhibit development (NGOn8, NGOe1).

*“...often environmental NGOs don't have a very good, very positive image within society, this usual: ‘they are just protesting against everything, they are against development’, etc., etc. These kind of stereotypes are still there.” (NGOn8)*

An ENGO expert working at supranational and EU level had the impression that Hungarians did not trust ENGOs because they hardly knew what ENGOs did and how they worked (NGOe1). So these experts indicated that there were few interactions with the general public. Based on the finding of low bottom-up input in Hungarian biodiversity governance, and ENGOs' relatively weak links to the local level, one would not assume that the bridging role of NGO between the EU and citizens, as mentioned by Kohler-Koch (2009) and Ferranti *et al.* (2010), could be strong. Representing their members, ENGOs form a link between these citizens and EU umbrella organisations, and via the latter to EU bodies. A national park official did observe a more general bridging role of ENGOs between citizens and state officials, and therefore argued that ENGOs are most important for the future of nature conservation because as members of civil society they could reach people and make them more aware for nature and the importance of its protection, which was much more important in the long run than state regulations and restrictions (NPI2)<sup>136</sup>. The communication activities of

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<sup>136</sup> *“The state bodies make restrictions and give orders, while it communicates less and tries less to convince people. I think in this the civil sphere has a very important role. [...] The civil sphere much rather does something for informing*

ENGO, and in particular the maintenance of the Natura 2000 website, were regarded as having an important bridging function between citizens and state officials. As an e-mail address of MME had been the only contact address on the Natura 2000 website<sup>137</sup>, an MME expert received many questions from land users regarding Natura 2000, which he forwarded to state authorities (MMEn1). By doing so the expert linked citizens and state bodies. The Natura 2000 website, thus, created an interface for interactions of citizens and authorities, mediated by an ENGO.

Another type of legitimacy following Jepson (2005) is normative legitimacy which is based on the fact that ENGO activities confirm ideals and benefit others. While the agricultural expert doubted this as valid for nature conservation NGOs for he believed they did not sufficiently pay attention to the effect of their actions on land users (FVM1), the fact that it was legitimate to fight for nature conservation was implied by all nature conservation experts. This does, however, not apply for all their activities (see above). One example of an ENGO activity not regarded as legitimate by other nature conservation experts was the preparation of an environmental impact assessment for a developer by one ENGO: this activity was criticised as trading-in of the nature conservation goals the same ENGO pursued in other cases (NGOl1, NPI5).

Slim (2002) stated that a good performance demonstrating that NGOs have the knowledge and capacity to act upon the problems they highlight could legitimize an NGO and increase its reputation over time. A strong reputation built over time was reported for MME (see 4.2.2.). The effectiveness of ENGO activities to achieve their aim of protecting nature can, following Slim (2002) and Piattoni (2009), be regarded as a basis for ENGO legitimacy (“output legitimacy”) or as a separate value of “good governance” as practised by most authors working on (environmental) governance (Rauschmayer *et al.*, 2009a; Futó and Fleischer, 2003; Lebel *et al.*, 2006; Paavola *et al.*, 2009). The effectiveness of ENGO actions on biodiversity protection and policies will, therefore, be the focus of the following section.

#### **4.4.2. Effectiveness of ENGO involvement for Natura 2000 implementation**

This section discusses how the interviewed experts judged the effect of Natura 2000 for biodiversity protection in Hungary and the contribution of ENGO participation to this.

Despite some difficulties in implementation, all interviewed nature conservation experts considered Natura 2000 as important. With Natura 2000 the area of protected land in Hungary more than doubled from ca. 9% of the country’s territory for nationally protected area to almost 21% for Natura 2000 sites. A local ENGO member, as well as a NPI expert stated that more natural values would have been endangered without Natura 2000 (NGOl5, NPI2).

*“We saw opportunities in [the Birds and Habitats Directive] [...] I think that it became true: the Habitats and Birds Directive helped to protect many areas which would have been lost already if [...] these new possibilities for their protection had not opened up.”* (NPI2)

Experts further stressed that Natura 2000 was positive for nature conservation in Hungary as an additional protection scheme on top of existing national and international nature conservation categories (NGOe1, NGO3, NPI1). An ENGO member highlighted that in contrast to other international protection categories, like the IBAs, Natura 2000 provided strong legal protection (MMEn1). The experts thus recognized the importance of a thickened institutional web of legislation and regulations for the field of biodiversity governance as mentioned by Adams and Jeanrenaud (2008) for environmental governance in general. Gibson *et al.* (2000) and Kluvánková-

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*the population, building direct links, than the state nature conservation bodies themselves. [...] It is enough if I just mention that also today the homepage which provides the best collection and summary information on Natura 2000 sites is run by MME together with the ministry. [...] Brochures, training events, etc., if we would count together how much the official state nature conservation bodies and how much NGOs do, then, I think that the latter, so the nature conservation NGOs are leading towering high. I think that concerning communication they have the leading role. It is also true for written publications.”* (NPI2)

<sup>137</sup> In the current version of the website the contact information has been changed, now listing all NPIs and regional environmental inspectorates (<http://www.natura.2000.hu/index.php?p=kapcsolat&nvelv=hun>; viewed 21/05/2013)

Oravská *et al.* (2009) noted that multi-level governance systems tend to be more resilient than single layer systems because more actors are involved – the additional European protection category and the participation of ENGOs in nature conservation policy-making, thus, made the policy field more robust and resilient.

By taking responsibility for the protection of some of the sites which had been newly protected under Natura 2000 – the protection of these sites was considered as more problematic than the one of Natura 2000 sites which were protected nationally, too, and already managed by the NPIs (NGOn3). ENGOs contributed additional capacities beyond the ones the state bodies possessed for appropriate site management. As the NPIs concentrated their protection efforts on the core national park areas, and maintained these well (NGOn3)<sup>138</sup>, ENGOs and the NPIs could work complementarily since the ENGO focused on Natura 2000 sites, which are not at the same time also national protected areas (NGOn2, NPI1, NGOl2). As discussed above (see subchapter 4.2.) ENGOs also provided important capacities, which strengthened the designation process.

ENGOs were satisfied with the results of the designation process (see 4.1.2.1.). While in some member states the original lists were significantly reduced due to opposition towards Natura 2000 (Keulartz, 2009), in Hungary there were only some minor changes to what ENGOs proposed and demanded for Natura 2000 designation. The designation of almost 21% of the Hungarian territory as Natura 2000 did, however, not enjoy broad societal support but was accomplished exactly because of little consultation and based on the judgement of nature conservation experts:

*“It has happened more often that we could not get the declarations of consent from everybody [from whom it would be necessary for declaring nationally protected areas]. Yet the designation of the Natura 2000 network was conducted based on the EU directives in the country, actually without substantive consultation.”* (NPI3)

The designation process was, thus, successful in terms of formal protection of valuable habitats, yet not in gaining public and stakeholder support for nature conservation measures. Only some experts did, however, note this (NGOn3, NGOn7), even if they did not consider the process as ideal, several nature conservation experts saw little room for conducting it differently as it had to follow EU regulations anyway (NGOn1, NPI3, NGOn5). As discussed above (see 4.3.3.1.) many nature conservation experts were happy for the opportunity to quickly protect sites following EU-regulations. This evaluation of the designation process can be explained with the notion that when particularly valuable habitats and species are at stake or urgent action is needed, non-voluntary legal action and the protection of sites are the only suitable option for protection (Young *et al.*, 2005). While the NPIs were glad that more valuable sites could be protected through Natura 2000, following a NPI official, other people had the impression that nature conservation had been extended too far beyond EU-obligations:

*“And many also complained that nature conservationists over-accomplished the EU-obligations, they designated more areas than would have been necessary. [Yet] we [the NPI] think that, concerning the territorial proportion and the quality, the protected natural values are realistically around 21% country-wide, which is the ratio of Natura 2000.”* (NPI2)

In line with several authors (Beunen, 2006; Jongman *et al.*, 2008; Kluvánková-Oravská *et al.*, 2009; Ferranti *et al.*, 2010), some interviewed experts warned that as land users were not involved in the designation process, Natura 2000 might not bring the positive effects for biodiversity protection hoped for because the process had increased the general opposition towards nature conservation<sup>139</sup>.

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<sup>138</sup> Contrary to evaluations that the NPIs maintained protected areas well, another ENGO expert, however, found that there was a focus away from nationally protected areas towards Natura 2000 sites (NGOn1). Yet as most of the nationally protected areas are included into the Natura 2000 network this does not really threaten their protection status (NGOl4, NGOn1).

<sup>139</sup> The impression that with Natura 2000 nature conservation had been too successful in designating sites, so that opposition increased, was expressed also by German nature conservation experts interviewed for the RUBICODE project (Jongman *et al.*, 2008).

*“So this pushed thing not forward but back because if you ask a land user or owner now, he will complain about the decisions of these Natura issues [...] even if he doesn't know if his or her land is Natura 2000 land.”* (NGOn2)

*“...it had some reverse effect by the way on nature conservation, because when the Natura 2000 areas were established it turned out that this is more, a little more than 20% of the country's area. There were some voices saying that's too much. And I know that it kind of was an overkill, it was an 'over-win', because they say this is always going to hold every development and the agricultural cultivation will be hindered significantly.”* (NGOn9)

These experts, thus, feared that Natura 2000 designation may even have negative effects on biodiversity protection for stakeholders may increasingly oppose nature conservation measures, which may prevent the actual implementation of Natura 2000 in the field, as well as future protection initiatives. A local ENGO expert noted that from the beginning of the Natura 2000 implementation, ENGOs had realized that land users opposed the programme because they feared restrictions:

*“Already before Natura 2000 was introduced in Hungary, there were voices about how bad it would be for agriculture, that there would be many restrictions, how hard it would be to manage forests productively, how difficult it would be to cultivate grasslands, and from the beginning the farmers opposed it. The NGOs saw this very well.”* (NGOl1)

Even though there has been an increasing acknowledgement of the importance of communication with and involvement of local stakeholders in biodiversity conservation efforts, many conservationists are also sceptical towards participation because they fear it will weaken conservation policies and measures – Lawrence (2008) noted that good participatory processes do not automatically lead to good conservation. In Hungary this scepticism could be observed especially for the environmental ministry which hardly cooperated or communicated with stakeholders (see 4.1.2.3.). The lack of communication in combination with the fact that in the first years of Natura 2000 there was no support scheme at all, and that then there was none for other habitat types than grassland posed a problem for the acceptance of Natura 2000 because land users are faced only with restrictions (FVM1, NGOn3, NGOn2, NGOl1). For this reason an expert of the agricultural ministry demanded that ENGOs should go out more and talk to the owners and cooperate with them, which according to this expert they were not really doing (FVM1).

*“...if such an NGO is self-confident, then practically it explains Natura 2000 interests not only to its own professional community and own membership, and they do not go to the field to protect the site from everyone, even from the owner, but they go to the land owners and try to cooperate and find agreements with them.”* (FVM1)

This criticism of ENGOs is, however, not fully justified for ENGOs did get involved and initiated communication projects (NGOl1, NGOn3; see 4.1.2.3.). According to an ENGO expert the communication efforts of ENGOs had been crucial in preventing an even stronger opposition by land users.

*“...we [NGOs] held an enormous amount of farmer workshops, published a lot of articles together with posters, we were running a telephone number for questions about Natura 2000, so that everybody could ask questions. I think that this contributed to it [the fact] that despite today's size the Natura 2000 designation proceeded without bigger opposition.”* (NGOl1)

As ENGOs were more active in communication than state officials (NPI2; see 4.1.2.3.), it is right to claim that it was mainly their efforts which could have decreased opposition to Natura 2000. ENGOs tried to talk to as many stakeholders as possible but their efforts were limited by a lack of capacities and the fact that they could not inform land users about any support scheme (NGOn3; see 4.1.2.3., 4.2.). Yet ENGOs, too, became active in communication only after the designation of sites, so they did not try to involve farmers in the selection process either; in the eyes of land users also their communication efforts, therefore, came late, *i.e.* when the sites had already been selected without them (NGOn7, NGOn2). The overall success of their communication efforts was therefore

limited – without ENGO engagement, however, even less information on Natura 2000 would have been available to stakeholders (NPI2).

Young *et al.* (2005) stressed that conflicts between different stakeholder groups should not only be regarded as negative, for if handled carefully, they can help to highlight problems, increase understanding and promote the creation of sustainable solutions. This view on conflicts, though, was not shared by the interviewed nature conservation experts – the conflict between land users and nature conservationists regarding Natura 2000 designation and management was perceived as something negative or as a fight one had to win (see 4.3.3.3.; annex 2 XII.). Only an agricultural expert noted that a compromise would be the right solution (FVM1). What the agricultural expert regarded as a just compromise, however, differed from what ENGO expert considered as such (FVM1, NGOn1, NGOn7). The atmosphere between the two policy sectors in Hungary, thus, did not allow for constructive exchange about values and preferences in Natura 2000 implementation. ENGOs were not successful in bringing the environmental and agricultural ministry together to jointly develop a good Natura 2000 maintenance scheme (NGOn1).

Hungarian state nature conservation officials attributed the problem that Natura 2000 protection was not respected by all Hungarian authorities to the fact that the NPIs only had an advisory position in permission procedures (NPI5, KvVM2). Despite this, a NPI official had the impression that developers and authorities did pay attention to Natura 2000, at least more so than to nationally protected areas, because the EU, as an important donor for infrastructure projects, was sensitive to Natura 2000 issues (NPI5). Another ENGO expert, moreover, assumed that there were also cases when developers refrained from a project planned on a Natura 2000 site and, thus, did not even start a costly permission process:

*“And we don’t know, how many projects were never proposed for permitting, because the guys realised that there is a Natura 2000 area, and they just gave up before they could even start. [...] I somehow suspect that this is the case, too.”* (NGOn9)

In line with this assumption, a NPI expert was grateful to ENGOs for undertaking the unpleasant task of speaking out against decisions of state authorities, and believed that this had had the effect that responsible authorities are increasingly paying attention to Natura 2000 in permission procedures:

*“The reviewing and controlling conducted by NGOs has played a big role in the development that authorities are more and more paying attention to the Natura 2000 network. [...] These cases are of importance. This is an unpleasant task because one practically has to make a scandal, [...] it does, however, really have an impact by forming people’s approach. For example WWF had a case about the clear cutting of oaks in Nagykörös which went to court. Since this process the forestry authority always asks us about the oaks in Nagykörös, if in this way the use affects the Natura 2000 site.”* (NPI3)

This national park expert, thus, experienced the watchdog activities of ENGOs as being effective because it made an authority responsible for management realize that it had to take into account nature conservation aspects. So even though not all cases in which ENGOs went to court against threats to Natura 2000 sites were successful (EMLA1, Nimfea1, see 4.1.2.5., annex 2 XIV.), some experts believed that some successful cases had actually taught authorities and investors to pay more attention to Natura 2000. The fact that ENGOs can and have gone to court as watchdogs over Natura 2000 protection, thus, has increased awareness for Natura 2000 with authorities and investors.

In line with many authors and official documents, like the CBD and the EU biodiversity strategy (Ledoux *et al.*, 2000; Paavola *et al.*, 2009; Haslett *et al.*, 2010; UN, 1992b; EC, 2011c), some ENGO experts demanded that there should be more integration of biodiversity protection into other policy fields for “*Natura 2000 alone cannot save biodiversity, if the pollution and other threats persist*” (NGOe3), for instance the CAP payments (*e.g.* for eliminating shrubs) often contradict the aim of biodiversity conservation, whereas in case of good agricultural management there would be

no special need for extra repair (via strict conservation measures) (NPI4, NGOe3, NGOlr6). So a major reason why ENGOS tried to engage also with the agricultural ministry was that the simple legal designation of Natura 2000 sites was not sufficient to actually protect biodiversity. While the necessity to establish the Natura 2000 network in Hungary was regarded as a good EU-initiative by nature conservation experts, ENGO experts were unsatisfied with the implementation following site designation because due to missing funds sites could not be effectively managed (NGOn7, NGOn5). The problem of missing funding, though, was something ENGOS could not do much about as the establishment of a support scheme for Natura 2000 maintenance depended on the agricultural ministry, with whom ENGOS only had weaker links and which they could, therefore, not lobby successfully to provide funding for Natura 2000 maintenance (see 4.1.2.2., 4.3.3.3., annex 2 XI. and XII.). Experts indicated that the agricultural ministry did not feel responsible for a due implementation of Natura 2000: they regarded it as a project of the environmental sector only, not as a shared task of the whole government (NPI1, KvVM2, NGOn1)<sup>140</sup>. As mentioned above, the interviewed official of the agricultural ministry also advocated nature friendly-management but did not consider changes in management urgent; he demanded that a “golden middle way” needed to be found between nature-conservationists and land users (FVM1). This, however, may be particularly difficult in Hungary because Hungarian society is very divided in many aspects – politically, economically, geographically (NGOl2). A real environmental policy integration of biodiversity issues was also not supported at European level either, where the EC’s different DGs are in conflict, and EU funding for nature and biodiversity has been minimal (FVM1, NGOe1; Paavola *et al.*, 2009). So the maximum ENGOS could achieve at national level was to start interacting with the agricultural ministry in the hope that the established contacts may slowly raise awareness for environmental issues and provide the basis for more constructive negotiations in the future.

While the development of a Natura 2000 maintenance scheme came to a halt at the national policy-making level, ENGOS, especially MME, engaged in several projects aimed at showing how Natura 2000 management plans could be developed successfully in cooperation with farmers (see 4.1.2.2.). One of these projects was later up-scaled to cover the whole country<sup>141</sup>. This project, thus, contributed considerably to ensure a nature-friendly management of protected Natura 2000 sites. At local level, subnational ENGOS or MME subgroups also conducted several projects for Natura 2000 protection and management. According to a local MME member a stork protection project, which combined data collection and active species protection measure with awareness raising through cooperation with local experts and electricity providers, had helped in letting people know that the local MME group dealt with Natura 2000 (not only the NPI), and they could turn to them in case of problems (MMElr2). This local ENGO member observed that some local farmers were turning towards organic agriculture and already started to perceive Natura 2000 as a sign of quality which they wanted to use for selling their products (MMElr2). Nimfea engaged in establishing a community based land management of protected agricultural lands, which could create jobs for local people (Nimfea1; see 4.1.2.2.). With these local initiatives, ENGO activities could have a direct positive effect on the protection of species and habitats, albeit at a local scale. In the mentioned examples, these local ENGOS, moreover, paid particular attention also to social and economic aspects of nature conservation; they in this way developed practical examples how to at the same time fulfil the goal of effectiveness in protecting natural values, and ensure that the process was considered as legitimate by major stakeholders. At this local and project scale one could, thus, observe synergies in the achievement of different principles of “good governance”.

The links ENGOS share among each other and with other actors are an important factor for how effectively ENGOS can reach their goals (see subchapter 4.3.). Regarding the links between the EU and lower levels of governance, Hungarian ENGOS were important as domestic actors with an own interest in the implementation of EU nature conservation regulations – by providing information to

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<sup>140</sup> Also the fact that hardly any officials of the agricultural ministry were willing to give an interview on Natura 2000 issues suggests this.

<sup>141</sup> [www.naturaterv.hu](http://www.naturaterv.hu) [viewed 15/01/2013]



the EU (via unofficial channels or through formal reporting) they changed the informational environment and thereby strengthened the biodiversity protection scheme by making it harder to ignore the European Natura 2000 regulations – this was pointed out by Schimmelfennig and Sedelmeier (2004) and Dimitrova (2007). Via their EU-umbrella organisations ENGOs provided links between the EU bodies and interested citizens and experts at national and subnational level – the exchange of information between these actors proved crucial for the successful designation of Natura 2000 sites. By using the opportunity to report violations of Natura 2000 to the EC and EP, T.T.T. created and fostered direct links between subnational actors (the NGO itself) and the EU. As indicated in the literature (Schimmelfennig and Sedelmeier, 2004; Dimitrova, 2007), the existence of domestic actors interested themselves in a certain higher-level policy can contribute to making implementation more successful. By getting involved in Natura 2000 implementation, Hungarian ENGOs contributed to making the multi-level biodiversity governance system more resilient as more actors were involved (Gibson *et al.*, 2000; Kluvánková-Oravská *et al.*, 2009), who could support each other and cooperate strategically and in a complementary fashion as was shown for the collaboration between Hungarian NGOs and the Hungarian nature conservation administration (see 4.3.3.2.). Links of ENGOs to local stakeholders and the general public were not reported as strong (see above), yet without ENGO communication and management initiatives there would have been even less interactions of higher level actors with land users and citizens. By creating some new interfaces, like the Natura 2000 website, ENGOs not only helped to increase the legitimacy of the process (see above, 4.4.1.), but ENGOs acted as agents for cross-scale coordination, a task which, according to Young (2002) and Berkes (2002), was needed for the functioning of complex environmental governance systems. As members of the nature conservation policy network, ENGOs could, however, not really contribute to bridging the gap between the agricultural and environmental departments of the Hungarian government, so as to develop feasible and effective solutions for the maintenance of Natura 2000 sites in the whole country (see 4.3.3.3.).

#### **4.4.3. Summary**

This study argued that most nature conservation experts regarded ENGO participation, especially their control role, as legitimate, while an agricultural expert considered their involvement as less so – this expert blamed ENGOs for creating conflicts and judged their reporting to the EU as disrespect of Hungarian authorities. Even though, they in general do not represent other citizens except of their members, ENGOs could serve as a bridge between citizens and authorities in some projects, especially through different means of communication, such as by maintaining a website and by serving as local contact points for land users in some locations. The importance attributed to bottom-up input by different ENGOs varied: While WWF was mainly active in lobbying at the national and European level, and for this reason also significantly reduced its activities in Hungary as soon as national lobbying efforts became less promising, MME defined itself as a bottom-up organisation based on its wide membership. Surprisingly, also within MME local level input was, however, rather neglected during the Natura 2000 process; yet several MME local groups were, nevertheless, active in Natura 2000 issues across the country, while WWF hardly engaged at local level. MME, which defined itself as a national ENGO, did not consider it legitimate to become active in international environmental issues, whereas WWF (including its national organisations) has traditionally felt responsible for nature protection across the world, independent of its experts' origin.

Links across levels and with other groups of actors were relevant for how successfully ENGOs could contribute to a better protection of species and habitats through Natura 2000. ENGOs could create and foster some new interfaces between stakeholders and national authorities, and between Hungarian citizens and the EU. Even though the links of ENGOs to the general public and local stakeholders are not generally described as strong, ENGOs were agents for more cross-scale interactions, and possibly coordination, as was requested for complex and multi-level governance systems by Young (2002) and Berkes (2002). The creation of such new interfaces between citizens

and authorities at various levels of governance increased legitimacy and effectiveness of ENGO participation in a synergistic way.

Through Natura 2000, state and non-state actors of the nature conservation policy sector together achieved a legal protection of many valuable sites, yet they could not easily ensure the actual protection in the field as the designation was met by opposition from land users. The conflicts observed in Hungary mirror conflicts in other countries and are, thus, also due to general problems of Natura 2000 (*i.e.* restrictions for land users without specific funds for nature-friendly management of Natura 2000 sites). By observing implementation and reporting violations, ENGOs could increase the awareness for Natura 2000 regulations among authorities and investors. This may have positive effects on some sites, despite the fact that the reporting in many cases only happened after natural values had already been destroyed and so could not prevent the loss of natural values on these specific sites. As ENGOs did not succeed in getting the key governmental departments, namely the agricultural and environmental ministry, to agree on a country-wide maintenance scheme, their influence on site maintenance was limited locally. For increasing awareness for natural values and achieving the protection of biodiversity through nature-friendly management, these pilot and local projects were, however, promising for they tried to establish viable maintenance solutions which enjoy the support of local stakeholders. Besides the creation of new interfaces (see above), these local socially responsible maintenance initiatives, thus, are examples for how the need for effectiveness and legitimacy in nature protection can be harmonized. So a further answer to research question 1 concerning the role of ENGOs is that some ENGOs contributed to reaching the goal of “good governance” of biodiversity.

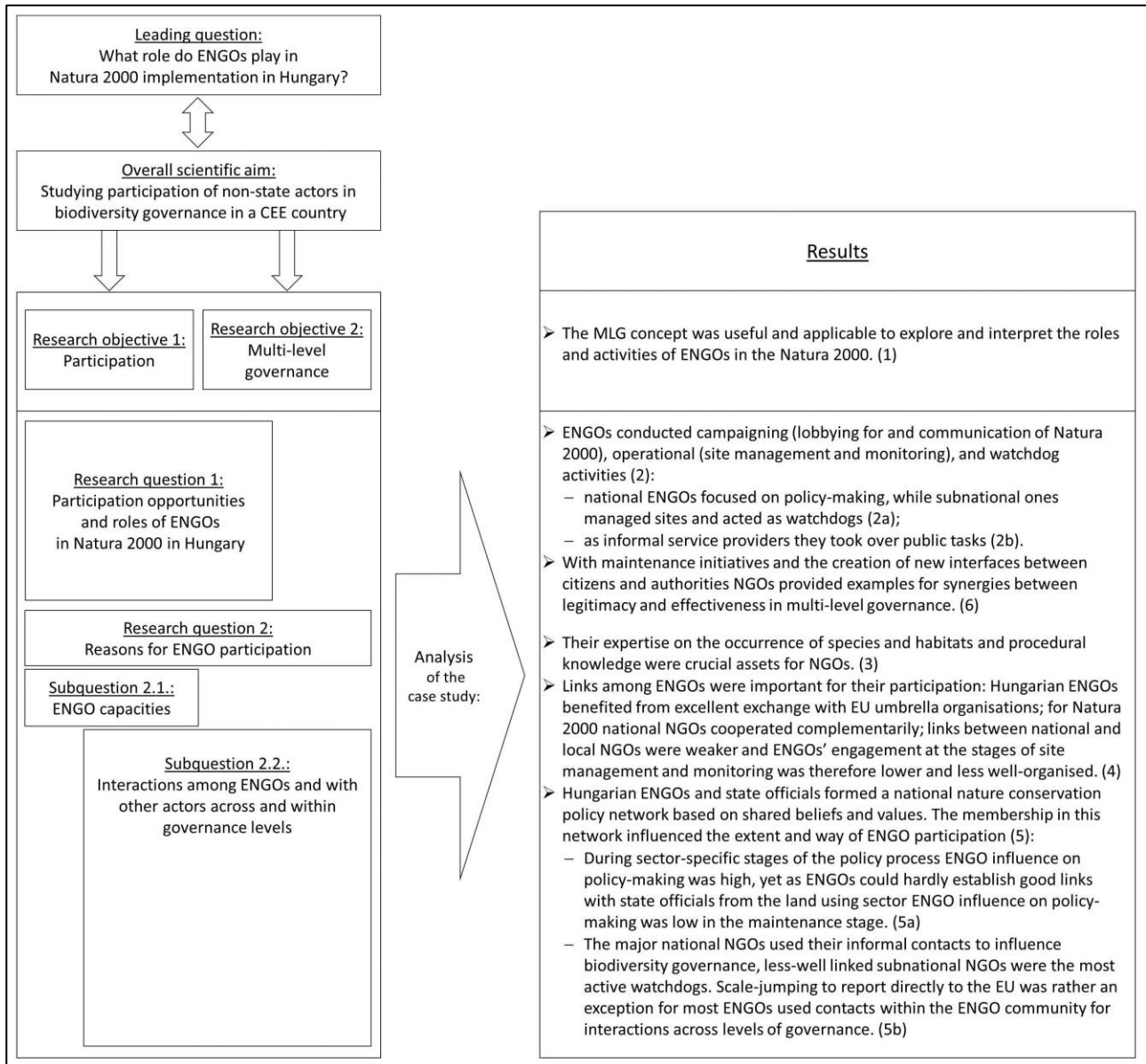
#### 4.5. New Scientific Findings

1. The **MLG concept**, first applied to the biodiversity policy sector in Hungary by the present study, proved to be useful and applicable to explore and interpret the roles and activities of ENGOs in the Natura 2000 policy process, a prominent case of European multi-level biodiversity policy-making: Interactions across levels of governance and informal interactions were an important element and basis for ENGOs' participation.
2. **All major typical ENGO activities**, *i.e.* campaigning (lobbying and communication), operational (expert advice, site management and monitoring) and watchdog activities, could be **observed** during the Natura 2000 process:
  - a. The activities of ENGOs **varied with governance levels**: While the major national nature conservation NGOs focused on national Natura 2000 policy-making, especially site designation, only subnational ENGOs were engaged in actual site management and acted as watchdogs in specific local cases.
  - b. ENGOs acted as **informal service providers in public tasks** for which the state nature conservation administration lacked capacities; this included the preparation of proposals for site designation, site monitoring, communication of Natura 2000 policy, and management planning.
3. As the designation of Natura 2000 sites was to be based on scientific criteria ENGO's **scientific expertise** on the occurrence of species and habitats was a **crucial asset** for ENGOs. Thanks to their good **procedural knowledge on Natura 2000 policy making**, ENGOs could provide information in the phase when it was needed.
4. **Links among the ENGO community** across and within governance levels were **important** for ENGO participation: Good working relationships between national ENGOs and their EU umbrella organisations were crucial for preparing Hungarian ENGOs for the Natura 2000 process. National ENGOs involved in Natura 2000 cooperated in a complementary way. As links between national ENGOs and local groups were rather weak, ENGOs' engagement at the stages of site management and monitoring was less well-organised and could not cover the whole country.
5. ENGOs and officials of the state nature conservation administration have formed a **Hungarian nature conservation policy network** based on shared beliefs and policy goals. Being part of this policy network had an **impact** on the **extent of ENGOs participation** and on the **strategies** used by different Hungarian ENGOs:
  - a. **ENGO influence** was relatively **high in sector-specific stages** of the Natura 2000 process dominated by the state nature conservation administration, whose officials relied on ENGOs' assistance to achieve shared goals; yet ENGOs' influence was low as soon as other sectors became crucial players in the policy process – as members of the nature conservation network, ENGOs could hardly establish good links with state officials from the land using sector.
  - b. While the **major national ENGOs**, being legitimate members of the nature conservation policy network, **interacted informally** with the Hungarian **nature conservation administration** to influence biodiversity governance, some **subnational ENGOs**, **less well-linked** into the Hungarian nature conservation network, took a **more confrontational** stance by initiating court cases and officially reporting to EU bodies. As most ENGOs relied on the internal ENGO network for interactions across governance levels, **scale-jumping** by informing the EU directly remained **rather an exception** within the Hungarian-European multi-level biodiversity governance setting.
6. With their Natura 2000 site maintenance initiatives involving local stakeholders and the creation of new interfaces between citizens and authorities, Hungarian ENGOs provided **examples for synergies between legitimacy and effectiveness** in multi-level governance.



## 5. Conclusions

In this concluding chapter the main findings and results of the present study will be reflected upon and particular emphasis will be put on the use of the MLG framework for a better understanding of the participation of non-state actors in European biodiversity governance. Figure 6, which is an extended version of Figure 1 (p. 12), summarizes the aims, as well as the results of this study to provide a structured overview for the reader.



**Figure 6: Research goals and results.** The results are summarized as compared to the ones listed in subchapter 4.5. (the number in brackets refer to the number in 4.5.)

A tangible result of the present study consists of the mapping of Hungarian ENGOS involved in Natura 2000 at different governance levels: Figure 3 (p. 85) visualised the involvement of ENGOS and other relevant state and non-state actors in different types of activities over the course of the Natura 2000 process. Figure 4 (p. 123) illustrated the networks existing within the ENGO community, and figure 5 (p. 124) highlighted interactions between ENGOS and different state actors at and across levels of governance. These figures were drawn to illustrate the findings of this research but can be viewed also independently to gain some first and quick information on the role

and position of different Hungarian ENGOs in the Hungarian-European multi-level biodiversity governance setting.

This analysis showed that the focus of the MLG concept on formal, as well as informal interactions between state and non-state actors proved useful for better understanding the role and participation of ENGOs in biodiversity governance (research objective 1) and for gaining insights into multi-level governance dynamics in a new CEE EU member state (research objective 2). The MLG framework ensured that appropriate attention was paid to actors at different levels of governance and their interactions, which are decisive for how EU policies are implemented. Combining this MLG framework with theories on NGO influence and networks between state and non-state actors, which highlighted the importance of participation opportunities and capacities for NGO influence, and named possible bases for interactions between state and non-state actors, helped to understand why ENGOs participated in certain ways at certain stages of the Natura 2000 implementation process. So from a theoretical perspective a conclusion from this study is that the MLG concept provides an applicable framework for analysing the role of non-state actors in European multi-level policy-making processes; for better understanding causal relationships for observed interactions the MLG concepts needs and can be combined with more specific theories, like in this study theories on NGO influence and networking within policy sectors.

Answering the first part of research question 1 as to when ENGOs participated during the Natura 2000 implementation process in Hungary, which was analysed in subchapter 4.1., one can state that ENGOs participated at all stages of the implementation process. Yet different ENGOs were active to a different degree and in different ways at the different stages: while during the designation stage it was rather national and EU umbrella ENGOs which were strongly involved, at the later stages of management, monitoring and control of implementation the engagement of subnational ENGOs became more relevant – this is not surprising for in the first stage policy decisions were taken at national level, and in the second stage of maintenance actual activities could happen in the field, so on specific sites. In the maintenance stage, too, national level ENGOs were active at the policy level by trying to get the government to establish a country-wide maintenance scheme; for reasons outlined below their lobbying efforts were, however, less successful than for site designation. Regarding the second part of research question 1, *i.e.* the roles ENGOs played, one could find all types of activities expected from NGOs in the literature, namely campaigning, operational and watchdog activities (see Willets, 2002). ENGOs acted in a campaigning role not only when lobbying policy-makers but also by conducting communication activities addressing the general public and stakeholders. With their communication activities ENGOs provided a service to policy-makers as a raised awareness for Natura 2000 regulations can foster implementation. ENGOs, moreover, provided other important services for policy-makers, most importantly expertise and data for site designation and monitoring. What is more, by engaging in management activities, they helped to generate examples for viable solutions for site maintenance, which could possibly be scaled up to more sites. The provision of expertise and management activities are operational in character. The typical NGO activity of acting as watchdogs by reporting violations to the implementation of Natura 2000 was performed almost only by subnational ENGOs. One obvious reason for this is that as they are located closer to affected Natura 2000 sites, local or subnational NGOs can more easily observe or learn about threats to certain sites. These bigger subnational ENGOs, moreover, had the needed capacity and expertise. Another reason, which became evident when analysing interactions (see below) was that the bigger national ENGOs, which possessed good links to state actors, could exercise some control function also via these informal contacts – these ENGOs thus did so rather with lobbying activities than as watchdogs officially reporting violations.

The legitimacy of different roles of ENGOs was contested (see subchapter 4.4.). The evaluation of ENGOs' legitimacy could be linked to the policy sector interviewed experts belonged to. An agricultural expert perceived their activities, especially the reporting to the EU, as interfering in a functioning Hungarian governance system, while nature conservation experts stressed the importance of the control role of ENGOs to ensure the correct implementation of EU nature

conservation regulations. State nature conservation officials clearly considered ENGOs as assistants fostering the state's capacity to act, an interviewed official of the agricultural sector, however, criticised ENGOs for creating conflicts and undermining national authorities by reporting to the EU. Several experts, also from the nature conservation sector, indicated that it should not be NGOs to decide on the course of the process, their tasks were seen in controlling the rightful implementation of regulations and in assisting policy-makers. The line between taking a decision and supporting policy-maker to successfully ensure implementation is of course a thin one or hard to draw. By acting as informal service providers in public tasks, taking over tasks conventionally assigned to state administration, namely the preparation of proposals for site designation, site monitoring, communication of the policy and management planning, ENGOs assisted a weak state nature conservation administration by completing tasks state bodies could not do themselves due to a lack of resources or due to administrative and political constraints; yet by doing so ENGOs of course also gained influence on decisions.

As just indicated one factor for why ENGOs could participate by providing services to state actors was a lack of resources and capacities on the side of the state nature conservation administration – this is, thus, one answer to research question 2 which aimed at finding the reasons for why ENGOs could (or could not) participate in certain ways. Subquestion 2.1. especially addressed the question of ENGO capacities; these were analysed in subchapter 4.2. So while the state nature conservation administration lacked certain capacities, ENGOs obviously possessed some specific capacities needed to participate in the ways outlined above. Regarding some aspects ENGOs were described as strong actors, while regarding other aspects they were considered as weak: Their weakness lies in low and unstable financial resources, and a dependence on public funding, which may endanger their independence as non-state actors. Even regarding funding though, ENGOs were, however described as stronger than some state actors, as they could access certain funds, which were not available for the state nature conservation administration. ENGOs were, moreover, empowered through the EU, financially and via EU-support for their watchdog activities and involvement in the Natura 2000 process as domestic actors with an own interest in Natura 2000 implementation. The fact that ENGOs as civil society actors can act based on the convictions of their members was also mentioned as a strength, especially in the long term. Some ENGOs benefited from a strong voluntary input of their members, yet voluntary activities were not coordinated well at higher organisational levels. Besides financial resources, the commitment of their members and volunteers, procedural knowledge and expertise were crucial assets for NGO participation. For initiating court cases and reporting to the EU, ENGOs needed legal expertise, which Nimfea received through the support of the environmental lawyers' NGO EMLA and T.T.T. acquired through self-studies. Knowledge on the Natura 2000 process, which Hungarian national ENGOs acquired thanks to training by European umbrella organisations, was essential for NGO be able to provide adequate input into the policy process at a point in time when it could be taken up by policy-makers; the national NGOs especially succeeded in doing so during the stage of site designation. At this stage their nature conservation expertise was most essential for the designation of Natura 2000 sites was to be based on scientific criteria; MME's ornithological expertise was explicitly requested by policy-makers, in the form of an updated IBA list serving as a SPA proposal. Like explained earlier, the contacts ENGOs have among each other and with other actors can be considered as an asset, too.

The interactions between different actors at different levels of governance, central to the dynamics of multi-level policy-making, were the focus of research question 2.2. and analysed in subchapter 4.3. Interactions among different ENGOs in Hungary were mostly described as cooperative – competition was not mentioned as a problem. Good relationships among the Hungarian ENGO community can be attributed to the tradition of an annual gathering, in which the different ENGOs democratically elect representatives and exchange information and experiences. For coordinating their activities for Natura 2000 implementation four nationally active ENGOs formed a special working group, which functioned well as long as all involved ENGOs considered Natura 2000 policy-making a priority. This good and complimentary cooperation within this Natura 2000

working group was one reason why these four ENGOs could successfully influence the designation process to their satisfaction. For the preparation of Hungarian ENGOs for the Natura 2000 process, so for acquiring the needed procedural knowledge, support from European umbrella organisations and partner organisations from Western Europe was crucial because Western European partner ENGOs could share their experience with Natura 2000 implementation in the old EU member states. During the time of accession national-level Hungarian ENGOs, therefore, rather focused on exchange with EU-level ENGOs, but somewhat neglected interacting with subnational and local ENGOs. So the links between national organisations and local groups were rather weak – also due to a lack of stability within the local groups, which largely relied on volunteers. Since many funds, especially EU-funds, were too large and complicated to be managed by small groups of volunteers, local ENGOs could hardly find appropriate funding and, thus, could usually not establish more stable organisational structures needed for strengthening ENGO activities at local level. Most subnational ENGOs did not directly interact with EU umbrella organisations; in part this can also be attributed to a language barrier. The national level ENGOs did not really act as a mediator between local level groups and the EU-level either. Due to these relatively weak links with local ENGOs, the Hungarian ENGO community could, therefore, not fully use the benefits of acting strategically at multiple levels. National and European level ENGOs and donors should, therefore, pay more attention to local level groups and support local initiatives for nature conservation management with the involvement of local people because such initiatives are most promising for achieving an actual positive effect on the status of biodiversity.

Looking at the relation of ENGOs with state bodies, one could register a strong network among state and non-state actors in the Hungarian nature conservation sector. This network can be described as a policy network, advocacy coalition and epistemic community for it is based on common reasoning and values, and a shared belief that it is important to protect nature, resulting in shared policy priorities, including an interest in a strong Natura 2000 designation. In their lobbying efforts to ensure that a high number of valuable areas were designated as Natura 2000 sites, ENGOs thus did not fight against but with many state nature conservation officials. The similar professional background of state and non-state members of this nature conservation network resulted in an overlap of careers and personnel. The nature conservation administration relied on ENGO assistance to strengthen their position in conflicts with other policy sectors: ENGOs were seen as assistants by state nature conservation officials in many aspects, even though they did not cooperate with them continuously but rather in case of concrete needs: the state nature conservation administration subcontracted ENGO actors for Natura 2000 communication, site management and monitoring – the official monitoring system largely relied on ENGO input. State actors, moreover, informally supported the control role of ENGOs over the implementation of Natura 2000 by supplying them with information. In this case and at other times when they took advantage of the different organisational structure of NGOs and state bodies state nature conservation officials and ENGO members cooperated strategically, using the different capacities of both actors, information held by state actors and the independence of ENGOs allowing them to act as watchdogs, to ensure the protection of valuable sites. Members of the Hungarian nature conservation policy network developed a strong sense of identity which next to their common professional background, shared beliefs and policy goals can be linked to the fact that the nature conservation coalition oftentimes found itself in a defensive position in conflicts with other sectors. It is, therefore, maybe not surprising that actors of other policy sectors, especially land users, were sometimes attributed with negative stereotypes and described as a common enemy. The perception of a general opposition between the sectors, however, made the needed constructive cooperation for Natura 2000 maintenance even more difficult. ENGOs could not easily establish good links with state officials from the land using sector, which was a key actor for Natura 2000 maintenance. Whereas ENGO influence was high as long as the environmental ministry was the dominant actor at national level, namely for Natura 2000 site designation, ENGOs had few chances to influence the policy process as soon as actors from other sectors became crucial players in the Natura 2000 implementation process. The dynamics of interactions or conflicts between different policy sectors should,



therefore, be paid attention to when analysing the participation of non-state actors in multi-level governance processes.

Analysing the impact of relationships on ENGO participation one could, further, find that the well-established national ENGOs exercised influence via informal links and personal contacts, and rarely confronted the state nature conservation administration openly, while it was rather subnational ENGOs, which were less well linked in the Hungarian nature conservation community, that initiated court cases against threats to specific Natura 2000 sites and officially reported to the EU. One explanation given for this observation was that the big national ENGOs had such good links to state actors that they could reach more via informal channels than by protesting officially; another possible explanation may be that these well-linked ENGOs did not want to risk losing their contacts by opening up conflicts – yet as also indicated by experts this precaution was not required with all state officials, for some nature conservation officials informed ENGOs exactly with the aim that the NGO would start an official control or court proceeding. Within the Hungarian nature conservation community many interactions between ENGOs and state officials were based on trust; informal interactions, thus, played a crucial role for cooperation. Most ENGOs interacted mainly with state officials working at the same governance level. For informing the EU they rather relied on exchange with their EU-level umbrella organisations – this, too, can be interpreted as a strategy to avoid open conflicts with the Hungarian government and authorities. The opportunity to directly interact with EU bodies was, thus, not used excessively by most ENGOs – also because it was not considered as very effective in reaching nature conservation goals. ENGOs could very well interact with national and subnational state nature conservation officials – the national level ENGOs for example preferred to negotiate their requests for site designation directly with the national ministry instead of exercising pressure only via the EU through shadow lists, yet in their negotiation they did employ the argument that they could inform the EU. Scale-jumping as way for NGO mobilisation in the Hungarian multi-level biodiversity governance setting did, thus, not occur as often as might be expected from the attention paid to this opportunity in the MLG literature. In contrast to a proposition from the MLG theory national governmental actors were not omitted by most Hungarian ENGOs. As argued above the reason for this observation can be found in the good network of major Hungarian nature conservation NGOs with nature conservation officials in the Hungarian government and administration. It would, however, be wrong to conclude from this that the MLG framework was not valid for the case of Hungarian biodiversity governance as some dynamics could hardly be observed, for interactions across governance levels and the existence of a supranational level of governance, nevertheless, had an important impact on ENGO participation and the Hungarian biodiversity governance system. It was via the exchange with their European umbrella organisations that Hungarian ENGOs acquired the procedural knowledge which enabled them to participate in the Natura 2000 implementation process. The fact that based on the EU regulations the designation of Natura 2000 sites was to be based on scientific criteria opened an important participation opportunity for the ENGOs which possessed the needed expertise. The warning to inform the EU if EU-regulations were not adequately implemented, moreover, served as a threat ENGOs used in negotiations with the Hungarian government and authorities to strengthen their positions. The European level of governance should, therefore, be taken into account when analysing biodiversity policy-making in a CEE EU member state.

To keep the power of this argument that NGOs could report to the EU, it was essential that there were cases in which an NGO did actually inform the EU; the value of reporting, thus, lies less in the fact that the actually affected sites could be protected, which was usually not the case, but more in the fact that it may prevent future violations to Natura 2000 protection. A number of experts believed that the control exercised informally and formally by ENGOs did help in increasing awareness and respect for Natura 2000 protection by authorities and stakeholders. This watchdog role of ENGOs is, therefore, important for Natura 2000 implementation and should be performed also in the future.

The evaluations by experts, moreover, indicated that ENGOS did indeed strengthen the position of the nature conservation sector in relation to the agricultural one for their activities were recognized, and not ignored as irrelevant, *i.e.* also by the agricultural sector. ENGO involvement in Natura 2000 may, thus, really have changed power dynamics between the sectors – the relatively stronger role of the nature conservation sector was perceived as inconvenient by the agricultural sector, because it could no longer proceed in its used way as new actors had to be involved for the management of some sites. ENGO involvement in Hungary and at EU level thus meant an increased number and diversity of actors acting for biodiversity protection; this may render the biodiversity governance system more robust for different actors can respond to challenges arising during a policy process with different strategies – some state nature conservation officials and ENGOS have realized this opportunity. ENGOS definitely strengthened the policy network of Hungarian nature conservationists – this becomes clear also in the fact that Hungarian nature conservationists succeeded in designating many sites as Natura 2000. The contribution of ENGOS in this was recognized by state nature conservation officials. Yet ENGOS could do little to prevent delays rooted in the conflict between the environmental and agricultural ministries; since they were not considered as partners by the agricultural ministry they could not influence decision-making on Natura 2000 maintenance at the level of national policies. Some ENGOS did, however, engage in projects, which could serve as examples for nature-friendly site management based on cooperation with land users. So for Natura 2000 maintenance ENGOS could achieve little at the level of national policy-making, but, nevertheless, at a project scale contributed to finding solutions for Natura 2000 maintenance. Such local initiatives, moreover, have the advantage that they can be more responsive and adaptive to the local social context and natural environment than a general country-wide scheme.

Looking at the whole Natura 2000 implementation process, one can conclude that while the process was efficient regarding the number and overall quality of sites designated, it was not regarded as legitimate by important stakeholder as they were not involved. There was, thus, a clear trade-off between efficiency and legitimacy observed in the Hungarian Natura 2000 designation process. Yet ENGOS also provided some examples for activities which could create synergies between effectiveness and legitimacy in biodiversity governance. ENGOS could help to increase the legitimacy of the Natura 2000 implementation process in two ways, first by enabling an informed analysis through providing expertise to improve the data basis for site designation – despite this there was, however, no sufficient data for all sites. Secondly by communicating Natura 2000 to the public and stakeholders – even though communication in general was considered as insufficient by agricultural and ENGO experts, it would have been even lower without ENGO engagement. ENGOS can, therefore, be viewed as important agents for communication.

Hungarian nature conservation NGOs could, however, only in a limited way serve as a bridge between the EU and citizens, a role foreseen for civil society actors, for the local volunteers are not well-linked to experts working at national level, who are in contact with EU-level experts. As all ENGO members and experts are and act as citizens, every contact between ENGOS and authorities is, however, also a link between citizens and authorities. Through their communication activities, especially MME experts at local and national level served as contact points for stakeholders requesting information on the EU's Natura 2000 network. By organising stakeholder workshops and building up and maintaining a website on Natura 2000, ENGOS created interfaces for dialogue between stakeholders, experts and authorities – in the first case stakeholders and participating state experts (usually of the NPIs) could meet personally, in the second case an ENGO transmitted stakeholder requests to the responsible authorities. In the course of EU-accession and Natura 2000 implementation, ENGOS, moreover, established some new links to state bodies of the agricultural sector. Even though these were not considered as very good, more links were created than had existed before. These new links could be paths for future cooperation for the benefit of managing valuable habitats in a nature-friendly way.

Besides their communication activities, an ENGO activity which constituted an example for how to synergistically fulfil the need for effectiveness and legitimacy in biodiversity governance were NGO projects and initiatives for nature-friendly land management based on the cooperation with the local community. ENGOS should, therefore, continue and expand their communication activities and engage in more local projects through which they can establish links with local people who are managing valuable lands. State and private donors aiming to support sustainable development in general or biodiversity protection more specifically should support such communication and management initiatives at local level because such local initiatives are promising for engaging local stakeholders in protecting Natura 2000 species and habitats, and, thus, in conserving biodiversity.

This study provided a detailed analysis of the role Hungarian ENGOS played in Natura 2000 implementation in Hungary by looking at what kind of activities ENGOS conducted at different levels of governance and at the different stages of the Natura 2000 implementation process (subchapter 4.1.). Through investigating what capacities ENGOS had at their command (subchapter 4.2.) and analysing their interactions among each other and with state actors, as well as with other non-state actors at and across different levels of governance (subchapter 4.3.) the author could find explanations for why ENGOS got the opportunity to participate in the observed way. A practical result of the study are three figures which visualise how different ENGOS were active in the Natura 2000 implementation process at the different levels of governance (figure 3, p. 85), the position of different ENGOS and how they link among each other at and across levels of governance within the ENGO community (figure 4, p. 123), and how well ENGOS interact with other actors, especially with the relevant state actors, from the European to the local level (figure 5, p. 124). At a theoretical level this study proved that multi-level and informal interactions are crucial to understanding public participation in a new CEE EU member state; this analysis, moreover, is an example of how the MLG concept can serve as a framework for studying the participation in EU policy-making if, in order to name factors which can give causal explanations for the observed dynamics, it is combined with theories focusing more specifically on the types of actors that are the subject of the analysis, in this case civil society actors, namely NGOs. Aspects of legitimacy and effectiveness of NGO participation in this multi-level governance setting were explored to learn more about how the involvement of ENGOS could potentially contribute to “good governance” in the Hungarian multi-level biodiversity governance system (subchapter 4.4.).

Overall the present study provided data and a profound analysis on the role of ENGOS in the multi-level system of Hungarian biodiversity governance. The results can be the starting point and basis for future studies. Concerning the Hungarian biodiversity governance setting it is of interest to see how interactions between different actors, and especially participation opportunities for NGOs and their activities developed since 2010; as NGO participation depended clearly on policy sectors it would be interesting to study whether the merging of the environmental with the agricultural ministry had an effect on ENGOS’ strategies for interacting with state actors. The author would also consider it particularly interesting and important to further study whether and how NGOs can contribute to fostering measures for protecting biodiversity that are effective and considered as legitimate by stakeholders and citizens.



## 6. Summary

Biodiversity has been recognized as a huge treasure for humanity and its protection as an urgent need, which should be addressed not only by state actors, but also by non-state actors. Non-state actors who, as representatives of civil society, have participated in policy-making for biodiversity protection at international and European level are environmental NGOs. In Hungary, democratisation and EU-accession increased the demand for public and civil society participation. Aiming at better understanding the participation of ENGOS in biodiversity governance (research objective 1) and at understanding multi-level governance dynamics in a new CEE EU member state (research objective 2), this study investigated what role ENGOS played during Natura 2000 implementation in Hungary.

This study answers the following research questions: (1) When and how did ENGOS participate during Natura 2000 implementation in Hungary? What roles did they play? (2) Why did and could ENGOS participate? What capacities did ENGOS have? What interactions and networking can be found among ENGOS and between ENGOS and other actors in Hungarian biodiversity governance? To answer these and address the research objectives the author conducted a literature review on the topics of multi-level governance, the role of ENGOS, their capacities and opportunities for participation in policy-making, networking of state and non-state actors, and on Natura 2000 and experiences with its implementation across the EU. Natura 2000 was chosen as a case study because, being the EU's flagship programme for nature conservation, Natura 2000 is the most prominent case of multi-level policy making in the field of biodiversity governance. The qualitative case study research was based on semi-structured interviews and a complementing document analysis. Based on the multi-level governance concept and theories on NGO participation, the analytical framework focused on participation opportunities and capacities of NGOs, and on their interactions among each other and with other actors which enabled NGOs to use and extend their capacities and take advantage of participation opportunities.

The analysis showed that ENGOS conducted campaigning (lobbying for and communication of Natura 2000), operational (site management and monitoring), and watchdog activities. As informal service providers they took over public tasks, for which the state nature conservation administration lacked capacities. National-level ENGOS rather focused on policy-making, especially site designation, while it was subnational ENGOS which engaged in actual site management and acted as watchdogs. As the designation of Natura 2000 sites, according to EU-regulations, was to be based on scientific criteria their expertise on the occurrence of species and habitats was a crucial asset for ENGOS as it was needed by state actors. Another capacity important for participating was procedural knowledge, which the major national ENGOS acquired thanks to the sharing of experience by EU umbrella organisations. While the four major national ENGOS worked together well in a joint Natura 2000 working group, the links between national and local ENGOS were rather weak. Looking at interactions with state actors one could find that Hungarian ENGOS and state nature conservation officials were members of a national nature conservation policy network based on shared beliefs and policy preferences. During sector-specific stages of the policy process, namely the designation of Natura 2000 sites, ENGO influence on policy-making was, therefore, high – in their joint pursuit of designating and protecting valuable areas as Natura 2000 sites nature conservation officials and ENGOS cooperated strategically. Yet as ENGOS could hardly establish good links with state officials from the land using sector, ENGO influence on policy-making was low in the maintenance stage. The major national ENGOS, which had good links to state nature conservation officials used their informal contacts with state nature conservation officials to influence biodiversity governance and relied on the internal ENGO network for interactions across governance levels, rather than informing the EU directly. This can be interpreted as a strategy to avoid conflicts with the Hungarian government and authorities. Two subnational ENGOS were the most active watchdogs: they initiated a number of court cases against the violation of Natura 2000 protection and one of them officially reported threats and violations to the EU. With the creation of

new interfaces between citizens and authorities through communication activities and through maintenance initiatives. ENGOS provided examples for synergies between legitimacy and effectiveness in multi-level governance. These mostly local maintenance initiatives should be extended and supported by national- and European-level ENGOS and donors because such initiatives for nature conservation management with the involvement of local people are promising for achieving an actual positive effect for the protection of biodiversity.

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## **Annex 2: Background information and documents**

- I. Interview guide
- II. Code system
- III. Institutional structure
- IV. Usage of the terms “NGO” and “civil organisation”
- V. Major ENGOs involved in Natura 2000
- VI. Summary: characteristics of major ENGOs
- VII. ENGO finances
- VIII. History of state financing for ENGOs in Hungary
- IX. View on nature
- X. Biodiversity in Hungary
- XI. Evaluation of the Natura 2000 process in Hungary by interviewed experts
- XII. Conflict between the environmental and agricultural ministry
- XIII. EC infringement about Bird Directive
- XIV. ENGOs as watchdogs – further details on some cases
- XV. Letters concerning Natura 2000 infringements

## **I. Interview guide**

### ***Topic: Role of NGOs for Natura 2000 in Hungary***

#### **1) Person**

- Since when do you work here?
- What did you do before? What did you study?
- What do you like about the work?

#### **2) Nature conservation in Hungary**

2.1) Why according to you is nature conservation important/ what is the reasoning for nature conservation?

2.2) Actors

- Who are the main actors in nature conservation in Hungary?
- What is the role of the ministry? (for Natura 2000)
  - different departments of the ministry?
- Role of NGOs in general?
  - Which are the most important nature conservation NGOs in Hungary?

2.3) NGOs

- Who are the members of the NGOs/ of your NGO? (how many, background)
- How influential are they?
- With whom do they interact? (on national, European and local or regional level)
  - When, why and how do you/ they interact with other actors?

2.4) Other sectors

- What role do other sectors, like agriculture or forestry, play for nature conservation (positive and negative aspects)
- What interactions are there between different sectors?

2.5) EU

- Role of the EU? Have there been any changes since or due to accession?
  - For nature conservation?
  - For public participation? (Aarhus Convention?)
  - For the role of NGOs?

#### **3) Natura 2000 process**

3.1) Begin

- When did it start? What were/are the main stages/phases of the process?
- Why was the Natura 2000 working group founded? (Aarhus Convention?) Who initiated it?

3.2) Process

- Role of the Natura 2000 working group? (beginning)
- How does the working group interact with the ministry? (how often do they meet)
- Role of the working group today? (implementation, writing of management plans)
- Are other NGOs (regional or local) involved too?
- What problems were there, are there?
- Was it possible to use experiences from the old member states with Natura 2000

### 3.3) Evaluation of Natura 2000

- Role of the Natura 2000 programme for nature conservation?
- Effect on the acceptance of nature conservation?
- Role for participation of civil society?
- Have you learned anything through the process of implementing Natura 2000? / Has the process had any influence on the interactions between different stakeholders?

#### 4) Else

- Future challenges for Natura 2000, in nature conservation in Hungary?
- Anything important that was not mentioned?
- Who else should I talk to?

**KÖSZÖNÖM!**

## II. Code system

[number of codes]

### Codesystem [4004]

- nature conservation\_general [38]
- Hungary\_governance [272]
- participation\_general [42]
- Natura 2000 [149]
- BirdsD [32]
- HabitatsD [17]
- list\_designation [120]
- biogeographic seminar [59]
- borders [27]
- decree [50]
- communication [102]
- maintenance-financing\_monitoring [193]
- infringement\_violations [37]
- NGO [198]
- munkacsoport [51]
- CEEweb [74]
- Nimfea [58]
- WWF [84]
- MTVSz [69]
- MME [140]
- local [45]
- local, regional [106]
- BrusselsNGOs [40]
- to government [51]
- financing [51]
- state bodies\_government [154]
- KVM [261]
- inspectorate [63]
- national park [344]
- other ministries [197]
- EU [242]
- schools\_academia\_experts [126]
- farmers\_land users [216]
- tourism [17]
- WFD [14]
- other countries [170]
- personal [95]

### III. Institutional structure

According to Boda (2012), the institutional structure of the environmental sector in Hungary was built up in the 1990s, while since 2002 the environmental administration suffered from continuous reform and cuts, which were based on the idea of a small efficient state (Boda, 2012), so that there are no stable administrative structures. Quick and frequent reforms did not foster the stability needed for long-term cooperation between actors (Schliep and Stoll-Kleemann, 2010), but rather a top-down adoption of the *Aquis* communautaire (Raik, 2006, cited in Börzel and Buzogány, 2010b). Frequent institutional reform, moreover, created insecurity with state officials (NGOn6). Berg (1999) stated that the Hungarian environmental ministry was ineffective. Local governments were not involved in site management usually, unless there was a locally protected area (KvVM1).

According to an ENGO expert, nature conservation got a more prominent role in Hungary with EU-accession also because ENGOs had communicated that it was important to the EU:

*“Nature conservation has a better role after accession, [...] because it was a general communication: the environment is important for the EU, Natura 2000 also. And in Hungary, thanks to NGOs – it was not a governmental communication, that Hungary gave a new biogeographical region for the EU community,”* (NGOn4)

At the time of EU-accession and until, the highest state body for biodiversity protection was the Ministry of Environment and Water (KvVM) with its State Secretariat for Nature Conservation. Hungary has 10 national parks, 145 nature reserves and 35 landscape protection areas (IUCN, 2012). The ten National Park Directorates (NPIs), subordinate bodies of the environmental ministry, are the main regional actors in nature conservation governance (NGOn4) and have the best field knowledge. In their administrative territory, they are not only responsible for the core national park areas but also for the management, maintenance and monitoring of all protected areas which are state owned and not managed by other state bodies, such as state forestry companies.

The authoritative competence of environmental protection, water management and nature conservation issues was exercised by the ten regional inspectorates for nature conservation, environmental protection and water management supervised by the environmental ministry's Chief Inspectorate. This authority power for giving permissions regarding nature-conservation issues had been held by the NPIs until 2005 when it was transferred to the environmental inspectorates to separate the management and permission responsibilities (NGOn2, NGOn9, NPI5). According to nature conservation experts this constituted a problem for nature conservation because the environmental inspectorates are not specialised on nature conservation, which is just one of their fields of responsibility – the others being water management and environmental protection (NGOn2, NPI5) and because the NPIs, which have the necessary expertise, were downgraded from an agency with authoritative power to an expert advisory position, with the result that after this institutional re-organisation nature conservation interests were less well represented in the institutional setting (NGOn2, NGOn9, NPI5, NPI4, NPI7).

#### **IV. Usage of the terms “NGO” and “civil organisation” by Hungarian experts**

All interviewees speaking English or German used the term “NGO”, most of the interviewees interviewed in Hungarian language, however, mainly used the term “*civil szervezet*” (12 out of 15, with two of them using both terms), even when the interviewer used the term “NGO” in her questions. Some interviewees also used terms like “*civil szektor*” (“civil sector” in contrast to the state sector) or “*civil szfera*” (“civil sphere”). Especially the fact that interviewees used the term “*civil szervezet*” also when responding to a question on “NGOs” indicates that they regard the terms as synonyms. Additionally it could be observed that the experts who used the English term “NGO” in their answers in Hungarian language had working experience at national level. The international term “NGO” is thus more commonly used at the national level, while experts working at subnational level mostly chose Hungarian as the interview language and rather used the term “*civil szervezet*”.

## V. Major ENGOS involved in Natura 2000 implementation in Hungary

The following paragraphs introduce the main Hungarian ENGOS, their background, their mission and some views members of these ENGOS or other experts expressed about a certain organisation.

Official statistics on the number of ENGOS were not regarded as meaningful as many NGOs only exist on paper since it is easier to register an NGO than to dissolve it (NPI4, NGOn8). There were, moreover, complaints by interviewees that the legal rules for establishing an ENGO are not very good for anyone could found an ENGO, which could even support the destruction of natural values; national park expert (NPI5) mentioned the example of an environmental NGO which builds dams, villas and water reservoirs.

### 1. MME (BirdLife Hungary)

BirdLife Hungary (*Magyar Madártani és Természetvédelmi Egyesület*, literally “Hungarian Ornithological and Nature Conservation Association”, in this dissertation the Hungarian abbreviation MME is used) could already be founded in 1974 under the socialist regime as an ornithological expert organisation, as it was considered as politically neutral (Boda, 2012). Nature conservation was regarded as a non-sensitive issue by the ruling communist party; so scientific expert and hobby organisations were allowed relatively early (Berg, 1999). As MME joined BirdLife International, its official English name is BirdLife Hungary (MMEn1). MME is not only the oldest, but with almost 10,000 members MME also the biggest green NGO in Hungary, as well as in the CEE region (MMEn1). Many of its members are ornithologists and hobby bird watchers; an MME official considered the members as the basis and an important characteristic of MME:

*“...the other NGOs do not have or do not emphasize so much to have members, like MME, I think that comes from the origin, it’s just a different approach. So we say the members are very important”* (MMEn1)

MME has local and county groups all across the country. In its central office in Budapest, it has about 20 employees. Several local groups were founded by themselves, some also by the central office (MMEn1). All interviewed experts mentioned MME as an important ENGO: Yet MME’s almost exclusive focus on birds was deplored by some experts (NGOl2, NPI6):

*“MME is a real civil society organisation, a working NGO, but they only deal with birds, they are not interested in insects and others, they only look up not onto the ground”* (NGOl2)

Although bird protection has remained its major focus, in recent years MME has also been involved in projects addressing wider issues and other groups of species, like nature-friendly agriculture or butterfly monitoring.

### 2. MTVSz

The National Society of Conservationists (*Magyar Természet Védők Szövetsége*, MTVSz) was founded in 1989 – *i.e.* at the earliest date when it was possible to found and register a national level NGO (at subnational level it had already been possible in 1988; MTVSz1). As the Hungarian member of FoE, MTVSz is also referred to as Friends of the Earth Hungary. It serves as an umbrella organisation for around 110 ENGOS in Hungary, which together have around 30,000 individual members. With its member organisations, MTVSz has the biggest network of ENGOS in Hungary. While some of its members are big institutionalised ENGOS, like Nimfea, others are just small local groups of people interested in a certain topic or issue, and may not even be officially registered as an NGO (MTVSz1, NGOn6). Among its member organisations there is, thus, a huge variety from small local ENGOS working only on a voluntary basis and big regional ENGOS with several full time employees.

Regarding the aims of the organisation a MTVSz expert emphasized that MTVSz focused on the roots, not the effect of problems, *i.e.* on the drivers of biodiversity loss, instead of single species protection measures:

*“So ultimately MTVSsz’ philosophy is helping to promote sustainability. A country is not sustainable if the world is not sustainable. Therefore, we rather try to concentrate on the drivers. We are not doing species protection programmes, which are generally very spectacular but just not save; one should rather deal with the driving forces that diminish biodiversity, infrastructure development, investments, one has to search for these drivers, and that’s what we do in the field of nature conservation. [...] By saying that we are radical, I mean that we try to address the problem at its roots, and to solve these, and not to deal with the effects because on the long run this will not bring any success. If we again create the problem, then people’s effort to solve the effects is in vain, then you just continuously tilt at windmills.” (MTVSz1)*

MTVSz, therefore, does not only deal with nature conservation issues but also with broader environmental protection issues and policies, like agricultural and climate change issue, as well as bank watch activities, to address the drivers of nature consumption.

### **3. WWF Hungary**

WWF has been active in Hungary since the middle of the 1980s, originally with a project office of WWF Austria (*“WWF Austria spread wings”*, NGO<sub>n3</sub>), and since 1991 as a foundation and since 1998 as a registered CSO with a Hungarian national office, which works more independently, conducting own projects with its own funding (NGO<sub>n6</sub>; [www.wwf.hu](http://www.wwf.hu)). The office of WWF Hungary in Budapest employs ca. 20 people. WWF Hungary also has some (ca. 1-3), local projects in Hungary (WWF<sub>n1</sub>). Apart from these, an expert of MME criticised WWF, however, for dealing mainly with species outside of Hungary (MMEn1).

### **4. CEEweb**

The Central and East European Working Group for the Enhancement of Biodiversity (CEEweb) was founded in 1993 in Miskolc. The office moved to Budapest in 2006. CEEweb is as an umbrella nature conservation NGO for the Central and Eastern European region, where it has member organisations in all countries. It has five Hungarian member NGOs: MTVSsz and four subnational Hungarian ENGOS (Nimfea, two NGOs in Miskolc – Ökológia Intézet and Zöld Akció – and BOCS in Szekésfehérvár).

CEEweb only deals with biodiversity policy; it has five thematic working groups (among these one on Natura 2000), which meet twice a year to foster the exchange of experiences among CEEweb’s member organisations (CEEweb1, CEEweb2).

### **5. Subnational ENGOS**

Palerm (1999) observed that the Hungarian environmental movement was concentrated around large NGOs in the big cities. Across Hungary there are regional ENGOS in all bigger cities and regional centres:

*“...in the major regional centres there is usually at least one significant NGO, or several, like a family of NGOs.” (NGO<sub>n8</sub>)*

The bigger regional ENGOS mentioned by interviewees were: Emisszió in Nyíregyháza, Göncöl in Vác, Életfa in Eger, Reflex in Győr, Csemete in Szeged, Nimfea in Túrkeve, and the three Miskolc ENGOS (Ökológia Intézet, Holocen and Zöld Akció). Besides these regional ENGOS some smaller more local ENGOS were mentioned by only one interviewee each.

There are more ENGOS in the Eastern part of the country than in the Western part. MTVSsz has less members in Western than in Eastern Hungary (<http://www.mtvssz.hu/tagszervezetek>). ENGO experts explained this difference between Eastern and Western Hungary with economic, natural and cultural reasons – (NGO<sub>lr1</sub>, MTVSsz1):

*“In the Western part of the country there are not such visible problems, dirt, which people experience every day; there are maybe fewer problems than in the Eastern part of the country,*



*where there is chemical industry, [...] there were many problems with the river Tisza. As far as I can see, historically this part of the country became stronger [in terms of civil organisations], [...] it has been relatively characteristic that the Eastern part of the country is stronger [in terms of NGOs], there are more NGOs there.” (NGOn7)*

*“All of Eastern Hungary is much more left behind, there are fewer jobs, and there were a lot of free capacities of intellectual young people. In Western Hungary the business sector absorbs the well-qualified young people. [...] That’s one reason [why there are more NGOs in Eastern Hungary]. The other reason is that the natural values are much more concentrated in Eastern Hungary. Here is the Hotobágy, the Zemplén and Kiskunság. [...] Thus, in Eastern Hungary the civil sector developed much better, [...] Many well-qualified people did not see their future in the business sector but in dealing with public affairs.” (NGOl1)*

## **6. Nimfea**

*Nimfea Környezet- és Természetvédelmi Szövetség (Nimfea Environment and Nature Conservation Association, short Nimfea) was established right after the change of regimes, and officially registered in 1994. Nimfea was mentioned in a row with the regional ENGOS, but also sometimes with the national ones (KVvM1):*

*“Nimfea can be counted among the biggest NGOs in Hungary. The two biggest ones are MME and WWF, but practically after these follows already the next level with Nimfea and similar NGOs.” (NPI1)*

Nimfea is one of the regional ENGOS which has been particularly active in Natura 2000 issues. Nimfea has more than 1000 members and 13 local groups. Its central office is located in Túrkeve in Eastern Hungary, where the ENGO built a conference centre. Nimfea works mainly in Békés, Szolnok and Hajdú County in Eastern Hungary, and on the topics of water courses and wetlands throughout the country. So for some issues it has become active across all of Hungary. Nimfea is member of MTVSz, CEEweb and IUCN, as well as of HuMusz an ENGO dealing with waste issues, because – although its main focus is nature conservation, Nimfea also works on some other environmental protection issues. (NPI3).

## **7. T.T.T.**

The Society of Conservationists of Eastern Hungary (*Tiszántúli Természetvédők Társulata*, short T.T.T.) was founded in 1991. It is based in Debrecen and has ca. 80 members of which 30 are actively working for the ENGO (TTT1). Its director acquired environmental law expertise in self-studies.

T.T.T. was not really mentioned in a row with the regional ENGOS existing across Hungary, but rather as an ENGO strongly involved in Natura 2000 issues, with which it started to deal right after EU-accession (TTT1). This ENGO stands somewhat outside the ENGO network, for unlike most other local and regional ENGOS it is not a member of MTVSz and does not participate in the OT either (TTT1). A T.T.T. member described T.T.T. as an independent organisation following the example of Western ENGOS. One national ENGO expert described T.T.T as “*pretty radical*” (NGOn1).

## **8. Specialised ENGOS**

There are two ENGOS which are more specialised technically and do not really conduct their own projects but rather serve other ENGOS with their technical expertise.

The Environmental Management and Law Association (EMLA), a public interest environmental law office, which was founded in 1992, gives free legal advice to ENGOS, it also advises citizens and municipalities, acts as attorney in environmental litigations and conducts legal research if asked

by clients (EMLA1). EMLA also carries out some environmental management projects and is active in environmental education, including a training programme for law students (EMLA1).

The Hungarian Environmental Partnership Foundation (*Ökotárs Alapítvány*, short *Ökotárs*) was founded in 1991 to distribute state and private funds fairly among the environmental NGOs in order to strengthen and support the development of civil environmental movements in Hungary, to foster the “development of an environmentally aware, participatory democratic society and institutional system” ([www.okotars.hu/en](http://www.okotars.hu/en)). *Ökotárs* administers several international grants and provides technical assistance for grant applications to NGOs.

Other important Hungarian NGOs focusing on specific issues other than nature conservation and Natura 2000 are: *Humusz* (waste management), *Levegő Munkacsoport* (air protection), *Klima Klub* (climate change, energy issues), or *Védeglet* (sustainable democratic politics).

## **9. European umbrella organisations**

The oldest international umbrella organisation in the field of nature conservation, founded in 1948, is the International Union for Conservation of Nature (IUCN), which is not a real NGO, but rather a “hybrid” organisation (Christoffersen, 1994) for besides more than 900 NGOs world-wide, it also includes around 200 governmental bodies and state agencies among its members, like the environmental ministry in the case of Hungary. Four Hungarian NGOs are direct members of IUCN – MME, MTVSz, Nimfea and Göncöl. IUCN was not particularly involved in Natura 2000, and a member of Nimfea described the NGO’s membership in IUCN as not of much use because IUCN was a “big empty shell” (Nimfea1). While BirdLife International and WWF international are members of IUCN, FoE International withdrew its membership in 2009, as a criticism of IUCN

The European Environmental Bureau (EEB), founded in 1974, is the largest federation of environmental NGOs in Europe; it is an EU-level umbrella organisation for more than 140 member organisations working on all kinds of environmental issues ([www.eeb.org](http://www.eeb.org)). Among its seven Hungarian members are three NGOs dealing with nature conservation issues: MTVSz, CEEweb and EMLA.

An EU-level umbrella organisation dealing with nature conservation, and in particular with the implementation of the Birds and Habitats Directives and the establishment and management of the Natura 2000 network, is the European Habitats Forum (EHF), founded in 1991. It already played an active role in Natura 2000 implementation in the old EU member states (Weber and Christophersen, 2002); it coordinated the activities of its 17 member NGOs and provides joint input and advice to the DG Environment and the Nature Directors in EU member states ([www.eurosite.org/en-UK/content/european-habitats-forum](http://www.eurosite.org/en-UK/content/european-habitats-forum)). IUCN’s Regional Office for Pan-Europe (IUCN ROfE) and the EEB are members of the EHF. Since BirdLife International, FoE Europe, WWF and CEEweb are members of the EHF, all four NGOs of the Natura 2000 working group were represented in this European umbrella organisation.

## VI. Summary: characteristics of major ENGOs

Table A1 summarizes to the basic characteristics of the main Hungarian ENGOs active in Natura 2000.

**Table A1: Hungarian ENGOs active in Natura 2000**

ENGO	Hungarian name	Year of foundation	Umbrella organisations	Characteristics
BirdLife Hungary	<i>Magyar Madártani és Természetvédelmi Egyesület (MME)</i>	1974	BirdLife International, BirdLife Europe, International Union for Conservation of Nature (IUCN), European Habitats Forum (EHF)	Ornithological expert organisation; almost 10,000 members; many active birdwatchers; county and local groups across Hungary
National Society of Conservationists, Friends of the Earth Hungary	<i>Magyar Természetvédők Szövetsége (MTVSz)</i>	1989	Friends of the Earth International, Friends of the Earth Europe, IUCN, European Environmental Bureau (EEB), EHF	Umbrella organisation for ca. 110 local and regional ENGOs; ca. 30,000 individual members
World Wide Fund for Nature Hungary	<i>WWF Magyarország</i>	1995	WWF Global, WWF European Policy Office (WWF EPO), EHF	1980s: project office of WWF Austria
CEEweb for Biodiversity (CEEweb)	-	1994	EEB, EHF	Umbrella NGO for CEE nature conservation NGOs; headquarter in Budapest, majority of staff Hungarian
Nimfea	<i>Nimfea Környezet- és Természetvédelmi Szövetség</i>	1994	MTVSz, CEEweb, IUCN	Based in Eastern Hungary; more than 1000 members and 13 active local groups
Society of Conservationists of Eastern Hungary	<i>Tiszántúli Természetvédők Társulata (T.T.T.)</i>	1991		Based in Debrecen, Eastern Hungary, ca. 80 members
Hungarian Environmental Partnership Foundation	<i>Ökotárs Alapítvány (Ökotárs)</i>	1991		Foundation distributing private and foreign state grants to Hungarian ENGOs
Environmental Management and Law Association (EMLA)	<i>EMLA Egyesület</i>	1992	Justice & Environment (J&E), EEB	Public interest environmental law office
Local and regional ENGOs		Most in the early 1990s	Most in MTVSz	Many working mostly on a voluntary basis

## VII. ENGO Finances

Figure A1 shows the total income of the major Hungarian ENGOS involved in Natura 2000. Over the years MME, MTVSz and WWF had a higher income than the CEE regional umbrella ENGO CEEweb and the regional ENGO Nimfea. The income of these three major Hungarian ENGOS has somewhat increased over the last years. Yet the graph also shows that there is a considerable fluctuation in the income of the organisations.

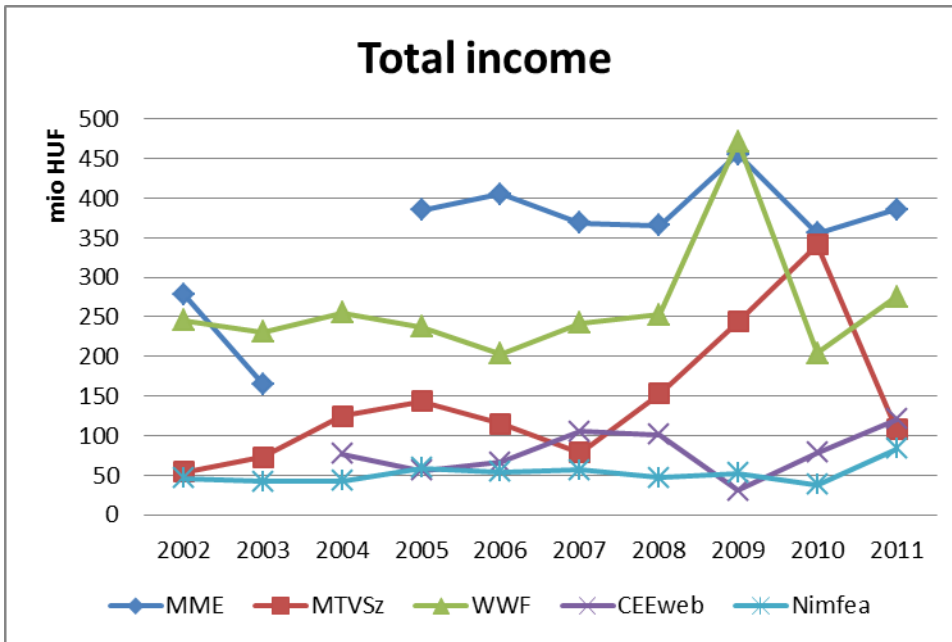


Figure A1: Total income of major Hungarian ENGOS in million Forints

Figure A2 shows the relative share funding from grants contributed to the total income of an ENGO. Apart from WWF, grants have been a major source of income for Hungarian ENGOS – sometimes reaching up to 90% of the total income.

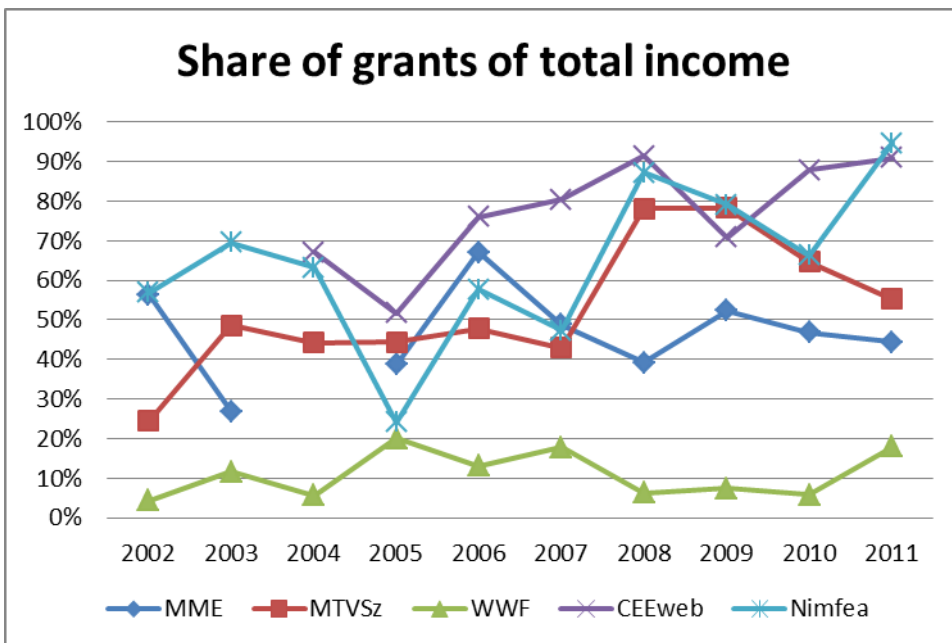


Figure A2: Relative share of grants of the income of major Hungarian ENGOS

### VIII. History of state financing for ENGOS

While the 1<sup>st</sup> democratic government after 1989 did not do much for nature conservation, under the second government, which was a socialist, left-wing government, thanks to an environmental minister who was on very good terms with ENGOS (NGOl1, NGOl7), environmental issues were promoted considerably, through a new nature conservation and environmental protection law, the foundation of 4 new national parks and the establishment of a funding scheme for environmental NGOs (Rakonczay, 2009). In the Central Environmental Fund (*Központi Környezetvédelmi Alap, KKA*) environmental product fees were gathered, and then distributed among the ENGOS based on the evaluation of one ministry official and a committee of ENGO representatives elected at the annual meeting of ENGOS (OT) – this distribution was considered as transparent and pioneering by ENGO experts for NGO funds of other sectoral ministries were not distributed as transparently (Ökotárs1). The scheme was administered and managed by Ökotárs (NGOn8). In 1998 when a conservative government, which had its basis with small farmers who tended to dislike green NGOs, was elected, the Central Environmental Fund was dissolved and product fees went into the general state budget (NGOl1, Ökotárs1). The Green Fund (*Zöld Forrás*), a support scheme by the environmental ministry specifically designed for supporting activities of ENGOS, remained (KvVm2, Ökotárs1). This fund, which depended on the ministry's annual budget, has been decreasing since 2003 and became a rather insignificant source for ENGOS in the last years (Ökotárs1). Even though the amount of the grants is not high, most ENGOS apply, nevertheless, for it as it can be used for many kinds of activities, including research, management or communication (Ökotárs1, NPI6, KvVM2). In 2003 a new state funding mechanism for NGOs – for all kinds of NGOs, not just environmental ones - was established: the Hungarian National Civil Fund (*Nemzeti Civil Alap, NCA*).

### IX. Views on nature – detailed statements

Statements stressing the anthropocentric value of nature (*highlighted parts in main text*):

*“So nature is the most important thing in the world, biodiversity and the different habitats and species, ecology. I think there is no other possibility to survive, just live the life of a human being or something. But this is my philosophy. [...] And I think the biggest problem is that the majority of the people already lost touch with nature, so now they think that now a good financial investment that's the real business, and everything. In the meantime I still think that for our functioning, so for the functioning of society, it is necessary to have nature because only from it we can derive the natural resources we have.”* (KvVM2)

*“For me the first priority is that human beings cannot exist without the insurance of the environment, without the natural environment we cannot exist. So it's a priority question for me, and I don't believe in technocracy. I think that the first thing is [needs to be] nature and then come the technical questions. And the most important resources come from nature. The most important teaching tools come from nature, and the information is in nature.”* (NPI1)

*“Nature could live without us, but we couldn't live without nature – because of the resources, because of its diversity.”* (NGOn5)

*“The opinion of my organisation [CEEweb] is that nature is the basis for everything else in the world, functioning ecosystems, biodiversity, this all is the basis for the economy.”* (CEEweb2)

*“But it is much more [...], it is really our interest, which is not really recognized in many economic sectors.”* (NGOe3)

Statements indicating an ethical intrinsic value of nature:

*“If we want to keep this planet alive, I don't see another chance than to protect nature. For me it's on all levels, emotionally, out of aesthetical attachment, ethically and in any case it's not a question for discussion that we protect it on the planet where we developed together with some other million species.”* (NPI3)

*“It is our future, with the environmental services, and the climate change, it is obvious that it is our life. It is everybody’s future, and there are also moral reasons, [...] There is an intrinsic value of every species and habitat.” (NGOe3)*

*“Personally, I have several reasons why I consider nature conservation important. The "official" reason is that nature conservation is important even for the survival of mankind, as the deterioration of our natural environment means that we ourselves lose our living conditions in the end. I only hope we are not too late... The "unofficial" personal motive is that in my understanding every species has its own place on Earth and has its own right to maintain its natural or near-natural population.” (KvVM1)*

*“I usually list three major reasons [why nature conservation is important]. I think all three of them are important, but I mostly mention the third one if I have to justify the importance [of nature conservation] to non-nature conservationists. I believe that also the theory that every being has a right to live and that we have an ethical obligation to protect our environment is important. I think that this is a just argument but I think that it’s not enough to convince the decisive majority of the people that in the current situation we have to sacrifice something for nature conservation, and to explain why, [...] This could be summarised like this that everything that we protect, at the same time it serves our own quality of life and our long-term survival. And it’s essentially that we protect creatures that are more sensitive than we are, the causes why they are becoming rare also destroy our quality of life, at the best we [only] react later to them.” (NPI2)*

## X. Biodiversity in Hungary

Hungary is rich in biodiversity: there are around 2 8000 different vascular plant species and around 43 000 animal species (among these about 400 bird and 87 mammal species) in Hungary (EEA, 2011; IUCN, 2012). Located in the Carpathian Basin, Hungary makes up a significant part of the Pannonian biogeographical region (EEA, 2011). Due to a long geographical isolation the proportion of endemic species in the Carpathian Basin is high: 2% of the plants of the Hungarian flora are only found in the Carpathian Basin; and within some invertebrate groups even 10-30% are endemic (EEA, 2011).

Some species which have become very rare or extinct in Western Europe can still be found and are more common in Hungary (*e.g.* the Ferruginous Duck, *Aythya nyroca*) – this was also noted by an interviewed ENGO expert (NGO1r6). Other ENGO experts, however, rather emphasized that the natural values decreased in the last years (NGO7). Of the 211 species of EU importance ca. 25% are in a favourable status of conservation, and of 46 habitat types listed in Annex I of the Habitats Directive only 11% are in a good status of conservation (EEA, 2011). Habitats especially vulnerable are floodplains, other wetlands, forests and grasslands (EEA, 2011).

An ENGO expert noted that after the change of regime due to closing of the large cooperatives, agriculture in Hungary became more extensive, and thereby more nature-friendly in the 1990s, but has intensified again over the last years, yet the intensification has not reached the level of the 1980s (NGO2). The expert, however, also explained that extensification was not always positive for natural values and that finding a good level of land use intensity was a challenge (NGO2). So changing land use has affected biodiversity in Hungary; endangering factors for natural habitats and wild species vary considerably between across the country (EEA, 2011). While in some regions of Hungary, like the Kiskunság, there is too little land for grazing livestock, which leads to overgrazing, there are too little cattle for managing grasslands in other regions, like in the Great Plain around the Hortobágy National Park (NGO2). In the case of extensive fish ponds, natural values are lost if they are abandoned for the pond turns into a reed; yet also the re-use and intensification of former fish ponds destroys natural values – the ones of abandoned fish ponds (NGO2). This case very well shows that a crucial question for nature conservation is what kind of biodiversity and habitat should be preserved and where, and how flexible protection should be.

## XI. Evaluation of the Natura 2000 process in Hungary by interviewed experts

For EU-accession many Hungarian laws had to be adapted or new laws, like the Birds and Habitats Directive, had to be transposed into the national legal system (NGOn7). The effects of EU-accession for the field of nature conservation in legal and practical terms were evaluated differently by the interviewed experts: most experts judged its influence as positive, yet many interviewees also highlighted that there were many problems and challenges.

One reason why the establishment of the Natura 2000 network in Hungary was a challenging task is that Natura 2000 protection differs from national protection, so it requires a new kind of management of protected areas (NPI7, NGOn7)<sup>142</sup>. Natura 2000 is not just a somewhat weaker protection status to Hungarian national protection but it significantly extended nature protection to economically used habitats, like privately owned grasslands, arable land or forests<sup>143</sup>.

Insufficient institutional capacity was a reason for the delay of implementation and bad practical application of Natura 2000 (NGOn4; NPI5, NPI6, KvVM1). The Hungarian government started to intensely work on the list of sites only two years before EU-accession: according to a ministry official Natura 2000 designation was delayed because the environmental ministry was not fully prepared for it (KvVM1). In October 2004, the country's site proposal was eventually published – *“after two to two and a half years of accelerated hard preparation work”* (KvVM1). As the due date for publication had been the date of accession to the EU (May 2004), this publication was late by half a year.

The Hungarian list of Natura 2000 sites was officially submitted by a commission of the foreign ministry, which consulted it with all affected ministries (KvVM2). The environmental ministry, which was responsible for designation had to consult this list of sites with the other ministries. According to an ENGO expert, only the ministry of defence really rejected the designation of some military training areas as Natura 2000 sites, while there were no bigger conflicts with other ministries at the time of site designation (NGOe3). Yet, according to an ENGO expert there had been some political pressure to withdraw certain sites from the Hungarian proposal (NGOl1). The EC analysed and evaluated the proposal by the Hungarian authorities with the ETC/BD and then discussed its sufficiency with member state representatives and invited stakeholders in the biogeographical seminar for the Pannonian region. The seminar was organised by the EC in Sarród, Hungary, from 26 to 27 September 2005 for the (then)<sup>144</sup> three EU member states which (partly) belong to the Pannonian region - Hungary, Slovakia and the Czech Republic.

As the attending representative of land users only had an observing status in the biogeographical seminar, he could not join the discussions (NGOn5). According to a ministry official the representative of the land owners was, moreover, not fully aware of the implications of the discussions for the site designation:

*“They held this Pannonian biogeographic seminar [...], and the Commission organised it and invited land owners, of course just one representative, who, well, maybe wasn't quite aware what was going on, wasn't fully informed.”* (KvVM1)

The list of Natura 2000 sites were formally included into Hungarian law in 2006 (45/2006. (XII.8.)) – so more than two years after the country's EU-accession. The list had to be revised several times because the EU demanded amendments (NGOl5, NGOl1); the transposition of the Birds and Habitats Directive into Hungarian law was considered as sufficient by ENGO experts and the EC only after repeated revisions (NGOn9, NGOn4, NGOn3, reply letter by EC 17/04/2012 to request by author). This official listing of the Natura 2000 sites in Hungarian law

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<sup>142</sup> While nature conservation on nationally protected areas is stricter including all species on the site, on Natura 2000 sites only index species and habitats are protected (NPI7, NGOn7).

<sup>143</sup> So in contrast to the nationally protected areas Natura 2000 is not based on a traditional reserve-like conservation concept, and for this reason its maintenance requires a closer cooperation with land users.

<sup>144</sup> Romania, part of which also belongs to the Pannonian region joined later, so the seminar for its part of the Pannonian region took place after 2007.



(45/2006. (XII.8.); 269/2007. (X.18.), 14/2010. (V. 11.)) was considered as crucial because only then could protection be enforced at national courts (NGOn3, NGOl1). A national park official explicitly stressed that EU force, *i.e.* making Natura 2000 a condition for EU-funding, had been necessary for the establishment of the Natura 2000 network in Hungary:

*“...the great majority of nature conservationists welcomed those EU regulations that Hungary had to transpose too. [...] in the case of nature conservation and environmental laws, a big part of these [regulation] were implemented by the Hungarian state only grudgingly because it had to. Our sector of course was pleased about this required implementation of EU regulations [...] how much it [only was transposed because Hungary] had to, one can see in the fact that in the period before the accession at the end of the accession negotiations the last problem was the transposition of the Habitats Directive and the establishment of the Natura 2000 network. [...] the EU already held back certain subsidies at the time because some force was required to establish the [Natura 2000] system. But eventually it was established.” (NPI2)*

ENGO experts stressed that a lack of will by state actors and the lack of cooperation between the different ministries had threatened the implementation of Natura 2000 (NGOn1, NGOn3) – the agricultural ministry did not readily share its MePAR maps needed for accurate designations with the environmental ministry (see annex XII.); the environmental ministry hardly provided information on Natura 2000 to stakeholders and did not involve them in the site selection process.

For the designation of the sites of the Habitats Directive the Institute of Ecology and Botany of the Hungarian Academy of Sciences in Vácrátót (ÖBKI), the Natural History Museum Budapest and experts at the University of Debrecen established a database (Horváth *et al.*, 2003), mainly reviewing existing data on the occurrence of species and habitats (KvVM1, NGOn4, NGOn5, NGOn7). This data survey was however not complete and did not result in a proposal for SCIs, but served as one basis for the NPIs, which were then responsible for compiling a site proposal (KvVM1). After these preparations, the task of selecting the sites for designation was delegated by the environmental ministry to the NPIs because among the state administration these regional bodies had the best knowledge on naturally valuable areas in their territory (KvVM1, NPI5, NPI7). For the NPIs it meant a lot of work in a short period of time, *i.e.* in the two years prior to EU-accession – according to an national park expert (NPI2) the state administration had rather slept away the task of designating Natura 2000 sites until then. Because of the time pressure and the lack of additional staff, in several cases the boundaries of the designated sites were not exact, leaving out some valuable areas and including other less valuable patches. As there were no clear guidelines by the ministry the NPIs were rather free as to how to select their sites, so that the patterns of the designated sites varied considerably between the different NPIs (NPI3, NPI2, NPI5, NPI7, NPI4, NGOn6, NPI1). An expert criticised that not all site selections were really supported by scientific data because there was simply no data available or some experts were unwilling to share it for free.:

*“...they looked for the expert of the specific species to tell where these species are occurring [...] The competent experts said that they could not always be supported scientifically, and that there was no data for a given species, but one still had to draw it in somewhere [...]. It wasn't 100% exact [...] [if] no one did any research on them [a species or habitat] previously, then there was no data. And I also heard that someone had the data but did not share it because the research institutes got money for it, and there was some jealousy in professional matters. There are cases, where the designation was not 100% professional.” (NGOn7)*

Time pressure and insufficient resources of national parks, thus, lead to inaccuracies and delays in the selection of sites. A particular problem in Hungary was, moreover, that the site designation was based on three different geographical systems: (1) the topographic site borders as submitted to the EU, (2) the cadastral land registry parcels (*helyrajzi szám*, HRSz), and (3) the MePAR blocks of the agricultural parcel identification system (*Mezőgazdasági Parcella Azonosító Rendszer*), which are decisive for eligibility for agricultural support schemes. So while physical geographic site borders were sent to Brussels, where according to a national park official it is the “bible” (NPI5), for designing the sites in the Hungarian legal system the HRSz and MePAR blocks had to be named in

the laws. Problems arose because the different borders usually do not overlap (NGOn3, KvVM2, NGOn5, NPI2, NPI3, NPI4, NPI5, NGOlr5); the cadastral parcels and MePAR blocks often contain different kinds of habitats of which only one may qualify for Natura 2000. In some extreme cases even parking lots, bridges or roads were included into the Natura 2000 list (NPI5, NGOn6). The different insufficiently overlapping site border systems further created problems for land management if the MePAR unit of a Natura 2000 site was not listed in the Hungarian Natura 2000 decree, as land users were then not eligible for financial support yet, nevertheless, had to manage the land according to Natura 2000 requirements (NPI4). The maps with the cadastral land registration numbers and the MePAR maps owned by the agricultural authorities were, moreover, not readily provided to the NPIs for the designation of Natura 2000 sites (NGOn3, NPI3, NPI4). So after the official designation the NPIs started with an extensive revision of all site borders in order to make them more exact and create a better overlap between the three systems (KvVM2, NPI1, NPI4, NPI5). Even though it was a difficult process, in 2009, the national parks revised all Natura 2000 site borders in order to create a better overlap between the three systems by making compromises at the borders or by dividing cadastral parcels (NPI1, KvVM2, NGOn3, NPI5, NPI4). National park officials noted that in the meantime they had had time to collect more data and also had much more detailed satellite images than were available during the initial site selection 2002-2004 (NPI4, NPI5). As observed also for the Czech Republic, Poland and Slovakia (Klůvanková-Oravská *et al.*, 2009), designation and management of areas which had not been protected previously caused more difficulties because new stakeholders and administrative bodies were affected and had to be involved.

Municipalities and their local governments were involved in Natura 2000 issues if a Natura 2000 site was also locally protected. Local governments act as permitting authorities for building developments, and as such have to know about Natura 2000. An official of the environmental ministry stated that the ministry tried to involve them more in Natura 2000 maintenance issues than it did during the designation phase (KvVM1). Some local governments have gone to court about Natura 2000 matters (NGOn9) – yet, according to an ENGO expert, not because they would have been convinced of the importance of nature conservation but typically in case of conflicts with a neighbouring municipality, so in order to impede an investment there (NGOn9).

## XII. Conflict between the environmental ministry and other sectors

Several authors noted that the lack of information for land users and other stakeholders on the implications and consequences of Natura 2000 site designation which was due to uncertainty about what management would actually be needed to maintain or re-establish a favourable conservation status, created insecurity and discontent with land owners and users (Paavola, 2003/2004; Beunen, 2006; Rauschmayer *et al.*, 2009a; Ferranti *et al.*, 2010); this was the case also in Hungary (NGOn3, NGOn6, NGOn7, NGOn9). Because there was hardly any information about Natura 2000 but a lot of uncertainty about the consequences of site designation for land use, few alternative strategies for an economically viable land use were visible, and the designation process, therefore, lead to the perception that land owners and land users were losers in Natura 2000 (Paavola, 2003/2004; Beunen, 2006; Ioja *et al.*, 2010).

Some NPIs did, however, cooperate well with farmers (*e.g.* Körös-Máros NPI). A national park official stressed that land users should be seen as partners in nature conservation and demanded that they should try to exercise pressure on the agricultural ministry to give financial support for Natura 2000 management (NPI5). An ENGO expert stressed that for successful Natura 2000 protection a support scheme for land users was important:

*“It would be good, if this [the designated sites] could be supported somehow, so that for someone who has a Natura 2000 designation [on his land] it will be worth it to manage [the land] in a way which will not be damaging. That would be very important.”* (NGOn7)

An official of the environmental ministry explained that there were no compensation payments but possibilities to get financial support for nature-friendly management, and complained that some land users wanted to be compensated for everything, even for things they had to do anyway according to the law (KvVM2). This remark points to a very basic challenge of Natura 2000 as based on the Birds and Habitats Directive, which are legal regulations not voluntary programmes. Policy approaches to protect biodiversity can be distinguished into voluntary and non-voluntary measures (Bagnoli *et al.*, 2008). In Europe both approaches have been used to increase biodiversity protection: the main voluntary measures based on incentives are the agri-environmental schemes, while the main EU-legislations for the conservation of biodiversity are the Birds and Habitats Directives (Young *et al.*, 2005). Legislation for nature protection can be a powerful tool, *e.g.* in reducing pollution, and lead to substantial benefits for society (Young *et al.*, 2005; Bagnoli *et al.*, 2008). Yet it also creates conflicts with policy losers, who, therefore, do not support the implementation of the policies (Bagnoli *et al.*, 2008). So legislation is often difficult to implement and creates high costs of policing and enforcement – in case of environmental problems offences can be diffuse and especially hard to detect (Young *et al.*, 2005). There is, therefore, usually a significant implementation gap in environmental policy. Paavola (2003/2004) explained that a full compensation of private property rights, which may be restricted due to environmental policy decisions, would not be just either because it would paralyse public policy by putting the whole financial burden of legal change on the public. Therefore, and also because they can through increased prices shift part of their burden to consumers, industrial polluters are hardly ever compensated for stricter environmental regulations; farmers or foresters, however, have been compensated more often as being small entrepreneurs in highly regulated markets they have less capacity to shift costs to consumers (Paavola, 2003/2004). The required management of Natura 2000 sites is thus not automatically linked to financial support. Nevertheless, there are several EU-programmes, which can be used for supporting it<sup>145</sup>. There was, however, no support scheme for Natura 2000 sites in Hungary right after accession or at the time of site designation (NGOlr1, NGOn3, NPI5, NGOn1, NGOn7), only in 2007 a governmental decree on Natura 2000 grasslands was announced so that since then farmers can get 38 €/ ha/ year (269/2007. (X. 18.)

<sup>145</sup> According to this booklet the most important financial instruments for Natura 2000 are the Structural Funds (European Social Funds, ESF; European Regional Development Fund, ERDF), the Cohesion Fund, the CAP's Fund for Rural Development (EAFRD), the European Fishery Fund (EFF), the Financial Instrument for the Environment (LIFE+), and the 7<sup>th</sup> Research Framework Programme (EC, 2007a, 2007b).

Kormányrendelet; 128/2007. (X. 31.) FVM rendelet). Yet this funding is only available for grassland habitats, but there is no support for other Natura 2000 habitats, like forests, arable land or wetlands. An ENGO expert explained that for grasslands it was relatively easy to find an agreement between the environmental and the agricultural ministry because the management changes required for Natura 2000 sites were relatively small, while concerning forest management disagreement arose between the two ministries and ENGOs. The challenge concerning support schemes for wetland management is that they are not counted as agricultural land and, thus, not eligible for agricultural funding; for arable land, finally, not many needs for management changes were expected due to Natura 2000 designations, as most of them were designated only under the Birds Directive, not as SACs for plants which would require more management (NGOn7).

The responsibilities for Natura 2000 were shared between different ministries: while the environmental ministry had the general responsibility for Natura 2000, *i.e.* for site selection, for management schemes, including restrictions which would ensure the maintenance of the sites, the agricultural ministry administered the EU-agricultural funds through which site management could be supported financially. Officials of the environmental ministry complained that the agricultural ministry was not interested in nature conservation and, thus, not willing to provide financial support for Natura 2000 management:

*“...but we are not responsible for the funding, for payments to farmers, for fish farmers, forest owners, that’s the ministry of agriculture, and they have other main objectives, they tend to support more the more intensive agriculture, more intensive farming.”* (KvVM1)

*“The two ministries are a bit as if they were each other’s enemy. It’s difficult. They don’t understand what is the actual goal of nature conservation, why we want to establish certain regulations. [...] They have the EU money, but they do not always spend it for the tasks for which they get it. [...] At government level there is no agreement, but what the EU declared as Hungarian sites these are good, I think. They cover all habitat types.”* (KvVM2)

As the Ministry of Defence opposed the declaration of some of its training sites as Natura 2000, these sites were not included in the official proposal by the Hungarian government. The inclusion of these sites was, however, demanded by the EC. When, however, realizing that Natura 2000 protection did not significantly restrict the continued use of the sites for training, the Ministry of Defence and its subordinate regional bodies successfully cooperated with the regional NPis in developing management plans for these sites, which fostered the establishment of links between the part of the ministry of defence and NPis (NPI5). The joint development of Natura 2000 management plans helped to reduce stereotypes between state actors of different sectors (NPI5). This was, however, not typical for all the interactions across sectors regarding Natura 2000.

Experts further noted that the MePAR data, which was owned by the agricultural ministry, was not readily provided to the environmental ministry for completing the site designation (NPI4, NGOn3), but that the agricultural ministry even requested the data should be bought:

*“...it’s a very recent advance that the ministry of agriculture let, actually provided these data to the ministry of environment. [...] And before that, they wanted to sell it, I mean: what?! One ministry from your [tax] money sells a data base to another one ...”* (NGOn3)

An ENGO official complained that Natura 2000 had become the subject of severe fights and was not appropriately respected (NGOn1):

*“I think Natura 2000 has become a very politically contested issue. Sometimes I see that it has become a toy.”* (NGOn1)

The negotiations between the environmental and the agricultural ministry about funding schemes for Natura 2000 site management were extremely difficult. The ministries neither have a common working group or more official committee, in which they could discuss the matter regularly, nor a joint advisory body – all relevant advisory bodies belonged to one or the other ministry (NGOn1). One ENGO expert noted that this divide between the two ministries was very typical for Hungary (NGOn4).

*“This is the Hungarian situation, this is the present situation in Hungary: this separation; everybody is separated.”* (NGOn4)

Sectorial conflicts occurred not only between the environmental and the agricultural ministry but also within the Ministry of Environment and Water because the authorities of the water management branch did not always pay attention to Natura 2000 issues when giving permits (NGOn9). The conflict between the different ministries seriously delayed the designation process (Mocsári, 2004a; Börzel and Buzogány, 2010a). In other countries, too, conflicting interests have either resulted in unclear divisions of administrative responsibilities between different governmental units or in nature conservation issues not being addressed ambitiously, like for example in Greece, where nature conservation has never been a governmental priority, or Spain, where during an atmosphere of building fever powerful alliances of authorities and land owners hampered nature conservation policy (Apostolopoulou and Pantis, 2009; Keulartz, 2009; Primmer *et al.*, 2013). These conflicts were, thus, not unique to Hungary; they occurred also at EU level. One ENGO expert noted that the relative weakness of the environmental ministry in relation to the agricultural ministry, which became apparent in the fact that it had few own funding sources for Natura 2000 implementation, had its parallel at European level in the relation between the DG Environment and DG Agriculture:

*“But I really, I’m afraid a bit that as a general rule in the EU or within the European Commission the power of the DG Environment is similar to the power of the ministry of environment here, and the power of the DG Agri is the similar to the ministry of agriculture here, so the scale, in a bigger scale the picture is pretty much similar.”* (NGOn3)

Over the Natura 2000 process conflicts arose especially between nature conservation actors and the forestry sector, which is a part of the agricultural ministry. In Hungary most state owned forests are managed by large state forestry companies (Kohlheb and Balázs, 2009). Foresters were upset that they had not been involved in the selection of sites to be protected as Natura 2000, which they perceived as needless regulations (NGOn7, NGOn2, FVM1)

*“But constantly – every time when there is a negotiation [...] [they say:] ‘Why were so many Natura 2000 sites designated? And the foresters were not involved’ [...] [they say:] ‘But in France much less sites were designated. Why did one have to designate so many in Hungary? This just means troubles.’ [And they say,] one should reduce this designation level, and at this point the negotiations always get stuck because one can take out areas from the list, but not as easily as the foresters think.”* (NGOn7)

The 10 year forest management plans were amended to include Natura 2000 regulations for the protected forests (FVM1). Yet nature conservation experts were not satisfied with these regulations. There were talks between the agricultural and environmental ministry concerning forestry management, yet as stated by an environmental ministry official the environmental ministry was not satisfied with these or with the new forestry act:

*“And a joint [order] [...] will never be published, [...] And the forestry [department], they don’t give any attention to Natura 2000 sites. The agricultural ministry, they say we know everything very, very well, and they don’t need advice from our ministry [...]. And we tried to make an agreement with them, [...] but it wasn’t successful because they said, OK, we have the forestry act, the new act, and when we modify the forestry act, you will be very satisfied. But we are not satisfied with the draft act of the forestry, so [it’s] very frustrating. [...] so it’s just fighting for nothing and meanwhile all the good Natura 2000 forests are cut down.”* (KvVM2)

The expert further elucidated that there was severe opposition between the two ministries because the agricultural ministry did not want to involve nature conservation bodies into any forest management:

*“...they [the agricultural ministry] [...] [say that] if they give support then it should be an amount which is high enough to compensate the owners so that they do not clear-cut the forest, and they say that 39 Euro [38] is not enough [...], so that it is not profitable [for forest owners]; [...] and*

*that we should not make any restrictions. Actually there is a very big opposition between us. [...] It is very difficult to find an agreement, and now the process came to a halt.” (KvVM2)*

Concerning forestry management an official of the agricultural ministry stated that he did not see any particular need for nature protection, involving specific measures by trained nature conservationists as with a high standard of professional forest management nature would be protected anyway:

*“The important thing is not if someone is a nature conservationist or a forester, if one applies what one has learned at university, according to the best knowledge, the highest professional level, then one does not have to protect nature there because one will make a forest in line with nature.” (FVM1)*

The official of the agricultural ministry rather found that nature conservation was just a bureaucratic restriction for forestry management:

*“We have to make this process easier. If someone owns a forest and if he or she wanted to cut some trees, it was a very bureaucratic process to get permission to do it. [...] One has to bend the hard bureaucracy. About this the nature conservationist are not pleased, they say that it’s good if there are many permission processes because then they can encroach upon it many times.” (FVM1)*

He, further, complained that nature conservationists would not pay sufficient attention to people and demanded that more time was needed to arrive at a more natural forest management, so there would be no need for nature conservation in the future:

*“One has to manage forests more and more naturally, and all the existing EU support should practically be concentrated on such methods. And this is not an end in itself, [...] so that the bird can stay there, and that the owner also feels well. And then nicely and slowly it will develop in three to four decades. [...] If in 50-100 years the Hungarian forest management will occur at a very high level, there will be no need to designate protected areas because the forest in its basic status is natural.” (FVM1)*

So this forestry expert demanded that EU support should be focused on nature-friendly management which conservation expert could probably agree to, yet the two sides had very different ideas regarding the urgency of protection measures today.

The conflicts between the nature conservation sector and the forestry sector in Hungary have still not been resolved. The on-going infringement procedure against Hungary about the clear-cutting of the Sajólád forest (2008/2011) also deals with non-conformity with EU-rules because of incomplete transposition of the Habitats Directive due to shortcomings regarding woodlands, as stated in a first warning against Hungary (IP/08/1538; reply letter by EC 17/04/2012 to request by author). In its final warning (IP/10/526) the Commission expressed a particular concern about “the insufficient legal protection for Natura 2000 woodlands that are not also classified as protected areas under national law” and noted that the “Legislative changes introduced by Hungary in the 2009 Forest Act have not resolved the breaches”.

### **XIII. EC infringement procedure concerning the implementation of the Birds Directive**

The EC started an infringement procedure against Hungary (2006/2136) concerning the implementation of the Birds Directive due to non-conformity with a first warning letter sent in April 2006; after some first revisions by Hungary the EC, in 2008, demanded further changes for the country to comply with the Birds Directive, concerning the laws on taking eggs in the wild and regulations on hunting for certain species at specific times of the year (IP/08/525), after further revisions this infringement procedure could be closed (reply letter by EC 17/04/2012 to request by author). Another infringement procedure concerning the Birds Directive was started in 2007 against Hungary, together with seven other new member states, because of bad-application due to an insufficient designation of SPAs (2007/2190, IP/07/938). In this procedure Hungary provided a comprehensive overview of the SPA designation process, including detailed scientific justification for the reduced boundaries of the SPAs compared to the corresponding IBA areas, which with the exception of two sites (Zselic and Jászság) was accepted as scientifically valid by the EC; after a new survey additional SPAs were designated for the two area in 2010, since then the EC accepted the Hungarian SPA proposal as providing adequate coverage for the bird species and closed the respective infringement procedure (reply letter by EC 17/04/2012 to request by author).

#### XIV. ENGOs as watchdogs: further details on some cases

In cooperation with other NGOs, T.T.T. went to court against the construction of a NATO radar station on the Tubes Mountain near Pécs, at the second level of jurisdiction the NGOs won the case; a member of T.T.T. remarked that the organisation would also have taken the case to the EU-level if they had not succeeded at this second and final level of jurisdiction in Hungary (TTT1).

In two cases Nimfea went to court against the permission for the creation of a boar park by the South Hungarian state forestry company because according to Nimfea, in such an intensive closed off hunting area rare species would be threatened (Nimfea1, Sallai, 2008). In both cases the court proceeding was unsuccessful. In one of the cases (Derekegyház) because many annex species occurring on the site were not listed exactly for this Natura 2000 site, like the Black-crowned Night Heron (*Nycticorax nycticorax*), Black Stork (*Ciconia nigra*), Grey Heron (*Ardea cinerea*), Little Egret (*Egretta garzetta*) (Nimfea1). And in the other case because even though the affected site (Körösladány) was the most important habitat of an indicator species, the butterfly Fisher's Estuarine Moth (*Gortyna borelii*), the site itself was not designated as Natura 2000 because, as the NGO expert stated (see above), the state administration already knew at the time of designation that they wanted to create a boar park there (Nimfea1).

*“...the Délalföld forestry company wants to build a closed area for rearing wild pigs, boars. [...] Unfortunately, because there were two experts, a nature conservation and an agricultural expert, and they say that keeping and rearing the boars in the area does not affected [the Natura 2000 indicator species on the site], [...] So legally, it's a consequence that if the area is not designated the presence of the species is not enough to claim a certain level of protection, and not even experts will establish [it].”* (EMLA1)

According to a national park expert also in Nimfea's case against the Körösladány boar park, the involved state forestry manager did not act in a proper way (NPI7). In another case where EMLA represented a neighbouring municipality against how a sewage treatment plant was constructed releasing the water into a dead arm of the Tisza (a Natura 2000 site and popular bathing site) instead of directly into the river, the problem was that the permit issued by the water management authority, which is a part of the environmental authority, was a construction permit, not an operational permit and the court, therefore, dismissed the case claiming it was too early in the process to assess the impact, which, according to the EMLA expert, was incorrect as the impact depended exactly on the construction (EMLA1).

In several cases there was some considerable scientific uncertainty about the actual threats to protected species (EMLA1). In one case even two ENGOs disagreed on the impact of a planned battery disassembly factory on a Natura 2000 site in the vicinity<sup>146</sup> (EMLA1, Nimfea1, TTT1).

*“Our opinion was that this would bring such disturbance to the habitat, light pollution, road traffic, that it endangers the further occurrence of the Great Bustard there. And other NGOs first also shared this opinion, but unfortunately – I don't want to offend anyone – here it happened that with a monitoring contract they could restrain other NGOs from standing up against it. That's a real current problem. One expert say that it's dangerous [...], the other expert says that it's not.”* (Nimfea1)

According to T.T.T., which conducted the environmental assessment for a 2 km radius around the factory and informed the local population, the plans for a battery disassembly factory were good because a modern facility like this was needed in Hungary<sup>147</sup> and there would be hardly any emissions (TTT1). As the statement of the member of Nimfea shows, the expert suspected that the other ENGO was not totally neutral but its opinion was influenced by its obligation towards its

---

<sup>146</sup> After repeated appeals of the neighbouring municipality, represented by EMLA, the initial permit was finally withdrawn “because they said it's not acceptable, it's not realistic, what the project developer said that it will have no, absolutely no impact on the Natura 2000 area.” (EMLA1).

<sup>147</sup> This case is, thus, also an example for trade-offs between different environmental goals, namely nature protection versus recycling.



client, who wanted to build the factory. Recounting the case of a casino plan, the interviewed expert of EMLA mentioned that WWF had to give it up as the local experts WWF had relied on in its argumentation were no longer willing to testify at court:

*“WWF appealed [...] and by the time it really developed into a legal case, [...] all the experts had retreated, [...]. So there must have been something in the background, people were called, people were advised not to. So WWF said, if you [they] don't have a local knowledge support of the case, we [they] will not pursue this.” (EMLA1)*

So when fighting court cases against rich investors ENGOs also have to deal with issues of corruption and personal threats to people who investigate.

The most recent prominent investment against which T.T.T. protested in 2011 at the responsible environmental inspectorate, at EU-level with the EP and EC, and via the media (via Greenfo and statements distributed via e-mail) concerned the construction of a new AUDI car factory on a Natura 2000 site (HUFH20009: sand lands of Gyönyű) in Western Hungary (Tiszántúli Természetvédők Társulata, 2011). AUDI had bought the site in 2010 from the Hungarian state (ministry of defence); upon request by the Hungarian government the site was rededicated by the EC and deleted from the Natura 2000 list based on the best interest of the public (Tiszántúli Természetvédők Társulata, 2011). T.T.T. originally wanted to prevent the investment, but as no other NGOs joined the cause, they got engaged in a contract about compensatory measures – this contract resulted in the charge of unjustified enrichment against T.T.T.'s director, due to which he was imprisoned for four months, the case has still not been resolved (to date; 29/11/2013; Bajomi, 2011; Jávör, 2013; Index, 2013). Shortly before these charges were raised the organisation's e-mail accounts were hacked (Bajomi, 2011). While the factory has been built, the conflicts about its legality continue: T.T.T. spoke in front of the EP's Petition Office in the matter and the EC had to disclose its documents on the case (Index, 2013; Riesbeck, 2013).

## XV. Letters concerning Natura 2000 infringements

### Letter 1

Brussels, 8<sup>th</sup> December 2004

#### Role of CEEWEB and the Biogeographic Seminars

To whom it may concern,

I am pleased to write on behalf of the European Habitats Forum (EHF) to clarify the role of CEEWEB regarding the Biogeographic Seminars in the new Member States.

The EHF is a group of 14 NGO networks that work together to advise and influence the development and implementation of European nature conservation policy and legislation. The EHF works closely with the European Commission, particularly to support the implementation of the Birds and Habitats Directives and the EU Biodiversity Action Plan. The group comprises a wide range of NGOs including CEEWEB, WWF, Birdlife and EEB, and the Secretariat is held with IUCN in Brussels.

Due to the role of the EHF as a focal point between nature conservation NGOs and the European Commission, it has been asked to co-ordinate technical input into the Biogeographic Seminars from relevant NGOs within the new EU Member States. This includes selecting experts from within each country who can represent the views and concerns of these NGOs within the seminars. In the last meeting of the EHF (October 2004), the members agreed that this work would be co-ordinated by CEEWEB on behalf of the group, in liaison with the EHF Secretariat.

Yours sincerely

Janice Weatherley  
EHF Secretariat

## Letter 2



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate A - Legal Affairs and Cohesion  
ENV.A.1 - Enforcement, infringements co-ordination and legal issues  
The Head of Unit

Brussels, 17 04 2012  
ENV.A.1/PK/mm/ARES (2012)470569  
Cordula Mertens  
E-mail: cordula.mertens@kti.szie.hu

Dear Ms Mertens,

I refer to your email of 12 March 2012 requesting information on infringement procedures pursued by the Commission against Hungary concerning the Birds Directive (2009/147/EC)<sup>1</sup> and the Habitats Directive (92/43/EEC)<sup>2</sup>.

I inform you that your above email was registered on 27 March 2012 under reference 2012/1669 as a request for access to documents under Regulation (EC) N° 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>3</sup>.

I would also like to inform you that following Hungary's accession to the European Union in 2004 the Commission has launched a number of infringement procedures against Hungary related to the two above-mentioned EU nature directives. These infringement cases fall within the following main categories: (1) non-communication cases (addressing the lack of notification by Hungary of the national transposition measures for the directives in question); (2) non-conformity cases (addressing various shortcomings identified in the transposition of the directives in question) and (3) bad-application cases (addressing in individual cases the failure to correctly apply the transposed provisions of the directives in question). It has to be noted that most of these infringement cases have been successfully closed in the meantime, but some procedures are still ongoing. You will find an overview of all these cases in an Annex to this letter.

As regards the infringement procedure related to the designation of Special Protection Areas (SPAs) in Hungary (case 2007/2190), I am also attaching the Commission's Letter of Formal Notice (in Hungarian) which was issued on 29 June 2007 pursuant to Article 258 of the Treaty on the Functioning of the European Union (ex-Article 226 EC Treaty). The letter explains in detail the reasons why the designation of SPAs was considered insufficient. I would like to note, however, that in its reply to the Commission's Letter of Formal Notice, Hungary provided a comprehensive overview of the SPA designation process together with detailed scientific justification for the reduced boundaries of the SPAs compared to the corresponding IBA areas. Following an analysis of the information submitted by the Hungarian authorities, it was concluded that Hungary

<sup>1</sup> OJ L 20, 26.1.2010, p. 7

<sup>2</sup> OJ L 206, 22.7.1992, p. 7

<sup>3</sup> OJ L 145, 31.05.2001, p. 43

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11. U:\A27: Information & communication\7.5: Access to documents\2012\Reply to C.Mertens - Goetsem 2012-1669.doc

### Annex

The following tables include information on all infringement procedures brought by the Commission against Hungary concerning the Birds Directive and the Habitats Directive.

#### 1. Closed infringement cases

Case No	Type of case	Incriminated facts	Latest press release
2004/0875	Non-communication	Failure to notify to the Commission the national transposition measures for Commission Directive 91/244/EEC of 6 March 1991 amending the Birds Directive	No press release issued
2004/0876	Non-communication	Failure to notify to the Commission the national transposition measures for the Habitats Directive	No press release issued
2004/0879	Non-communication	Failure to notify to the Commission the national transposition measures for Commission Directive 97/49/EC amending the Birds Directive	No press release issued
2004/0880	Non-communication	Failure to notify to the Commission the national transposition measures for Council Directive 97/62/EC adapting to technical and scientific progress the Habitats Directive	No press release issued
2006/2136	Non-conformity	Failure to correctly and/or completely transpose several provisions of the Birds Directive into Hungarian legislation	IP/08/525
2007/2190	Bad-application	Failure to comply with Article 4(1)-(2) of the Birds Directive (due to insufficient designation of Special Protection Areas)	IP/07/938
2007/2480	Non-conformity	Failure to correctly and/or completely transpose several provisions of the Habitats Directive into Hungarian legislation	No press release issued
2011/4033 (former case 2008/4608)	Bad-application	Failure to fulfil obligations under Article 6(3)-(4) of the Habitats Directive (due to lack of appropriate assessment for the construction of an aerial power line within the 'Felső-kiskunsági szikes puszták és Turjánvidék' SPA)	IP/11/437

provided valid scientific justifications for the reduced boundaries in respect of most of the areas mentioned in the Letter of Formal Notice, except for the Zselic and Jászság IBAs. With respect to these latter areas, the authorities acknowledged that they had had only insufficient information available at the time of the original designation and therefore they committed to undertake further surveys. These surveys were subsequently carried out and concluded that additional SPA designations were necessary in relation to the two above-mentioned IBAs. The national legislation providing the necessary additional designations with respect to the Zselic and Jászság IBAs was finally adopted in 2010. It is understood that these additional designations provide adequate coverage for several bird species mentioned in the Commission's Letter of Formal Notice (notably for the Grey-headed Woodpecker in the Zselic area and for the Red-footed Falcon, Saker, Imperial Eagle, Roller and the Lesser Grey Shrike in the Jászság area).

I trust that you will find this information useful.

Yours sincerely,

Ion CODESCU

Enclosure: copy of the Commission's Letter of Formal Notice (case 2007/2190)

#### 2. Ongoing infringement cases

Case No	Type of case	Incriminated facts	Latest press release
2008/2011	Bad application + non-conformity	The case concerns failure to fulfil obligations under Article 6(2)-(4) of the Habitats Directive in relation to the 'Sajólad Wood' Natura 2000 site (as a result of large-scale illegal logging and extensive forestry activities, the site in question has been seriously damaged)	IP/10/526
2010/4112	Bad-application	The case concerns failure to fulfil obligations under Article 6(2)-(4) of the Habitats Directive in relation to the 'Girincs Great Forest' Natura 2000 site (as a result of large-scale illegal logging and extensive forestry activities, the site in question has been seriously damaged)	No press release issued
2010/4113	Bad-application	The case concerns failure to fulfil obligations under Article 6(3)-(4) of the Habitats Directive in relation to the 'Csahole-Garbolc' Natura 2000 site (as a result of extensive logging, important priority habitats located in the site in question have been seriously damaged)	No press release issued

Letter 3



AZ EURÓPAI KÖZÖSSÉGEK BIZOTTSÁGA

FŐTTKÁRSÁG

Brüsszel, 29 VI 2007

SG-Greff(2007)D/ 204125

**ACCUSÉ DE RÉCEPTION**

NOM  
(en caractères d'imprimerie)

REQU LE 29.06.2007 A HEURES

REQU PAR TELEFAX LE A HEURES

SIGNATURE *SILLE*

A MAGYAR KÖZTÁRSASÁG  
EURÓPAI UNIÓ MELLETTI  
ÁLLANDÓ KÉPVISELETE  
Rue de Trèves 92-98,  
1040 Brüsszel

Brüsszel, 29 VI 2007

SG-Greff(2007)D/ 204125

A MAGYAR KÖZTÁRSASÁG  
EURÓPAI UNIÓ MELLETTI  
ÁLLANDÓ KÉPVISELETE  
Rue de Trèves 92-98,  
1040 Brüsszel

Tárgy: Felszólítás  
2007/2190. sz. jogsértés

A Főtitkárság ezúton kéri Önt, hogy a mellékeltet megküldött, fent említett tárgyra vonatkozó bizottsági levelet a Külügyminiszter Asszonynak továbbítani sziveskedjék.

A főtitkár nevében,

*Karl Von Kempis*

Karl VON KEMPIS

melléklet: B(2007) 2715

HU

Tárgy: Felszólítás  
2007/2190. sz. jogsértés

A Főtitkárság ezúton kéri Önt, hogy a mellékeltet megküldött, fent említett tárgyra vonatkozó bizottsági levelet a Külügyminiszter Asszonynak továbbítani sziveskedjék.

A főtitkár nevében,

*Karl Von Kempis*

Karl VON KEMPIS

melléklet: B(2007) 2715

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[http://ec.europa.eu/press/secretariat\\_general/index\\_fr.htm](http://ec.europa.eu/press/secretariat_general/index_fr.htm)



AZ EURÓPAI KÖZÖSSÉGEK BIZOTTSÁGA

Brüsszel, 27/06/2007

2007/2190  
B(2007) 2715

Tisztelt külügyminiszter asszony!

A vadon élő madarak védelméről szóló, 1979. április 2-i 79/409/EGK irányelv (a továbbiakban: a madárvédelmi irányelv) 4. cikkének (1) és (2) bekezdéséből eredő kötelezettségek végrehajtására szeretném felhívni a figyelmét a különleges védelmi területek kijelölését illetően.

E kérdés behatóbb elemzése érdekében a Bizottság saját kezdeményezésére ígert indított 2007/2190 iktatási szám alatt.

A madárvédelmi irányelv 4. cikkének (1) bekezdése kimondja, hogy „Az I. mellékletben említett fajok fennmaradásának és szaporodásának biztosítása érdekében elterjedési területükön az élőhelyüket érintő különleges védelmi intézkedésekre van szükség.

Ebben az összefüggésben figyelembe kell venni:

- a) a kipusztalással fenyegetett fajokat;
- b) az élőhelyük meghatározott változásaira érzékeny fajokat;
- c) a kis állományuk vagy korlátozott helyi elterjedésük miatt ritkának minősített fajokat;
- d) az élőhelyük egyedi jellege miatt különleges figyelmet érdemlő egyéb fajokat.

Az állomány szintek változásának irányát és ingadozásait az értékelések háttér-információiként figyelembe kell venni.

A tagállamok a mennyiségük és méretük szerint legalkalmasabb területeket a fajok védelme érdekében különleges védelmi területekké minősítik, figyelembe véve a fajok védelmi szükségleteit azokon a földrajzilag meghatározott tengeri és szárazföldi területeken, ahol ezt az irányelvet alkalmazni kell.”

Öccsellenciája Dr GÖNCZ Kinga Asszony  
Külügyminiszter  
Bem rakpart 47  
H - 1027 BUDAPEST

Commission européenne, B-1049 Bruxelles - Belgique  
European Commission, B-1049 Brussel - Belgij  
Telefon: 32 (0) 2 296 11 11

A madárvédelmi irányelv 4. cikkének (2) bekezdése pedig a következőket írja elő: „A tagállamok hasonló intézkedéseket tesznek az I. mellékletben fel nem sorolt, rendszeresen előforduló vonuló fajok esetében is, szem elől tartva azok védelmi szükségleteit azon a földrajzi tengeri és szárazföldi területen, ahol ezt az irányelvet alkalmazni kell, tekintettel költsé, vedlő- és teledterületeikre, valamint vonulási útvonaluk pihenőhelyeire. A tagállamok e célból külön figyelmet fordítanak a vizes élőhelyek védelmére és különösen a nemzetközi jelentőségű vizes élőhelyekre.”

A Magyar Kormány csatlakozási szerződése 2004. május 1-jén lépett hatályba. A csatlakozás feltételeiről szóló okmány 54. cikke értelmében „az új tagállamok hatályba lépésétől azokat az intézkedéseket, amelyek ahhoz szükségesek, hogy az EK-Szerződés 249. cikke és az Euratom-Szerződés 161. cikke szerinti irányelvek és határozatok rendelkezéseinek a csatlakozás napjától megfeleljenek.” Hangsúlyoznám, hogy Magyarország számára nem állapítottak meg átmeneti időszakot a madárvédelmi irányelv 4. cikkének (1) és (2) bekezdésében említett különleges védelmi területek kijelölését illetően.

Az Európai Közösségek Bírósága állandó ítélkezési gyakorlatának megfelelően a tagállamok rendelkeznek ugyan némi mérlegelési joggal a különleges védelmi területek kijelölését illetően, de e területek kiválasztása és határait kijelölése kizárólag az irányelvben meghatározott madártani szempontokon alapulhat. Egyéb megfontolások, különösen a gazdasági vagy társadalmi szempontok nem játszhatnak szerepet a területek kijelölésében (lásd például a C-355/90. számú, Bizottság kontra Spanyolország (Santofia-mocsarak) ügyben 1993. augusztus 2-án hozott ítélet, EBHT I. 4221. o., 26. pont); a C-44/95. számú, Royal Society for the Protection of Birds (Lappel Bank) ügyben 1996. július 11-én hozott ítélet (EBHT I. 3805. o.) 26. pontját és a C-3/96. számú, Bizottság kontra Hollandia ügyben 1998. május 19-én hozott ítélet (EBHT I. 3031. o.) 59. és azt követő pontjait.)

Az ítélkezési gyakorlat szerint az olyan területjegyzékek, mint az IBA 2000 (Fontos madárelőhelyek), kellően bizonyítják, ha egy tagállam nem tesz teljes mértékben előzet a különleges védelmi területek kijelölésére vonatkozó kötelezettségnek. A Bíróság megítélése szerint az 1989-es IBA-jegyzék tudományos értékének ismeretében, és figyelembe véve, hogy tudományosan nem bizonyítható, hogy az irányelv 4. cikkének (1) és (2) bekezdéséből eredő kötelezettségek teljesítéséhez elegendő volna a jegyzékben felsoroltaktól eltérő vagy összességében kisebb kiterjedésű területek kijelölése (még akkor is, ha a jegyzék jogilag nem kötelező erejű a tagállamokra nézve) a Bíróság meg tudja ítélni, hogy a tagállam kellő számú és kellő nagyságú különleges védelmi területtel jelölt-e ki az irányelv említett rendelkezései értelmében (pl. C-3/96. számú, Bizottság kontra Hollandia ügy, 1998., EBHT I. 3031. o. 68. és azt követő pontok és C-378/01. sz. Bizottság kontra Olaszország ügy, EBHT 2003., I-2857. o., 18. pont).

Magyarországon a különleges madárvédelmi területek kijelöléséhez az elérhető legjobb tudományos forrásoknak a Lovász Péter szerkesztésében 2002-ben kiadott „Javasolt különleges madárvédelmi területek Magyarországon” (Magyar Madártani és Természetvédelmi Egyesület, Budapest, 2002.) kötet számj. Az összeállítás a PHARE által támogatott, a különleges védelemre érdemes területek azonosítását célzó projekt eredménye, a projekt megvalósításáért felelős konzorcium tagjai a Környezetvédelmi és Vízügyi Minisztérium, az ÖKO Kft., az ADAS Consulting Ltd., a CEEN Consulting, a Magyar Tudományos Akadémia Ökológiai és Botanikai Kutatóintézete, a Magyar Madártani és Természetvédelmi Egyesület és a Royal Society for the Protection of Birds

voltak. Az IBA-területek jegyzéke szerint Magyarországon 54 terület alkalmas különleges madárvédelmi területek (összesen 14026,18 km<sup>2</sup>).

A Magyar Köztársaság 55 különleges védelmi területet jelölt ki (13519,12 km<sup>2</sup>). A két rendszer között 1 109 169,075 ha az átfedés, vagyis az IBA-területek 79,08 %-át jelölték különleges védelmi területek.

4 IBA-területet nem jelölték ki, és számos különleges védelmi terület kiterjedése marad el a megfelelő IBA-terület kiterjedésétől. Az IBA-területek és az azoknak megfelelő különleges védelmi területek kiterjedése közötti különbség 17 esetben 500 hektár alatti, 16 esetben 500 és 5000 hektár között mozog, és 17 esetben több, mint 5000 hektár. A Hortobágy esetében az eltérés csaknem 44000 hektár. Az IBA-területek nagyságához képest ez az eltérés 19 esetben 5% alatti, 19 esetben 5 és 25% közötti, és 16 esetben 25 és 100% között mozog. A ki nem jelölt IBA-területek teljes kiterjedése 293 449,15 ha (20,9%). Ebből több mint 160 000 hektár 5 terület: a Gerecse, a Hevesi-sík, a Hortobágy, a Jászság és a Mátra között oszlik meg.

A fentiek alapján úgy tűnik: a különleges védelmi területek kijelölése Magyarországon hiányos, és nem felel meg a madárvédelmi irányelv 4. cikke (1) és (2) bekezdésének. A Bizottság ezúton felkéri a magyar hatóságokat azon tudományos indokok ismertetésére, amelyek alapján kisebb különleges védelmi területeket jelölték ki, mint a megfelelő IBA-területek.

Az irányelv 4. cikke (1) és (2) bekezdésének megsértését az is bizonyítja, hogy a kijelölt területek nem biztosítják kellőképpen az irányelv I. mellékletében említett fajok lefedettségét. A Bizottság szerint a rendelkezésre álló adatok alapján számos madárfaj nem részesül kellő védelemben.<sup>1</sup>

A legtöbb kijelölt különleges védelmi terület jól lefedti az IBA-területek legfontosabb, a legjelentősebb madárállományoknak otthont adó részét. Azonban más fontos területek – így a védőzónák, mezőgazdasági területtel egybeeső táplálkozóterületek és néhány természetes élőhely – nem lettek kijelölve. Jóllehet ezek a területek nem adnak otthont költőállományoknak, jelentős szereppel bírnak az I. mellékletben felsorolt fajok védettségi állapotának fenntartásában. Jó példa erre a Hortobágy, ahol 43811 hektárnyi főleg mezőgazdasági földterület nem tartozik a kijelölt részekhez.

Egyes ki nem jelölt területek esetében egyértelműen bizonyított az I. mellékletben szereplő fajok jelentős állományának jelenléte. A dél-hevesi, jászsági és hevesi-síki IBA-területek esetében a ki nem jelölt részekben jelentős állomány él **kék vércséből** (35 pár), **keresensólyomból** (5 pár), **parlagi sasból** (6 pár), **szalakótából** (30 pár) és **kis őrgébicsből** (55 pár). A Mátra jelentős része sincs kijelölve, pedig számottevő **paringásus**-, **békászósas**-, **kigyászolyv**-, **uhu**- és **fehérhátúharkály**-populációnak ad otthont. A teljes mértékben kijelöletlen IBA-területek a **esészármadár** (Karancs-Medves IBA) és a **hamvas kúlló** (Zselic IBA) fontos költőterületei. E területek védelmének elmulasztása következtében az említett fajok lefedettsége jelentősen csökken.

<sup>1</sup> Az országos állományokat többnyire a BirdLife által 2004-ben kiadott „Birds in Europe: population estimates, trends and conservation status” alapján számították.

Mindezekből következően az Európai Közösségek Bizottsága úgy véli, hogy a Magyar Köztársaság – száltal, hogy a vadon élő madarak védelméről szóló, 1979. április 2-i, többször módosított 79/409/EK irányelv I. mellékletében szereplő fajok védelmére, és más, Magyarországon rendszeresen előforduló vonuló fajok védelmére a mennyiségük és méretük szerint legalkalmasabb területeket nem jelölte ki különleges védelmi területek – nem tett eleget az irányelv 4. cikkének (1) és (2) bekezdésében előírt kötelezettségeinek.

A Bizottság felkéri a magyar kormányt, hogy az Európai Közösséget létrehozó szerződés 226. cikkével összhangban e levél kézhezvételétől számítva két hónapon belül tegye meg az üggyel kapcsolatos észrevételeit.

Az észrevételek megvizsgálását követően, illetve amennyiben az előírt határidőn belül nem terjesztettek elő észrevételeket, a Bizottság adott esetben egy, ugyanezen cikkben meghatározott indoklással ellátott véleményt bocsáthat ki.

Kérem, Asszonyom, fogadja legmélyebb tiszteletem.

a Bizottság részéről  
Stavros DIMAS  
a Bizottság tagja



# Letter 4



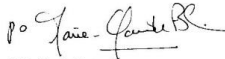
EURÓPAI BIZOTTSÁG  
KÖRNYEZETVEDELMI  
FŐIGAZGATÓSÁG  
Directorate A - Governance, Communication and Civil Protection  
ENV A.2 - Infringements  
The Head of Unit

Brüsszel, 31 01 2008  
ENV A.2/PK/mnu/ D(2008) 1677

Zsák Ferenc Tibor *elnök*  
Tiszántúli Természetvédők Társulata  
Szent Anna u. 16.  
4024 Debrecen  
HUNGARY

Kérem, hogy az ügygel kapcsolatos jövőbeli levelezésében a fenti hivatkozási számot feltüntetni szíveskedjék.

Tisztelettel,

  
Julio García Burgués  
Head of Unit

**Tárgy: Visszaigazolás a 2008. január 17-én kelt beadványának kézhezvételéről a Natura 2000 védett területek minősülő Sajóládi erdővel kapcsolatban**

Tisztelt Zsák Úr!

Köszönöm a 2008. január 17-én kelt levelét.

Levelemben Ön a HUAN20004 szám alatt nyilvántartásba vett 'Sajóládi erdő' védett Natura 2000 terület jelentős elpusztításáról tájékoztatja a Bizottságot. Beszámol arról, hogy különböző tevékenységek nemrégiben a Sajóládi erdő visszafordíthatatlan károsodásához, értékes és ritka erdei életközösségek, közösségi jelentőségű védett növény-és állatfajok elűnéséhez vezettek. Levelemben arra kéri a Bizottságot, hogy tegyen megfelelő intézkedéseket az ügy kivizsgálása érdekében.

Tájékoztatom, hogy Olajos Péter magyar európai parlamenti képviselő által a Sajóládi erdő ügyében nemrégiben a Bizottsághoz benyújtott írásbeli kérdésben foglaltak alapján a Bizottság saját kezdeményezésre már eljárást indított (hivatkozási szám: 2008/2011), és megkezdte az ügy kivizsgálását. Ennek keretében már levelet küldtünk a magyar hatóságoknak, amelyben tájékoztatást kértünk, hogy miként alkalmazzák a természetes élőhelyek, valamint a vadon élő állatok és növények védelméről szóló 92/43/EGK tanácsi irányelvben foglalt rendelkezéseket a Sajóládi erdő esetében.

A magyar hatóságoktól kapott válasz lehetővé fogja tenni számunkra, hogy jobban értékeljük a kialakult helyzetet, és hogy döntést tudjunk hozni arról, küldjünk-e Magyarországnak - az Európai Közösséget létrehozó szerződés alapján - hivatalos felszólító levelet a 92/43/EGK irányelvben foglalt kötelezettségek nem teljesítése miatt. Az Ön beadványában már említett, valamint az Ön által esetleg benyújtani kívánt további információkat a Bizottság természetesen megfelelő mértékben figyelembe fogja venni az ügy értékelésekor.

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telefon: (32-2) 299 11 11.  
Indirizzo: B-1049, Bruxelles. Telefono: (32-2) 299 11 11. Fax: (32-2) 299 10 10.  
E-mail: peter.koelen@ec.europa.eu  
P:\AZK\4 Legal Control\4.3 Cases\HU\2008\2008-2011\Info\_Zsák Tibor\_Sajólád (HU) - 1677.doc

## Letter 5



Tiszántúli Természetvédők Társulata  
Society of Conservationists of Eastern Hungary  
420 4 Dohmann, Saint Anne s. 46. Tel: (+36 90 94949 406)  
E-mail: tit.ter.vet@grn.hu Mob: 06 90 949 4375  
Web: www.termeszvedok.hu 06 20 920 1970  
Bank account number: 10300084-00091949 06 797521 4022

42009ENV1

Európai Bizottság  
Környezetvédelmi Főigazgatóság

J. Garcia Bagnés  
Csoportvezető Úr

Rue de la Loi 200,  
B-1049 Brussels

Belgium

Tárgy: Tájékoztató a Natura 2000 erdőterületek  
magyarországi helyzetéről.

**Tisztelt Csoportvezető Úr!**

A Natura 2000 hálózatába tartozó HUBN20029 Gírcsi Nagy-erdő irreverzibilis természetkárosítása ügyben benyújtott beadványunkhoz kapcsolódóan az alábbi tájékoztatót szeretnénk nyújtani Önöknek a Natura 2000 erdőterületek magyarországi helyzetéről.

1. A Budapesti Corvinus Egyetem Regionális Energiagazdasági Kutatóközpontjának munkatársai által 2009-ben készített „*Erdőzet és állomány eretető fás szarú emergentiá biomassza Magyarországon*” című (mellékletként csatolt) tanulmányában a kutatók a rendelkezésükre bocsátott adatok alapján azt találták, hogy a *hivatalos nyilvántartásokon áttegyezett fakitermelési adat (évente 6,57 millió köbméter) kb. 50%-át elévő (3,35 millió köbméter) további, illegális fakitermelés becsülhető Magyarországon.* (A tanulmány 31-ik o. k.) Ezen illegális fakitermelések a Sajóközi és a Gírcsi-Nagy-erdőhöz hasonló 715 ezer hektár nagyságú nem védett természeti területen nyilvántartott Natura 2000 erdőterületeket is jelentős mértékben érintik.
2. A 2009. május 25-től hatályos új magyar erdőtvény (2009. évi XXXVII. tv.) a Sajóközi és a Gírcsi-Nagy-erdőhöz hasonló nem védett természeti területen levő Natura 2000 erdőterületek élőhelyeinek, ezen élőhelyeken található közösségi jelentőségű növény- és állatfajok hatékony védelmét nem kellően szabályozza, pl. a Natura 2000 erdőterületeket nem sorolja a védelmi rendeltetésű erdők közé (Étv. 22. §), ezáltal a Natura 2000 erdőterületek nem élveznek prioritást az egyéb gazdasági célú (felhasználati) erdőkkel szemben, emellett nem biztosítja sem a természetvédelmi hatóságok sem a természetvédők civil szervezetek hatékony részvételét az erdők érintő engedélyezési eljárásokban. Az új magyar erdőtvény életbe léptetése ellen - számos hiányossága miatt - a Jövő Nemzedékek Országgyűlési Biztosa, illetve a magyar környezet- és természetvédők szervezetek is tiltakozásukat fejezték ki, azonban ennek ellenére elfogadásra került. (Mellékelve a 2009. évi XXXVII. tv., valamint a törvény ellen megfogalmazott vélemények szövege.)
3. Szervezetünk tekintettel az új magyar erdőtvény hiányosságain 2009. október 24-én a Miniszterelnöki Hivatalnak, illetve a Földművelési és Vidékfejlesztési Minisztériumnak

javaslatot nyújtott be a nem védett természeti területek nyilvántartott Natura 2000 területek élőhelyeinek megővését célzó monitoring vizsgálatok elvégzésére, azonban mind a mai napig nem érkezett válasz ezen javaslatunkra. (Mellékelten csatoljuk javaslatunkat.)

4. Jelen beadványunk keretében tájékoztatjuk a Környezetvédelmi Főigazgatóságot arról, hogy a HUAN20004 Hernád-völgy és a Sajóközi-erdő SCI részét képező, Hernádka község mellett található Keményi-erdő (más néven Belegrádi-erdő) területén tarvágások, illetve illegális fakivágások által megzavart erdőterület találtunk, amely az itt található díszes tarkalepke (*Euphydryas aurinia*) populáció megmaradt élőhelyeinek közvetlen-közvetlen helyzetét el. Minderről értesítettük az illetékes kormányhivatalt, illetve erdőterületi hatóságot megelőző a díszes tarkalepke élőhelyeit, azonban választ nem kaptunk leveleinkre. (Dokumentumok és térképek és fényképfelvételek mellékelve.)

Kelt: Debrecen, 2009. december 08.

Üdvözlettel: Zsák Ferenc Tibor  
elnök  
Tiszántúli Természetvédők Társulata

## Letter 6



EURÓPAI BIZOTTSÁG  
KÖRNYEZETVÉDELMI FŐIGAZGATÓSÁG  
Igazgatóság A – Jogi Ügyek és Kohézió  
ENV.A.1 – Végrehajtás, jogsértések koordinációja és jogi ügyek  
Csoportvezető

Brüsszel, 04 10. 2010  
ENV.A.1/PK/mm/ ARES(2010) ~~69952~~

Zsák Ferenc Tibor  
Tiszántúli Természetvédők Társulata  
Szent Anna u. 16.  
4024 Debrecen  
Hungary

E-mail: [tt.grandforest@gmail.com](mailto:tt.grandforest@gmail.com)

**Tárgy: Az Ön 420/09/ENVI számon nyilvántartásba vett panasz**

Tisztelt Zsák Úr!

Hivatkozva a Girinési Nagy-erdő közösségi jelentőségű természeti területtel kapcsolatos, fenti nyilvántartási számon iktatott panaszára, tájékoztatom, hogy panaszának kivizsgálását az EU Pilot program keretében befejeztük.

A fenti vizsgálat eredményeként az Európai Bizottság arra a megállapításra jutott, hogy Magyarország nem teljesítette a természetes élőhelyek, valamint a vadon élő állatok és növények védelméről szóló 92/43/EGK tanácsi irányelv<sup>1</sup> alapján fennálló kötelezettségeit. Ezért a Bizottság úgy határozott, hogy a 420/09/ENVI számú EU Pilot eljárást lezárja és egyúttal 2010/4112 ügyszám alatt jogsértési eljárást kezdeményez Magyarország ellen.

Ennek megfelelően az Európai Unió működéséről szóló szerződés 258. cikke alapján a Bizottság 2010. szeptember 30-án felszólító levelet küldött a Magyar Köztársaság Kormányának. A felszólító levélben a Bizottság többek között azt a nézetet vallja, hogy Magyarország eddig nem hozott megfelelő kiegyenlítő intézkedéseket a Girinési Nagy-erdőt ért kár ellentételezése és a Natura 2000 hálózat általános ökológiai egységességének megóvása érdekében.

A Bizottság felkérte a Magyar Köztársaság Kormányát, hogy a felszólító levél kézhezvételétől számított két hónapon belül juttassa el a Bizottság részére a fent említett jogsértéssel kapcsolatos észrevételeit. A Bizottság – miután az észrevételeket megvizsgálta – adott esetben indokolással ellátott véleményt adhat ki az említett cikkel összhangban.

Az ügy további fejleményeiről a megfelelő időben tájékoztatni fogjuk.

Tisztelettel:

J. GARCÍA BURGÜÉS

<sup>1</sup> HL L 206., 1992.7.22., 7. o.





**ÉSZAK-DUNÁNTÚLI KÖRNYEZETVÉDELMI,  
TERMÉSZETVÉDELMI ÉS VÍZÜGYI FELÜGYELŐSÉG**  
mint első fokú környezetvédelmi, természetvédelmi és vízügyi hatóság  
**Hatósági Engedélyezési Iroda – Környezetvédelmi Engedélyezési Osztály**

9021 Győr, Árpád u. 28-32.

Telefon: Központi: 96/524-000,

web: <http://edktvf.zoldhatosag.hu>

Ügyfélfogadás: Hétfő, Kedd, Szerda: 9-15 óráig,

Beadványában ügyiratszámunkra szíveskedjék hivatkozni!

Levélcím: 9002 Győr, Pf. 471.

Ügyfélszolgálat: 96/524-001 Fax: 96/524-024

e-mail: [eszakdunantuli@zoldhatosag.hu](mailto:eszakdunantuli@zoldhatosag.hu)

Csütörtök: 9-16 óráig

Iktatószám:	370-46/2011.	Hiv.szám:	-	Tárgy:	Győr,
Előadó:	Dr. Reiner Viktória/ Perjés Katalin	Melléklet:	-		AUDI Hungaria Motor Kft. közötti gépjármű gyártó tevékenységének hatásvizsgálata és egységes környezethasználati engedélye

AUDI Hungaria Motor Kft.

Öko-Nett Gazdasági és Mérnökiroda Bt.

Védegyület Egyesület Irodája

Tiszántúli Természetvédők Társulata

NIMFEA Természetvédelmi Egyesület

CEEweb a Biológiai Sokféleségért

REFLEX Környezetvédő Egyesület

Fertő-Hanság Nemzeti Park Igazgatóság

9027 Győr, Kardán út 1.

9023 Győr, Tihanyi Á. út 31.

1114 Budapest, Bartók Béla út 19.

4024 Debrecen, Szent Anna u. 16.

5421 Túrkeve, Postafiók 33. sz.

1021 Budapest, Széher út 40.

9024 Győr, Bartók B. út 7.

9435 Sarród, Rév-Kőcsagvár

Az Észak-dunántúli Környezetvédelmi, Természetvédelmi és Vízügyi Felügyelőség a 370-27/2011. számú határozatával egységes környezethasználati engedélyt adott az AUDI Hungaria Motor Korlátolt Felelősségű Társaság (9027 Győr, Kardán út 1., KSH szám: 11125248-2932-113-08) részére, a Győr, 5475/66. hrsz-ú telephelyén folytatott közúti gépjármű gyártó tevékenységre vonatkozóan.

A határozattal szemben a Tiszántúli Természetvédők Társulata (4024 Debrecen, Szent Anna u. 16.) mint ügyfél **fellebbezést** nyújtott be, ezért a Felügyelőség a fellebbezéssel támadott határozatot az elsőfokú eljárás során keletkezett iratokkal a másodfokú hatósághoz **felterjesztette, ennek folytán a határozat nem emelkedett jogerőre.**

Győr, 2011. március 31.

Németh Zoltán igazgató megbízásából:

  
Dr. Reiner Viktória  
vezető-tanácsos





Európai Ombudsman

Jogi Osztály  
Igazgató

ZSAK Ferenc Tibor  
Szent Anna u. 16  
4024 DEBRECEN  
HONGRIE

Strasbourg, 2011/03/24  
Átvételi elismervény

Tisztelt Hölgyem/Uram!

Ez úton kívánom értesíteni Önt, hogy a 2011/03/21 napján kelt panasz  
2011/03/21 napján beérkezett az Európai Ombudsman Hivatalába, ahol azt a  
**0695/2011/DK** számon nyilvántartásba vettük. Panaszával Dániel Koblenz fog  
foglalkozni (Tel.: +32 (0)2.284.38.31).

A levél hátoldalán található, tájékoztató információkkal szolgál  
panaszának kezelésével kapcsolatban, és ismerteti a személyes adatok  
védelmére vonatkozó szabályokat, amelyeket a panaszok kivizsgálása során az  
Ombudsman kötelezően alkalmaz.

Szeretném továbbá felhívni szíves figyelmét arra is, hogy az  
Ombudsmanhoz benyújtott panasz nem szakítja meg a közigazgatási vagy  
bírószági eljárások jogorvoslati határidejét (az Európai Ombudsman  
alapokmánya, 2. cikk (6) bekezdés).

Tisztelettel:

João Sant'Anna  
A Jogi Osztály vezetője

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## Letter 9



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate B - Nature, Biodiversity & Land Use  
ENV.B.3 - Nature

Brussels, 29-03-2011  
Env B3 PO/sp D(2010) Ares 343746

Mr Ferenc Tibor Zsák  
Society of Conservationists of  
Eastern Hungary  
Szent Anna u. 16.  
4024 Debrecen  
Hungary  
[tt.grandforest@gmail.com](mailto:tt.grandforest@gmail.com)

**Subject:** Your e-mail of 16 February 2011 concerning request for review of  
Commission opinion C(2011) 351

Dear Mr Zsák,

Herewith I confirm receipt of your e-mail of 16 February 2011 regarding request for review of Commission opinion C(2011) 351 of 25 January 2011 concerning the modification of the development plan of the Győr town and subsequent receipt of paper version of the documents sent by e-mail. I would like to inform you that submitted documents are currently subject to an assessment by the Commission services. I will keep you informed about the outcome of our analysis and the future course of action once the assessment has been finalised.

Yours sincerely,

  
Stefan LEINER



## Acknowledgement

First of all I wish to thank all interviewees for their time and the information they shared with me. I very much want to thank my supervisors Dr. Norbert Kohlheb and Dr. György Pataki for their valuable advice on conducting and completing this research. The valuable and constructive comments of the reviewers Dr. Zsolt Boda and Dr. Dimitrios Zikos were very much appreciated and helped to improve this thesis considerably as compared to the draft version.

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I moreover wish to express my gratitude for the support of all colleagues from the Institute of Environmental and Landscape Management at St. István University, Gödöllő. Special thanks go to Katalin Pintér for transcribing the interviews in Hungarian language and to Zsuzsa Jeney for all her support with any administrative matter. I, moreover, wish to thank the Doctoral School Secretariat for their always quick support and information when needed. Furthermore, I would like to thank my good Hungarian teachers, including the friends and colleagues who were patient enough to practice speaking with me. Yet to ensure a correct text and good style for the Hungarian summary too, I relied on the help of a native speaker. Réka Sáfrány kindly translated the summary of this research into Hungarian.

Last but not least I am very grateful to my family and friends for believing in me and cheering me up at harder times of this work – especially so Lily Saffron Milton.

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