

Governance in the Environmental Sector: Specificities of Southern Europe

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1. Introduction

The accession of Greece, Portugal and Spain to the European Union (EU) entailed huge costs of adoption of and adaptation to the environmental *acquis*. Given their relatively weak capacities, the three countries were unable to cope with the implementation load by hierarchically imposing the new policies. The governance literature would suggest that state actors would compensate their weak capacities by systematically engaging non-state actors in environmental policy-making to pool resources and share costs. However, our empirical results are rather mixed. Both state and non-state actors in these Southern countries were initially too weak to engage in meaningful resource exchanges. In addition, a state-centred administrative culture impaired the emergence of new modes of governance. This situation has slowly been transformed since the mid-late 1990s, partially as a result of the EU facilitating the strengthening of governance capacity. Based on the research on implementation of six environmental directives in Southern countries, this policy brief explores the specificities of new modes of governance in the environmental sector.¹

2. The 'greening of the South': policy takers rather than policy shapers

Greece, Portugal and Spain, whose environmental policies were barely developed in the early eighties, had to cope with the burdens of accession after they had joined the EU in 1981 and 1986, respectively. When they became members, they faced two major challenges: democratic consolidation and economic modernization. EU membership offered symbolic and material benefits to the three Southern states: it accentuated their efforts to consolidate newly established democratic institutions, attain economic progress, escape isolationism and regain international recognition after the collapse of authoritarian regimes. However, EU membership also challenged their administrative traditions and policies. This is particularly true for environmental policy, in which the three member states had relatively weak capacities to reach EU standards. The literature provides different accounts of the weak compliance performance of Southern member states. It is commonly attributed to the mismatch between the specific environmental conditions in the South and policies pursued at the EU level (Börzel, 2003). From a different perspective, the so-called 'Mediterranean syndrome' explanation attributes the poor compliance performance of Southern member states to a combination of institutional factors including the legacy of authoritarian regimes, slow economic development, hierarchical administrative structures, weak civil societies, widespread corruption and political patronage (Pridham and Cini, 1994). Generally, both lines of argumentation explicitly or implicitly address

¹ The six directives under study include: Directive 2000/60/EC establishing a framework for Community action in the field of water policy (WFD); Environmental Impact Assessment Directive (EIA) 97/11/EC amending 85/337/EEC; Large Combustion Plants-Directive (LCP) 2001/80/EC amending 88/609/EEC; Directive on Integrated Pollution Prevention and Control (IPPC) (96/61/EEC); FFH/Wildbirds-Directive 92/43/EEC; Directive 98/83/EC on the quality of water intended for human consumption (DW).

the question of state capacity as a central institutional condition for effective implementation.

3. State capacity and new modes of governance

Capacity shortcomings impairing compliance were the norm in the three Southern members in the post-accession period. Economic limitations made the implementation of highly costly environmental regulation more difficult. With a per capita GDP below the EU average, political, economic and social priorities in the South left little room for environmental policy. The achievement of macroeconomic stability, industrial competitiveness and the reduction of social and economic disparities with the most advanced EU counterparts dominated domestic political agendas. Moreover, macro-economic constraints prevented the Southern member states from committing the financial resources necessary to comply with EU regulation. Adding to these economic shortcomings, limited administrative, cognitive and

engaging capacities did not allow for securing both the legal transposition and effective implementation of the environmental *acquis*. The absence of environmental ministries capable of elaborating long term plans as well as coordinating environmental policies was the most visible but not the only institutional limitation in this initial period. While Greece, Spain and Portugal had regulated some aspects of air pollution and nature conservation prior to accession, environmental policies had remained largely ineffective. The lack of adequate administrative structures and poor policy expertise generated problems in the practical application of EU rules. Understaffed environmental administrations faced difficulties in interpreting the technical requirements contained in EU environmental regulation. In addition, EU regulatory approaches often did not fit domestic traditions that were characterized by reactive and command-and-control policy styles. Finally, pluralistic arenas for public participation in environmental policy were almost inexistent.

In spite of capacity limitations, state actors did not resort to cooperation with non-state actors to cope with their weaknesses and share the burden of implementation. Low levels of concern for the environment combined with a state-centered administrative culture partly accounts for such reluctant attitudes. From the societal side, non-state actors were neither always capable nor willing to provide resources to better cope with the environmental *acquis*. Industry had few incentives to cooperate in the implementation of costly directives; the scientific community showed a relatively low profile; civil society organizations were often too weak to participate in the policy-process and the environmental groups pursued rather confrontational strategies towards public authorities than cooperation and participation.

However, this situation was timidly transformed along the 1990s. The conditions for the emergence of relatively more inclusive types of governance became more favourable. Internal factors such as democratic consolidation and the improvement of the overall macroeconomic performance as well as the development of new institutional arrangements—most notably the creation of environmental ministries—partly influenced

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this result. Yet, in all three countries, transformations as it regards the building of governance capacities have directly or indirectly been driven by the EU. To this respect, the EU has employed empowering, sanctioning and distributing approaches to address the compliance deficit in the South. First, the EU compliance system allowed social organizations to litigate against their national governments for infringing EU environmental regulation. In addition, the EU has adopted directives requiring the involvement of non-state actors. Second, since the early 1990s the Commission has frequently opened infringement proceedings against Southern countries for improper application of environmental directives. In many of such cases, the European Court of Justice (ECJ) has repeatedly condemned Greece, Spain and Portugal for failing to comply with the requirements contained in environmental directives. Finally, EU funds and programmes, such as the Cohesion Funds or LIFE, have contributed to the development of a large amount of environmental projects in all three countries, strengthening the capacities of both state and non-state actors and, less generally, providing additional incentives for industry to engage in mutual cooperation. In the three countries under study, EU funds have served to finance cognitive-related activities required to comply with EU environmental directives. The combined pressure from above and below, together with the availability of material resources to deal with compliance, have largely contributed to increase the willingness of Southern administrations to enlist the help of non-state actors in the implementation.

Patterns of non-state actors' involvement in the implementation of environmental directives display at least some commonalities in Spain, Greece and Portugal. Since the mid-late 1990s, state actors, growingly aware of the need to comply with environmental directives, have been less reluctant to involve non-state actors in order to compensate resource deficiencies. In general, emerging types of governance in the field of environmental sector include arenas of consultation, outsourcing of cognitive-related tasks and conflict resolution. Broadly, public consultation has been a regular mode of involving

Further reading

This policy brief is based on research carried out within the NEWGOV project no. 12 on "Coping with Accession: New Forms of Governance and European Enlargement (COPA)". The scientific objective of this project is to explore how transition countries in Southern Europe and Central and Eastern Europe have coped with the challenge of accession. In particular, the study set out to analyse the role of New Modes of Governance in the adoption of and adaptation to selected EU policies in the field of environment as an example of positive integration which imposes significant costs on and requires considerable capacities of accession countries. The COPA project systematically compares the Southern enlargement of the EC with the Eastern enlargement of the EU.

Further information can be found on the NEWGOV Website in the [special section](#) of project no. 12.

non-state actors during the transposition stage, whereas the outsourcing of cognitive-related tasks and delegation of technical functions to the scientific community, environmental groups and industry appear in the practical implementation. Yet, the empowering capacities of non-state actors' in environmental policy have remained weak. The participation of non-state actors has been conducted under state actors' initiatives and steered from the top. In addition, it has been applied selectively, as the involvement of non-state actors seems comparatively more pronounced in the implementation of those EU directives that are complex in nature and enhance participatory procedures (FFH, the IPPC and the WF directives), as compared to those adopting a traditional regulatory approach (DW, the LCP and, to a lesser extent, the EIA directives).

Overall, more inclusive modes of governance have emerged particularly in those cases in which EU pressure, resource transfer and regulatory requirements have helped strengthen the capacities of state and non-state actors. Yet, cross-country variations

have also been observed beyond such common trends. The timid divergence from the traditional hierarchical modes of governance is most pronounced in Spain and weakest in Greece, with Portugal ranging somehow in between. As the Greek case illustrates, state and non-state actors do not only require sufficient capacities to make cooperation mutually beneficial. They also have to foster the trust that new modes of governance are a better way to make EU environmental policy work. In Greece, mistrust and suspicion appear to be a factor that seriously hampers the emergence of new modes of governance, despite EU compliance pressure and capacity-building. In Portugal, two combined factors have hampered the emergence of new modes of governance: while state actors have traditionally been reluctant to provide incentives for non-state actors' involvement, the latter have lacked the necessary cognitive and technical capacities to do so. In Spain, the emergence of more cooperative schemes of governance has been fostered by territorial decentralization and the functional imperatives of policy coordination in a fragmented semi-federal state. Decentralization has facilitated more inclusive modes of governance in two ways. First, national administrations have felt the necessity to coordinate and reach consensus with subnational levels in order to secure better records of compliance. And second, non-state actors have found new access points and ways to become more influential by means of interacting with those administrations directly in charge of implementation.

4. Conclusion

The accession of Greece, Portugal and Spain to the EU entailed huge costs as it regards the adoption of and adaptation to the environmental *acquis*. EU directives required preventive problem-solving approaches, significant investments in infrastructure and the industrial base, effective vertical and horizontal coordination skills, knowledge

and expertise. During the years following accession, such requirements challenged Southern member states, which lacked the necessary capacities to cope with EU environmental requirements. The weak governance capacity of the three Southern countries hindered the emergence of new modes of governance. State actors did not have incentives to tap into non-state actors' resources, mostly because they did not feel any pressure to effectively implement EU environmental policies and to compensate for their weak capacities. Yet, along the 1990s the EU favoured a timid evolution of governance capacities in the Southern member states through distributive, sanctioning and empowering strategies. In short, EU transfer of financial and cognitive resources, increasing compliance pressure by the Commission and the ECJ and the participatory requirements contained in some environmental directives have contributed to improve the conditions for involving non-state actors in public policy-making. While the intensity and level of non-state actors' involvement varies across countries and across the directives, new modes of governance continue to be rather weak and have not been emerging in a systematic way.

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