

*Understanding Participation in Context:  
Reflecting on EU Engagement in Eastern  
Europe*

Professor Susan Baker  
Cardiff School of the Social Sciences  
Cardiff University

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# Structure of Presentation

1. Brief Historical Background
2. EU Spheres of Influence
3. Governance Outcomes
  - the case of participation
4. Critical Reflections I
5. Governing the Outer Sphere
6. Critical Reflections II

# ***1. Brief Historical Background***

# Transition in ECE

## 1. Path Dependent

- continuity with past

## 2. Evolutionary

- new features, processes & influences
- institutionalised forms of learning

# Early Variation in Transitions

Due to

- Diversity in cultural, religious & ethnic make up within/between countries
- Differences in historical, socio-political experiences under Communism
- Varied 'revolutions' in 1989. SEE less stable than CEE: high turn-over rates of governments, low public acceptance of change, continuous strength of communist successor parties, poor commitment to reform
- Differentiation in relationship to EU & in membership timetable/potential
- Wars of succession in countries of former Yugoslavia destabilised SEE

# Environmental Legacy

- **Sharp contrast** between 'hot spots' & biodiversity rich tracts of un-spoilt land
- **Six nuclear reactors** operating at 'high levels of risk'
- **Environmental infrastructure** chronically neglected
- **Lack of administrative capacity**, expertise & financial resources
- **Low political** priority to environmental issues

# Governance Legacy

- Centralised institutional structures
- Closed and highly bureaucratised administrative culture
- Politically 'captured' agencies, bodies and boards, including the judiciary
- Weak sub-national administrative capacity
- Limited attention to implementation, enforcement & monitoring
- Public arena tainted, politically dangerous & dominated by elites

# Post-1989

## Environmental Dynamics

### *Positive*

- Environmental remediation
- Improved ambient quality
- Reductions in resource intensity of production following industrial restructuring

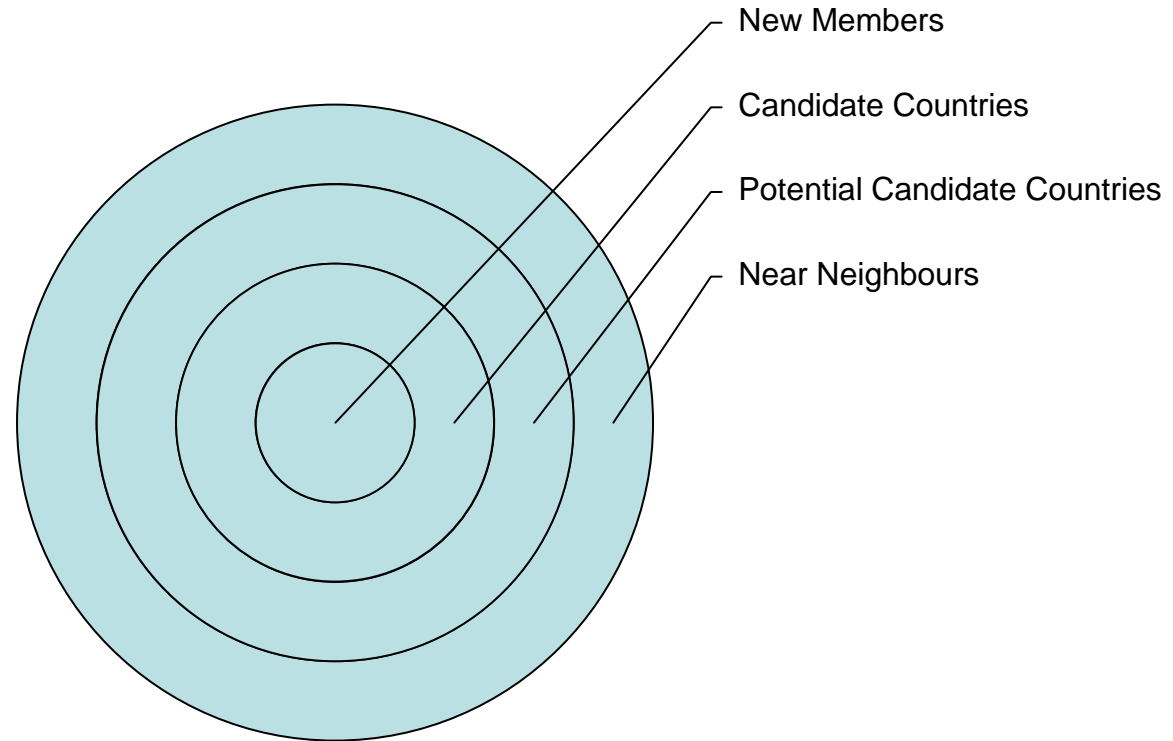
### *Negative*

- Rapid sectoral modernisation [agricultural, industrial, transport, energy]
- Growing problem of consumer waste & packaging
- Rapid rise in illegal landfill
- Rise of road freight & private car use; Eastern extension of TENs
- Deforestation, farm abandonment and biodiversity loss

***No simple correlation between the end of communist rule and improvements in environmental quality***

## ***2. EU Spheres of Influence***

# EU Spheres of Influence



# EU Sphere of Influence

## *Inner Sphere*

- **New Members:** Czech Republic, Estonia, Hungary, Poland, Latvia, Lithuania, Poland, Slovakia & Slovenia (2004); Bulgaria & Romania (2007)
- **Candidate Countries:** Turkey, Croatia, Former Yugoslav Republic of Macedonia

## *Outer Sphere*

- **Potential Candidate Countries:** of Western Balkans [Albania, Bosnia and Herzegovina, Montenegro, Serbia (member in 2009?) and Kosovo], signed *Stabilization & Association Agreements*
- **Near Neighbours:** of former soviet states

# Centrality of Economics

## Underlying EU Belief:

*Economic growth is precondition for long-term stability in eastern Europe and beyond.*

requires EU to:

### ***Economic***

- Promote neo-liberal, market economies
- Integrate area into EU economy [directly via enlargement; indirectly via trade & other agreements]
- Ensure trade expansion & opening of new markets
- Create climate for FDI

### ***Environmental***

- Level the regulatory playing field
- Expand EU environmental regulatory reach
- Widen regulatory coverage
- Enhance environmental governance structures & regimes

# 1. Conditionality

## Forms of Conditionality:

- Democratic: adoption of political principles of EU, norms of human rights & practices of liberal democracy
- Economic: establishment of market economies & free competition; reform of financial institutions & banking system
- Regulatory: adoption of *Acquis*; establishment of monitoring & compliance agencies

- All closely tied to institutional & administrative reform

## Mechanisms:

- Membership (chapter-by-chapter) negotiations, Association Agreements, SAAs and PCAs  
Conditionality Clauses, [including Copenhagen Criteria]
- Trade Agreements
- Financial Mechanism [pre-accession funds e.g. Phare, Special Accession Programme for Agriculture and Rural Development (SAPARD), Instrument for Structural Policies for Pre-Accession (ISPA), Instrument for Pre-Accession Assistance (IPA), Tacis/ENPI]
- Policy Transfer, via twinning arrangements
- Monitoring regulatory compliance & imposition of sanctions
- Regular Reports: 'name and shame' process

## Rewards :

- Financial and technical assistance
- Institutional ties, up to membership

### ***3. Governance Outcomes***

# 1. Regulatory



- Adoption of *acquis communautaire*
  - schedules for transposition for new MS & Candidate Countries
  - Strengthening of environmental legislation in SAA & PCA countries [framework & sectoral legislation] using EU directives as benchmarks
- Broadening of range of issues covered by legislation & policy (e.g. waste management)
- Signing international conventions, e. g. UN FCCC
- Adoption of provisions in relation to managing national, transboundary & global pollution
- Adoption of environmentally related product standards
- Regulatory ‘level playing field’ being applied a/c regions

## 2. Administrative



- Institutional and administrative reforms, including at ministerial level
- Clarification and rationalisation of roles & responsibility *within* central and sub-national levels and *between* governance levels
- Development of institutional & administrative capacity e.g. resources & expertise
- Enhancement of capacity for monitoring regulatory compliance
- Establishment of new institutions, bodies, boards & forum, e.g. EPA, SD Commissions
- Formal engagement with EU agencies and bodies e.g. EEA.

# 3. Procedural



- Establishment of new planning procedures [EIA, SEIA]
- Enhancement of multi-level engagement, supported by decentralisation reforms
- New public/private partnerships, particularly for service delivery
- Greater transparency in environmental policy-making supported by regulation [e.g. Aarhus Convention]
- Enhanced participation, particularly by environmental interests [supported by democratisation conditionality clauses].
- Development of, and participation in, networks [horizontal & vertical] for env. agencies, actors & NGOs, e.g. EU governance networks, Baltic, Black Sea and Danube networks
- Policy making via lesson learning and policy transfer

# The Case of Participation

## *Underlying rationale*

- Promoting ‘good governance’
- Making EU relevant and responsive to ‘peoples of Europe’
- Enhancing social capital - participation seen as promoting social capital, viewed as social underpinning necessary for EU to achieve effective economic, political & environmental performance
- Promoting EU as system of multi-level governance
- Democratising EU - via adjustments to policy making procedures
- Enhancing EU legitimacy

## *Analysis*

- participation part of emerging pattern of ‘**new**’ **process of governance**
- Key characteristic of new governance: affords increased opportunities for citizens to input into making of public policy.
- Participation aims at reducing distance between the bureaucracy and civil society.
- Part of efforts to strengthen legitimacy of public sector institutions
- Against background of re-thinking the role of government in democratic societies & relationship between state and civil society [e.g. role of ‘environmental citizen’]

# Types of Participation in EU

Participation of non-state actors, alongside state and EU bodies, in the policy making process.

*Non-state actors can include NGOs, business interest association, economic and social actors and voluntary groups*

## Forms of Participation:

- Involvement in agenda setting and policy design
- Engagement in implementing policies
- Adopting role as 'watchdogs' or 'whistle blowers'

## Ranges from:

- nominal consultation – to legitimising prior policy decisions – to co-operative co-decision - to policy 'capture';
- can differ across issue area and sector

## Leads to:

public/private partnerships, in particular at delivery/project level.

# Research Findings on Participation

- In majority of cases, capacities of civil society to successfully participate in policy-making, especially at local level, is limited
- Participation processes dominated by economic actors & 'elite' NGOs
- Options available for *cooperative* policy-making are restricted
- Participation practices tend to be driven by emphasis on problem-solving
- Among political & bureaucratic elites, the will to deliberate & negotiate agreements with the *range* of external actors in a network is weak
- Participation can give rise to unintended consequence: e.g. p/p partnerships can reduce state/or local authority control over key areas e.g. waste

See Baker and Eckerberg, eds. *In Pursuit of Sustainable Development; New Governance Practices at the sub-national level in Europe*, Routledge, 2008.

# 4. Instruments



Enhanced use of range of instruments for environmental policy

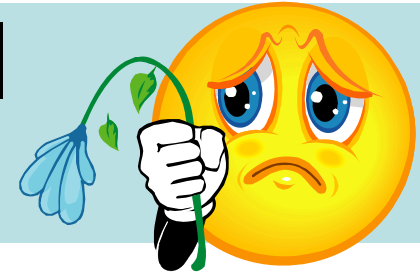
1. **Economic Instruments:** e.g. charges; taxes\*; tradable emission permits; environmental subsidies.
2. **Liability, Damage Compensation:** e.g., strict liability laws; extended producer responsibility
3. **Education and Information** e.g. public education campaigns; diffusion of technical information; eco labelling
4. **Voluntary Approaches** e.g. negotiated agreements, e.g. eco-audit & management systems
5. **Management and Planning** e.g. environmental management systems; zoning; land use planning
6. **Market instruments**, e.g. price system

These take place *alongside*

- 7 **Legal instruments**, e.g. regulation and permits
8. **Command and Control** , e.g. licenses/permits; ambient quality standards; emission standards; process standards; product standards; prohibitions/bans

\* Note: fiscal tools outside remit of EU

# Environmental Outcomes



- Rapid sectoral modernisation [agricultural, industrial, transport, energy]



New environmental pressures

- Water pollution from enhanced use of fertiliser [Poland]
- Migration to cities & farm abandonment
- Extension of Trans European Transport Network [TENs], including to SEE & 'near neighbours' [increases in land take & fragmentation].
- Rise in road freight & private car use [e.g. Turkey: 25 % increase 1997 - 2003 in road freight]
- Increases in waste & packaging & explosion in illegal landfill
- increasing energy demands [electricity +50%; residential +41%; transport +30% by 2020].
- Deforestation from opening up of commercial forestry [e.g. 1992-2002, Bulgaria lost 15% of forests; Latvia loss of old-growth forests]
- Biodiversity loss through farm modernisation, abandonment & deforestation

## ***4. Critical Reflections I***

# Questions

- How can governance procedures, introduced under the shadow of conditionality, be conceptualised/theorised?
- Can such governance procedures promote democracy: does it depend on time horizon?
- Is there a paradox: despite promoting participation, does the EU also promote a dependency culture and passive civil society? [given strong hand it played in shaping transition via conditionality]
- Has the EU membership process promoted a 'saviour mentality'? How does this relate to claim that the relationship between state and society is changing?
- How can we explain: enhancement of environmental governance alongside continuing environmental decline?

# ***5. Governing the ‘Outer’ Sphere***

# EU Concerns

***Aim: to control negative consequences of collapse of old order – increasing consolidating as ‘soft security’ threats***

## ***Justice and Home Affairs***

- EU now borders on unstable region/countries
- Spread of crime westward [drugs, people trafficking, prostitution, arms]
- Rise of new mafia, corruption, black economy & ‘dirty’ investment
- Migration draining EU15 social welfare provision
- Potential for company relocation destabilising EU15 economies [cheaper wages; low regulatory compliance]

## ***Energy***

- Need to secure access to natural resources and ensure security of supply

## ***Environmental***

- Transboundary pollution [air, water, nuclear]
- Unfair competitive advantage from weak environmental regulation
- Potential flight of companies to zones of weaker regulation [environmental dumping]

# **Response to Threat: The Exercise of Power**

- 1. Differential Treatment**
- 2. Extra-Territorialisation**

# Differential Treatment: SAA

## **Mechanism:**

Stabilization & Association Agreements for Western Balkans

## **Stated Aims:**

*'to overcome conflict, develop 'mature' democracies, create good neighbourly relations...[and] combat crime and corruption'*

*'to create vibrant market economies based on sound macro policies, markets open to greatly expanded foreign trade and private sector investment, effective and transparent customs and commercial/regulatory regimes, developing strong capital markets and diversified ownership, including privatisation, leading to a widening circle of prosperity for all our citizens' (CEC)*

## **What is Involved:**

- Institutionalised relations of *each* country with EU [not as a bloc]
- Essence of SAA is asymmetrical trade liberation
- Prescriptive content in relation to policy co-operation & institutional & administrative reform
- Requires environmental considerations be taken into account in all policies & measures.

## **Reward**

- Offers prospect of eventual EU membership
- But could become *alternative* to enlargement

# Differential Treatment: PCAs

## **Mechanisms:**

Partnership and Co-Operation Agreements (PCAs).

## **Stated Aims:**

- 'EU legislation will become the principal and most effective means of international law making for most countries of the region' (CEC)
- EU becomes 'the principal driving and co-ordinating force in the normative field for environmental improvement and sustainable development in Europe' (CEC)
- 'Furthering transnational flows of trade and investment'
- Tackling transboundary threats

## **What is Involved:**

- Requires demonstration of 'shared values'
- Pushes political, economic and institutional reform
- Demands alignment of legislation with EU *acquis*.

## **Rewards:**

- Closer economic co-operating with EU, in particular through trade
- Operates below threshold of membership - 'everything but institutions' [Prodi]

# Outcomes

- *Integration of economic & environmental goals of 'outer sphere' into the framework of [western] industrial modernity*
- *Establishment of external governance regime that offers rewards in exchange for compliance*
- *Decoupling compliance from membership and democratic engagement between states in outer sphere and EU*

## 2. Extra-Territorialisation

**Exercise of power**



**expansion of territorial scope of EU governance to 'outer sphere', including counties from former Soviet Union**

***without offer of EU membership***

**Process known as *extra-territorialisation***

# Significance

- Incorporates 'outer sphere' into European and international environmental governance regime

*strengthens EU's role as regulatory agent*

- Allows the EU to act as conduit for spread of FDI & trade
- Facilitates access to natural resource based of region [timber, gas, oil]

*strengthens EU as economic power*

- Moderates visible signs of environmental destruction
- Promotes EU as responsive to social mobilisation around environmental issues

*strengthens EU as normative power*

## ***6. Critical Reflections II***

# Questions

**Q: Is there a difference between governance in the inner sphere and outer sphere, i.e.. between internal and external governance of EU?**

## **Internal Governance = New Governance**

- Bargaining between different actors, across different territorial levels of government, between public & private sectors, albeit with economic actors dominating
- Policy transfer & lesson learning, including the 'open method of co-ordination', designed to encourage experimental learning & deliberative problem solving across EU
- Involves less enforced convergence from the top

## **External Governance = Old Governance**

- Largely about securing compliance with EU laws & regulations, greater convergence and standardization
- EU regulation is highly prescriptive and coercive
- Heavily weighed towards participation of bureaucratic actors
- Relies upon top-down communication structures

**Q: What is the significance of 'extra-territorialisation' for our understanding of the EU as a *democratising agent*?**