



## Emerging multilevel environmental governance – A case of public participation in Poland



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### ARTICLE INFO

#### Article history:

Received 27 March 2013

Received in revised form

17 September 2013

Accepted 17 September 2013

#### Keywords:

Central and Eastern Europe

Multilevel governance

Natura 2000

Poland

Public participation

### ABSTRACT

In recent decades, nature conservation policies have increasingly considered the participation of various actors. However, the effectiveness of such efforts is often questionable, and better methods of engaging stakeholders are still being sought. In this paper, we present an analysis of a consultation program conducted in the final stage of site selection for Natura 2000 in Małopolska, a region located in southern Poland. Based on a desk study and qualitative research, we analysed the modes and degrees of participation, the normative foundations of the consultation program, and the goals and expectations that characterise participants. The results are discussed using Unnestall's and Arnstein's typologies of participation, which show the limited success of the participatory process in representing all relevant stakeholders and enabling their actual influence on final decisions. The importance of implementing the EU directives for emerging multilevel governance in the nature conservation sector in Central and Eastern Europe, including Poland, is highlighted. In the context of Poland, the consultation program analysed appeared to be a novel and innovative step forward towards the development of a meaningful participatory approach in this region of Europe.

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### Introduction

The increasingly frequent conflicts at the interface between man and nature and the resulting need to prevent or manage them have forced significant changes in the governance of natural resources (Dietz et al. 2003; Manfredo & Dayer 2004; Paavola 2009). These changes primarily consist of taking an anthropocentric perspective while developing and implementing conservation policies (Rauschmayer et al. 2009). Relatively simple top-down approaches are replaced by complex decision making based on the multilevel governance (MLG) concept. MLG refers to both the delegation of power to lower administration levels and the involvement of various actors in shaping environmental policy (O'Riordan & Stoll-Kleemann 2002; Paavola et al. 2009). MLG often refers to the concept of stakeholders as potential interest groups that need to be considered in decision-making processes (Primmer & Kyllonen 2006). In the case of natural resource governance, such groups are usually categorised based on their rights (e.g., land owners), land use practices (e.g., farmers), roles in the policy process (e.g., scientists) or interests in its outcomes (e.g., investors, environmental groups). Although public programs often present all stakeholders

as equally important, in practice, some of them have privileged positions that secure greater consideration of their interests by means of law, informal practices or personal connections (A'gh 2001; Apostolopoulou & Pantis 2011). Consequently, nature conservation includes both formal administrative activities and informal mechanisms and institutions (Jordan 2008).

The development of MLG of nature conservation in the EU-15 – the Member States of the European Union (EU) prior to the accession of new countries in 2004 – was closely related to the framing of EU environmental directives dating back to the 1970s and 80s. The process was dependent on the national political context and the historical development of participatory approaches in public policy (Rauschmayer et al. 2009; Wurzel 2008). The designation of the Natura 2000 (N2000) European Ecological Network, based on the Birds and Habitats Directives (2009/147/WE, 92/43/EEC), was one of the main governance challenges in nature conservation. Although the N2000 directives do not explicitly require involving communities in implementation processes (Unnerstall 2006), it is highly recommended to organise public participation based on other EU directives (2003/4/EC, 2003/35/EC) and the Aarhus Convention (Wesselink et al. 2011). In the majority of the EU-15 countries, the implementation of N2000 was criticised for being a top-down approach that insufficiently engaged stakeholders (Wurzel 2008), leading to conflicts (Paavola 2004; Young et al. 2005), legitimacy crises (Engelen et al. 2008) and active opposition against the program (Hiedanpää 2002). In many cases, the initial

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top-down implementation failed to designate N2000 sites. The EU Commission took several countries (e.g., Denmark, Finland, France, Germany, Greece, Netherlands) to the European Court of Justice, citing delays and failures in the development of the N2000 network (Paavola 2004). As a result, participatory approaches were used to handle the legitimacy issues and finally designate the sites (Bogaert & Leroy 2008; Cliquet et al. 2010; Pinton 2008; van der Windt 2008). The eventual inclusion of public participation in the N2000 designation processes varied widely among the EU-15 countries but was hardly ever applied from the beginning of the process and still remains a challenge (Alphandéry & Fortier 2001; Apostolopoulou & Pantis 2011; Beunen & de Vries 2011; Keulartz 2009; McCauley 2008; O'Riordan et al. 2002). The introduction of participatory approaches is often discussed in the framework of governance shift from top-down to multilevel (Engelen et al. 2008), while at the same time, it is criticised for leaving a gap between the rhetoric of participation and everyday practice (Rauschmayer et al. 2009).

In Central and Eastern Europe (CEE), the development of public participation and MLG with respect to nature is often considered as more demanding because the heritage of the communist system is characterised as being highly centralised, having rather ineffective public institutions for environmental conservation (Bruszt 2008; Kluvánková-Oravská et al. 2009; Scriciu & Stringer 2008) and, a lack of tradition for the participation of public and non-governmental organisations (NGOs) (Bell et al. 2011; Tickle & Clark 2000). Institutional incompatibility with environmental problems is manifested by increasingly frequent conflicts at the interface between nature conservation and infrastructure and because economic development has been additionally stimulated by EU financial support since the accession (Grodzińska-Jurczak & Cent 2011a; Sikor 2003; Young et al. 2007). Europeanisation has contributed to the development of participatory approaches in CEE environmental policies (Börzel & Buzogány 2010a; Sasse et al. 2006). However, similar to the EU-15, institutional changes require not only the proper transposition of the EU regulations but also the broader institutionalisation of public participation (Tews 2009; Wagenet & Pfeffer 2007), which – according to recent studies – is still lacking (Banas 2010; Rodela & Udovč 2008; Suškevič and Külvík, 2011; Svajda 2008; Szabo et al. 2008).

#### *A framework for analysing public participation in N2000 implementation*

So far, several approaches have been proposed for studying and evaluating public participation processes (Reed 2008). We have based this study on two frameworks developed by Unnerstall (2006) and Arnstein (1969). The first one focuses specifically on public participation in the establishment and management of N2000 sites in select EU counties. The second one is a classical, broadly used tool for analysing the power relations between actors and the implicit purposes of using participation in policy processes (Evans 2012; Maier 2001; May 2006; van der Windt 2008). The Unnerstall framework identifies three modes of participation: 1) the informal administrative approach, where the public administration in charge of the process discusses various options with stakeholders – in this case, stakeholders' insight is somewhat considered in selecting sites for N2000 and defining their borders; 2) the formal administrative approach, where a draft of decisions, for example, a preliminary map of sites, is presented to stakeholders in order to collect comments; and, 3) the political approach, where decisions considering N2000 sites are made collectively by a committee of all relevant stakeholders. Arnstein's ladder of participation categorises activities that engage stakeholders based on the extent of participants' influence. Three categories are proposed: 1) "non-participation", which includes activities that are only an

illusion of participation and are oriented at changing participants' attitudes by manipulation, therapeutic approaches and information; 2) "tokenism", where power is monopolised by the organisers, although some level of advice from stakeholders affects decisions through consultations in order to placate stakeholders; and 3) "citizen power", which involves the distribution of power among actors and ultimately results in citizen control over a program. To apply the ladder concept, the identification of the organisers' and participants' objectives and expectations toward the program was found useful (Reed 2008).

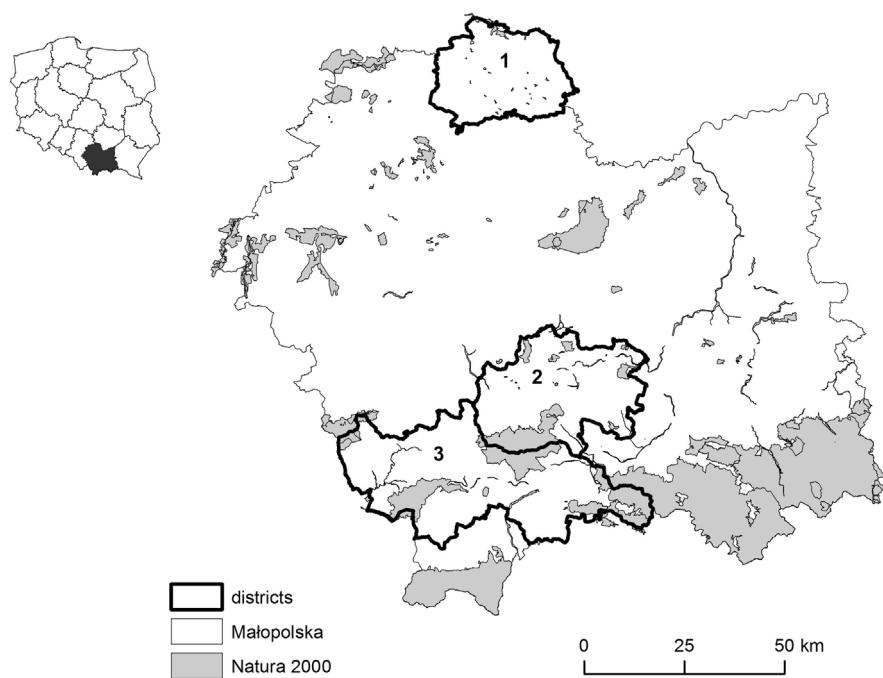
The two classifications highlight different aspects of participation, and their parallel application leads to conclusions of different scopes. Arnstein's ladder of participation classifies practices as being "more" or "less" participatory based on the degree of participants' influence on final decisions. These characteristics are generally applicable to any participatory activity. Unnerstall's classification considers different institutionalisations of participation, which do not necessarily determine degrees of participation; in this framework, all modes of participation have limitations and can be executed very differently, depending on certain political and social contexts (Unnerstall 2008). The three modes were developed based on case studies in N2000 implementation and management, therefore, they can be applied to analyse the nuances of participation for the specific context of the EU Directives.

Even if no conclusive scientific evidence is available (Haruța & Radu 2010; Newig & Fritsch 2009), there is some evidence that stakeholders' involvement can, to some extent, improve the effectiveness of nature conservation (Grodzińska-Jurczak & Cent 2011b; Irvin & Stansbury 2004). The success of public participation can be evaluated based on either the characteristics of a process (e.g., degree of participation achieved) or the quality of decisions and their consequences (Reed 2008; Young et al. 2013). In both cases, the evaluation criteria are contextual and case-dependent, and their assessment can vary among the actors who participate (or refuse to participate) in the process (May 2006). What is explicitly described as success is dependent on who defines the evaluation criteria. The use of selected approaches allows us to reconstruct existing definitions of success and discuss them in their particular policy contexts.

#### *The role of N2000 in developing MLG of nature in Poland*

In the case of Poland, the transposition of the EU Birds and Habitats Directives into national law and the designation of N2000 sites became one of the most influential changes in nature conservation over the past two decades. In practice, the implementation of N2000 caused much anxiety, often taking the form of strong opposition from stakeholders, especially local authorities (Grodzińska-Jurczak et al. 2012; Pietrzyk-Kaszyńska et al. 2012). Stakeholders feared that the introduction of new protected areas would lead to restrictions on the development of municipalities by imposing extensive agricultural methods, limiting the right to freely use their land, or limiting production and infrastructure development (Grodzińska-Jurczak & Cent 2011a). When introducing N2000, the public administration responsible for nature conservation was obliged to collect the opinions of local authorities on the site boundaries (2004–2009); however, no specific requirements for these consultations were stated (Dz.U.2004.92.880; Dz.U.2008.201.1237).

This paper presents an analysis of N2000 implementation in Małopolska, a southern region of Poland, with a special focus on a consultation program conducted in the final stage of the site selection process. It was the first N2000 public participation program that was systematically organised and completed across the country whose results are relevant for the on-going development of management plans. While analysing the case of



**Fig. 1.** The area of study. The map shows three districts selected for analysis: (1) Powiat Miechowski; (2) Powiat Limanowski; and, (3) Powiat Nowotarski and the N2000 areas designated within them. The districts differ in number and total area of the N2000 sites, with Powiat Miechowski having the largest number of small sites and Powiat Nowotarski having a small number of large sites. At the time of the study, there was escalated conflict between the local community of Powiat Nowotarski and RDEP regarding N2000 site selection, considering the development of touristic infrastructure (such as ski lifts) and peat and timber production. The other districts were less prone to conflict. Some conflicting issues were reported in Powiat Miechowski regarding flood prevention and gravel collection.

Małopolska program, we particularly focused on the modes and degrees of participation, normative foundations, goals and participants' expectations. The analysis provides answers to the following research questions:

- Which modes of participation have been developed for Natura 2000 designation in Małopolska?
- Which goals, expectations and normative foundations characterised actors' engagement in the public participation processes used in Małopolska?
- To what degree has participation been achieved in the Małopolska consultation program?

The results are used to discuss the success of the participatory process, the benefits of using such an approach, and the importance of implementing EU directives for emerging MLG in the nature conservation sector in CEE and Poland.

## Methods

The analysis presented is based on a desk study and qualitative research. The desk study included reviewing documents (reports from consultation meetings, legal acts, regulations, and governmental and NGO web pages) and available references on incorporating public participation approaches while designating and implementing the N2000 program in Poland (environmental NGOs assessments, policy recommendations, and scientific literature in Polish) published between 2004 and 2011 ([Appendix 1](#)). The empirical study consisted of in-depth interviews and participant observation and was focused on a consultation program in the Małopolska region. The interviews were conducted in three districts (*Powiat*) of Małopolska, *Miechowski*, *Limanowski* and *Nowotarski*, which varied in terms of the number of sites and area included in N2000 and the occurrence of relevant social conflicts ([Fig. 1](#)). These districts were selected after preliminary expert interviews and participatory

observations conducted during six consultation meetings in 2008. Interview respondents were selected from individuals who actively participated in the meetings in the districts.

Twenty-six interviews were conducted in 2008 and 2009 with representatives from local authorities (two municipality heads, nine council chairmen), local administration (11 municipal offices' staff) who joined consultation meetings, experts designating the N2000 sites (3), and the moderator of the meetings (1). Other stakeholders, such as residents, landowners or NGOs, were not interviewed because they were the minority participants and did not participate in all the meetings. Each interview lasted approximately 1–2 h. The interviews followed an interview guide ([Appendix 2](#)) and were recorded, transcribed (350 pages total) and coded using software for qualitative data analysis. The categories from the analytical framework were used to code and organise the data. The results of this analysis were compared to information derived from the desk study. In the results section, all subjective opinions and information about the emotions of actors are the respondents' views on the consultation process. All the facts (e.g., explicit statements of the aims of the consultation meetings, information on how the process was organised, who participated, and the order of events) are based on the desk study, which was used to describe the process in order to avoid unnecessary questioning of respondents about facts that are sufficiently described in the available documents and/or literature. In cases when the available information was unclear or not reliable, respondents were asked for clarification.

## Results

### *Modes of participation in N2000 designation and implementation processes in Małopolska*

According to available documents, consultation on the N2000 sites selected between 2004 and 2007 in Małopolska followed the

same scheme as in the rest of the country. Centrally organised selection of sites, conducted by experts on a purely scientific basis, was accompanied by consultations in the form of written requests addressed to local authorities and representatives of a few relevant sectors. The provided documents included general maps of areas, which were often very inaccurate, e.g., the borders of a particular municipality or private parcels included in N2000 were hard to recognise according to respondents, and contained very limited information about the principles of the N2000 program. Councils were asked to give an official opinion on the borders of N2000 sites in their municipality within 30 working days. In many cases, local-level respondents stated that it was the first time that they had ever heard of N2000. The opinions on the proposed sites, as expressed in analysed documents, were generally highly critical, indicating already existing and potential future conflicts with local development and insufficient information about the program. According to the documents and the experts interviewed, the initial list of sites prepared in 2004 significantly differed from the one submitted by the Polish Ministry of the Environment to the European Commission, which included only about a half of the initially recommended sites. Such significant differences resulted in protests by environmental NGOs followed by the publication of a so-called "Shadow List" of areas sent to the EU. However, there are no official documents that explicitly state the reasons for the changes or the impact, if any, of local authorities' opinions on the list of sites. No ministerial feedback was provided to the local authorities on whether any alterations were made.

In 2008, the regional authorities in Małopolska – who were, according to the experts interviewed, aware of the potential conflicts reported already by local authorities – initiated a pilot public consultation program "N2000 – meetings in the regions" addressed to the municipalities included in N2000. The program coincided with organisational changes in administration, which resulted in the delegation of responsibilities for the designation, consultation and management of N2000 to the newly established Regional Directorates of Environmental Protection (RDEP). The program comprised 23 meetings (16 in 2008 and 7 in 2009), organised once or twice at each N2000 site (or group of sites in the case of small neighbouring areas), depending on the number of problematic issues. Local coordinators, who were selected during the first meetings, represented municipalities' interests and cooperated with experts on a regular basis. The program's promising output was presented to the central level administration. Although similar consultation meetings were conducted in other parts of the country, in most regions, these consultations were not held as systematically as in Małopolska.

Unlike the centrally organised consultations in the early stages of N2000 designation, RDEP's program (announced publicly and described in reports) consisted of face-to-face meetings with local authorities and stakeholders. The meetings were open so all who were interested could join them. Available reports and participant observations showed that most of the consultations were attended by representatives of RDEP, experts designating the sites (mainly scientists and environmental NGOs), the moderator, representatives of local authorities, administrators of sub-regional and municipal levels, and a few local residents. In rare cases, the meetings attracted local and regional media or representatives of the private sector who were engaged in activities that were potentially harmful to the local environment. Invitations to the consultation meetings that were distributed among local authorities did not clearly specify the invitees, and according to the moderator, the local administration often did not distribute that information among all potential participants.

Based on the available data, it is difficult to evaluate whether and how experiences from the Małopolska program were used to design the consultation processes for management plans that are currently

(2009–2013) being developed for N2000 sites. According to the respondents (experts and moderator), the program was presented to the General Directorate of Environmental Protection in Poland; however, no available documents refer to its role in developing consultation schemes for the management of N2000 sites. Occasionally, management plans are prepared within EU projects (e.g., LIFE+), which are very often conducted by environmental NGOs. In the case of such projects, consultations are not required but so far have always been planned and undertaken.

#### *Goals, participants' expectations and normative foundations of the Małopolska consultation process*

The explicit goal of the Małopolska meetings, as stated in reports from the consultation program, was to inform and dispel doubts about the implementation of N2000 and to consult the proposals of new sites with local communities in order to facilitate the implementation of the new conservation program. Accordingly, RDEP employees and experts familiarised invitees with the general rules of N2000 and the procedures for its designation. In the opinions of the participants, answering their questions and correcting false beliefs were the greatest advantages of the meetings ("The consultations showed that things were not as we thought they were. That Natura is to protect (...) not all areas, but only specific vegetation, (...) Well, well!, I'm for that" [local authority, Powiat Miechowski]).

Although improvement of N2000's public image among local communities was not an explicit goal of the Małopolska program, it was expected by its initiators and organisers. The reception of N2000 was improved among many respondents. Invitees were particularly satisfied with the fact that it was not as restrictive as they had initially assumed and that they were regarded as potential partners in N2000 designation. For all of the respondents, it was a novelty that the representatives of local communities had an influence on the final shape of protected areas planned in their municipalities. "Local authorities were very pleased. It was probably the first time that I attended a meeting on Natura, where people spoke to the point: local government representatives brought their arguments that this (...) area should not be included for a given reason, the scientists listened to them and wrote it down. In this respect, it went well" [local administration, Powiat Nowotarski]. Some of the borders were corrected due to participants' needs after shorter or longer negotiations with experts. Respondents' satisfaction with N2000 increased, even if actual changes to the sites were minor. It is promising that the consultation meetings altered invitees' perceptions of the experts and administration responsible for the N2000 program ("I can't say anything against experts. On the contrary – they tried to understand the situation, draw conclusions and propose something that could possibly satisfy us" [local administration, Powiat Limanowski]).

In summary, the consultation program was evaluated as being clearly positive by both the organisers and the invitees. That evaluation also applies to those who were not initially convinced that it was worthwhile. In the opinion of the majority, the main reasons to continue such meetings were normative, such as the fairness of engaging people in making decisions that affect them ("Now we see that more meetings like this are needed, because we [need to] do things together – of course there will never be unanimity, but in democracy the majority make decisions and it should be respected" [local authority, Powiat Limanowski]).

#### *Degree of participation and power distribution in the Małopolska consultation process*

Based on the available reports and interviews, it is clear that the way the meetings were organised, what information was provided and the degree of participants' influence on eventual outcomes

were all decided by the organisers and those who selected the sites. The least empowered group were citizens who did not attend the meetings. Local authorities and administrations at least had an opportunity to express their opinions, while environmental NGOs influenced the process in a different way, acting mainly at the national or/and international level. However, it should be stated that some opportunities were missed. First of all, local authorities and administration failed to encourage citizens to attend the meetings. Second, in most cases, RDEP did not succeed in establishing local coordinators for further cooperation with experts. According to the moderator, this was mainly due to a lack of interest and engagement from the participants' side.

The limited distribution of power to the local level was the result of the absence of decisive actors in the process. RDEP solely executes the national law and requirements, however, it does not participate in developing policy programs. It is responsible for the selection of N2000 sites that would be accepted by the European Commission, regardless of the way (participatory versus non-participatory) they were chosen. Indeed, the expectations of some participants expressed in the interviews were far beyond RDEP responsibilities. This fact was actually used as an excuse by RDEP during a presentation of the N2000 rules to local actors [participant observation], where the responsibility for establishing the program and all its obligations were assigned to the EU. The consultation process was presented as RDEP's best possible attempt to meet the needs of local communities given the binding regulations and the limited capacity of regional administration.

Local stakeholders were given the opportunity to make comments and suggest modifications to the proposed sites boundaries, although the degree to which these were taken into account depended on a particular expert's decisions and his/her attitude. The eventual inclusion of such arguments into the decision-making process was achieved in only a few cases ("We got in touch with those people, they came here and we reduced [the area of Natura site]. (...) But one had to commit oneself to this issue" [local authority, Powiat Limanowski]). The suggestions were not accepted very often, either due to the timing of the meetings (organised too late) or because of the prevailing ecological arguments in favour of the originally proposed boundaries.

In general, it seems that the whole program played a type of "therapeutic" role, which was the aim intended by the moderator as described during an interview. Before attempting discussion about the merits, the invitees vented their emotions and expressed dissatisfaction with N2000. In case of escalated conflicts, this part of the agenda could last for the whole first meeting. It was only after hearing the claims and grievances that the organisers moved on to providing more detailed information on the proposed site boundaries. Almost half of the local stakeholders stated that, in their opinion, the consultation did not achieve more than this "therapeutic" role in facilitating their participation in the designation of N2000 sites. Despite this constraint, the opportunity to be heard was a sufficient reason to participate in the process. Participants were also aware of how difficult it might be for the experts to address all the criticism and people's claims, which were sometimes expressed in a tempestuous manner ("You could have heard [during the meetings] different words. Unpleasant words [laughter]. The atmosphere there, I can tell you, it was stormy" [local authority, Powiat Nowotarski]. "[The experts] used to be afraid a little bit, afraid of stormy discussion, but I have always reminded our stakeholders to avoid quarrels and insults" [local authority, Powiat Limanowski]). In fact, except for the professional moderator, organisers had little or no experience in public participation, nor were they aware of the possible intensity of conflicts at the local level.

In general, the program showed that a dialogue between various parties is possible. Virtually all respondents expressed their interest in actively participating in the next stage of the N2000

implementation, the development of management plans. However, previous experiences from site selection in 2004–2007 and the limited possibility of influencing decisions made during the Małopolska program caused local-level representatives to be pessimistic about the outcomes of their participation in the development of management plans.

## Discussion

### *The role of N2000 in the development of multilevel governance*

In Poland, participatory processes have recently been applied more frequently; however, their performance is still low in terms of engaging key actors and sharing decision-making power with them (Blicharska et al. 2011; Chmielewski & Krogulec 2008; Grodzińska-Jurczak 2008; Niedziałkowski et al. 2012). The observed issues have similarities and differences with other CEE and EU-15 cases of N2000 implementation and the governance of nature in general. Lack of experience and good practices in engaging stakeholders is a common issue in CEE countries (Lawrence 2008; Mishler & Rose 2001), which results in the lower engagement of local communities and participation opportunities being missed by invitees, as was the case in the Małopolska consultations. However, existing traditions of participation in the EU-15 in environmental or other sectors are not necessarily translated into effective participation in nature conservation but rather result in increased expectations and critical evaluations of modest or unsuccessful attempts (Hiedanpää & Bromley 2011; Rauschmayer et al. 2009).

Problems with the implementation of the Habitats Directive are partially derived from its contradictory requirements for the delineation of sites on a scientific basis and to simultaneously consider stakeholders and socio-economic aspects in cases of legitimacy crisis (Pinton 2008). Expert solutions may maximise environmental outcomes, but they rarely maximise legitimacy (Evans 2012). The same story seems to play out all over Europe: the initial site selection process, based on scientific knowledge, is contested by local stakeholders and is followed by participatory processes in order to raise the legitimacy of the program. The N2000 program was perceived as top-down and imposed "by Brussels", which was blamed by local and regional actors (Eben 2007; Leibnath 2008; Wurzel 2008). However, the EU-15 had the opportunity to withdraw some of the decisions it made in an authoritative manner, which eventually developed the network through various levels of deliberation (or other forms of participation) with stakeholders (Bogaert & Leroy 2008; Cliquet et al. 2010; Pinton 2008). In the case of the CEE however, the top-down site selection decisions were not undermined by legitimacy deficits. In Poland, the first list of sites was shortened by the State, possibly because of anticipated implementation problems. Effective actions by environmental NGOs, building on the experience and advice of their European partners, led to the eventual designation of an extended list within less than five years (Cent et al. 2013). Similar to the other CEE countries, NGOs in Poland became important actors in environmental policymaking (Börzel & Buzogány 2010b).

Another difference between Poland and the EU-15 relates to the composition of protesting groups. While examples from the EU-15 indicate the important roles of landowners and users (e.g., farmers, foresters) (Alphandéry & Fortier 2001; Hiedanpää 2002), in Poland, the most visible opponents at the local level are municipality authorities. Underrepresentation of local actors, other than public authorities, is also characteristic for other CEE countries (Kluvánková-Oravská et al. 2009). The recognition of stakeholders did not lead to the sufficient engagement of local actors in all EU-15 cases. While France seems to be a relatively successful case, participatory programs organised in Belgium or Germany did not

meet the expectations of stakeholders and the public (Bogaert & Leroy 2008; Leibnath 2008; Rauschmayer et al. 2009). Unsuccessful consultation programs led to the escalation of local conflicts or to participation fatigue. However, in the Małopolska program, despite numerous drawbacks, all parties (organisers and participants) expressed high levels of interest in joining any activities related to the management of the sites.

A similar aspect for all EU countries is a focus on the lack of procedural legitimacy, described in various studies on N2000 implementation (Engelen et al. 2008; Paavola 2004), with little attention given to the environmental outcomes of the participatory processes (Beunen 2006; Young et al. 2013), which is also the case for the Małopolska program. Stakeholders were more disturbed by the lack of participation opportunities than with the actual outcomes of the process. Even tiny changes in the borders considerably improved the perception of N2000.

#### *Levels of participation in the Małopolska public consultation program*

The Małopolska program was mostly a bilateral process involving, on one side, the public administration and their contractors (e.g., experts selecting the N2000 sites) with representatives of local communities on the other side (mainly local authorities and their employees). Environmental NGO representatives had the opportunity to influence the process by other means, even before the face-to-face consultation meetings started (Cent et al. 2013). Interestingly, non-environmental NGOs that would represent other interests of local societies hardly ever participated in the process. The meetings were a planner-centred process (Reed 2008) in the sense of primarily seeking to fulfil the goals of the organisers, not the participants, and facilitate future management of the sites. Its normative foundations however, reconstructed from participants' statements in our study, indicated people-centred normative motives for organising the meetings, even if the actual empowerment of actors on the local level was neither achieved nor even expected.

Taking into consideration the growing trust for public administration in the Małopolska program, Unnerstall's (2008) informal administrative approach mode seems to be well suited for the conditions in Małopolska. It is similar to N2000 implementation in Greece in this respect (Apostolopoulou et al. 2012), exhibiting similar deficits and opportunities for further improvements. Finding a balance between the stability and flexibility of legal solutions to ensure meaningful public participation still remains an issue (Ebbesson 2010), and this mode of approach does not exclude either factor. The formal administrative approach, which was applied in the early years of N2000 site selection, failed to deliver any positive results in terms of either informing or convincing local communities of the legitimacy of the N2000 program in Poland (Grodzińska-Jurczak et al. 2012). Similar to the EU-15 cases, the initial failure of the top-down process initiated interest in stakeholders' participation. However, unlike in many EU-15 cases, the top-down decisions remained valid, which negatively influenced trust and relationships between organisers and participants in the Małopolska program. This constraint, along with the limited or non-existent experience of the organisers and their limited power to make the decisions requested by participants, hindered the development of the political approach, which might be identified with higher levels of Arnstein's (1969) ladder of participation.

The distribution of power between the actors was highly asymmetric, and the Malopolska consultations barely reached tokenism (Arnstein 1969). The organisers' intentions were limited to informing and convincing participants about the program. However, the actual exchange of opinions in some cases led to participants influencing the final shape of sites. From the perspectives of both

organisers and participants, the process can be characterised as a consultation level on Arnstein's ladder, with neither group fully achieving their goals. Further improvement of participation is important not only for fulfilling the goals of the particular program but also for transforming communities (Fischer et al. 2012; Lawrence 2006), strengthening the links between various stakeholders groups and protecting nature. The overall process of public participation in the designation of N2000 sites in Poland can also be summarised as a mixture of strictly top-down and emerging deliberative decision-making (O'Riordan & Stoll-Kleemann 2002; van der Windt 2008), indicating an on-going transition to potentially more participatory management of the sites in the future phases.

The combined use of the proposed frameworks to analyse participatory processes was found useful in our study. Arnstein's (1969) ladder of participation was applicable in the analysed case, mainly because it focused on two polarised types of stakeholders: organisers and invitees, particularly local authorities. The inability to describe relationships between multiple groups of interests is a recognised limitation of the concept (Maier 2001). Describing the degrees of participation was helpful in revealing the asymmetries of power between the two groups of actors, while the identification of participants' expectations and agendas helped in understanding their views on the process. These are universal aspects of the dynamics of participation, and the results from this part of the analysis confirm the challenges of applying participatory approaches world-wide (Reed 2008; Wagenet & Pfeffer 2007). Unnerstall's (2008) typology allows understanding the institutionalisation of participation in managing N2000 in Poland and comparing it with existing alternatives in the implementation of the EU Habitats Directive in the CEE context, with positive outlooks for the future in this case.

The approach taken in our study has some limitations. Relying on qualitative data and a desk study is a suitable approach for the chosen analytical frameworks, however, it cannot deliver quantitative evidence. In this case, assessing a success would also require the use of ecological indicators to evaluate the impact of the consultations (e.g., by comparing sites designated with or without consultation processes) on the actual performance of any conservation measures (e.g., species and habitat conservation statuses). The analysis only considers the role of the selected stakeholders in the development of MLG in N2000 management in Poland, i.e., those who actually participated in the studied consultation program on a regular basis, namely, local administration, local authorities and experts. Environmental NGOs, the general public and private land owners are among the stakeholders not included in our study but who are especially relevant for institutional changes in the governance of N2000. In the case of Poland, their roles were discussed in previous works (Cent et al. 2013; Grodzińska-Jurczak and Cent 2011a; Niedziałkowski et al. 2013). Their absence from the studied consultation program was recognised by respondents and indicated in the results section.

#### **Conclusions**

It has already been acknowledged that the implementation processes of EU policies in CEE differ from the previous experiences with the EU-15 (Tews 2009), which is confirmed by our study. Unlike many EU-15 countries, where the implementation of N2000 is still perceived as "old-style ruling-down conservation that has largely been removed" (Hiedanpää & Bromley 2011), in Poland, the whole process has resulted in the incorporation of participatory approaches in environmental decision making. We believe that although such a tactic still has limitations and rather "informative provisions" (Lawrence 2008), wise policymakers will use the analysed case as a basis for the further development of a meaningful

participatory approach in the entire country and the broader region (CEE). Additionally, the different implementation conditions in CEE should be recognised by EU policymakers.

Our study argues for the importance of public participation in biodiversity governance in general and presents benefits that were achieved regardless of the limited success of the analysed consultation program. The rather low expectations of all parties involved as well as the modest goals of the process resulted in an increase in trust and improved communication and overall satisfaction with the Małopolska program, even if the decisions made did not satisfy all parties and did not fit the normative foundations of the program. If not for the few cases in which participants' opinions were used to change the borders of sites, according to Arnstein's categories, the Małopolska process would fall close to an "*empty ritual of participation*", but this would not be a unique issue considering the experiences of other CEE and EU-15 countries. If the level of participation is to be increased in future phases of developing management plans, site administrators need to be more effective in engaging local actors and offering them more opportunities to influence actual decisions.

## Acknowledgements

This research was funded by the Polish Ministry of Science and Higher Education project no. N30509432/3185, National Science Centre project no. NN116542240, Jagiellonian University grant no. WRBW/DS/I/NoŚ/760 and by the SCALES project funded by the European Commission FP 7 grant no. 226 852 ([Henle et al. 2010; www.scales-project.net](http://www.scales-project.net)).

## Appendix 1. List of desk study 10 documents and sources

### Legal acts

Dz.U.2004.92.880 Ustawa z dnia 16 kwietnia 2004 r. o ochronie przyrody. [Act on nature protection]

Dz.U.2008.201.1237 Ustawa z dnia 3 października 2008 r. o zmianie ustawy o ochronie przyrody oraz niektórych innych ustaw. [Act on a change of act of nature protection and some other acts]

Dz.U.2000.109.1157 Ustawa z dnia 9 listopada 2000 r. o dostępie do informacji o środowisku i jego ochronie oraz o ocenach oddziaływania na środowisko. [Act on access to information on environment and its protection and on environmental impact assessments]

Opracowanie planu zadań ochronnych dla obszaru Natura 2000 (projekt). Generalna Dyrekcja

Ochrony Środowiska (luty 2010) URL: [http://www.kp.org.pl/pdf/poradniki/wytyczne\\_pzo\\_projekt\\_z\\_20100205\\_ver\\_wg\\_siwz\\_rdos\\_bialystok.pdf](http://www.kp.org.pl/pdf/poradniki/wytyczne_pzo_projekt_z_20100205_ver_wg_siwz_rdos_bialystok.pdf) [Polish General Directorate of Environmental Protection's guidelines for Natura 2000 management plans; accessed 5 April 2012]

Dz.U. 2010 nr 34 poz. 186 Rozporządzenie Ministra Środowiska z dnia 17 lutego 2010 r. w sprawie sporządzania projektu planu zadań ochronnych dla obszaru Natura 2000 [Polish Ministry of Environment's decree on preparation of Natura 2000 management plan]

Dz.U. 2010 nr 64 poz. 401 Rozporządzenie Ministra Środowiska z dnia 30 marca 2010 r. w sprawie sporządzania projektu planu ochrony dla obszaru Natura 2000 [Polish Ministry of Environment's decree on preparation of Natura 2000 management strategy]

### Reports and other documents received from Institute of Nature Protection, Polish Academy of Sciences, and Regional Directorate of Environmental Protection

Report from Małopolska consultation program 2008

Report from Małopolska consultation program 2009

150 official opinions of public authorities considering borders of Natura 2000 sites in alpine region (including majority of Małopolska), submitted to the Ministry of Environment (out of 640 opinions submitted from the whole Poland)

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Bołtromiuk, A. & Zagórski, M. (2011) Natura 2000 – 47 dobro publiczne problem prywatny. Raport z badań. Europejski Fundusz Rozwoju Wsi Polskiej [http://www.efrwp.pl/theme/site/userfiles/files/Raport\\_Natura2000.pdf](http://www.efrwp.pl/theme/site/userfiles/files/Raport_Natura2000.pdf) [accessed 2 June 2012]

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## Appendix 2. Interview guide

### Introduction

Prior to the interview its' general rules (request for elaborated and honest opinions, confidentiality agreements, permission to record the interview) and introduction to the study topics were briefly presented to each respondent.

Interviews were conducted in Poland in two following years of 2008 and 2009 and considered the Natura 2000 (N2000) program, particularly: opinions on Małopolska consultations; role of various actors in consultation process in Małopolska; and, respondents' opinions on N2000's role for a general nature conservation in Poland. On average, interviews lasted between 60 and 120 min. The interview guide consisted of more general topics and specific questions that were to be asked in each interview, however the way how these were actually formulated and the order of the questions varied between the interviews, depending on the flow of conversation.

### The list of topics and questions

#### 1. Respondent's general opinion on N2000

- Advantages and disadvantages of the N2000 program
- Advantages and disadvantages of its' implementation in Poland
- Sources of knowledge about N2000

#### 2. Consultation program

##### Attendance

- How many meetings did you participate?
- Why did you participate in consultation meetings?
- What were your expectation towards the meeting(s)?

##### Course of the meeting

- What was the atmosphere of the meeting like?
- Were, in your opinion, the meetings useful? If so, how and for whom? Was the meeting particularly useful for you?

- Did all relevant stakeholders participate in the meeting? Who was not invited/present and, in your opinion, should have been?
- What issues were the most problematic/conflicting?

### Results of the meeting

- What were the eventual results of the meetings?
- How would you assess these results?

### Information

- How would you assess the information provided during the meeting? (in particular: was it important, detailed, adequate, adapted to local circumstances, comprehensible, etc.)
- Did you learn anything new? Did you learn anything useful/important?
- Did participants get the answers for all of their questions?

### Change in attitudes

- In what way, if so, did the meeting effect your attitude toward N2000?
- Did it have any impact on concerns diminution, your perception of the program value/importance, your interest in the program?

### New actions and meetings

- Have any new actions concerning N2000 been implemented as a result of the meeting?
- Have any new actions been planned afterwards? (e.g., by respondent's institution)
- Is there a need to organise further meetings on Natura 2000? If so, what should be the focus of those meetings and for whom it should be organised?
- Would you participate in any new meetings on N2000?

## 3. Participation in management – informal cooperation with scientists/biologists

After some of the N2000 consultation meetings or in between times, the site designation process was going on, informal talks and meetings of biologists with local landowners or other stakeholders took place. **Have you been a part of that?**

*if yes, respondent was asked the following questions:*

- What was the aim of these informal meetings and talks?
- What was your role in those informal meetings?
- What were the reasons for which you participated?
- What was the outcomes? Are you satisfied or not with these outcomes?
- How would you assess the person leading the informal meetings or contacting you? (particularly in terms of: openness for dialogue, substantive basis, communication skills)
- Who else participated in the informal works?
- Who should have participated but hadn't been invited?

## 4. Other topics covered during interviews

Local community's actions considering designation of N2000. Leader and outcome. A need for participation of local residents and landowners in N2000 consultation meetings.

Next steps in N2000 designation:

- What are the most urgent needs considering N2000 in your municipality? What problems need to be solved?
- What kind of profits (not only economic) can N2000 provide for local community? What are the burdens?
- How should development of N2000 management plans be conducted in the future? Would you like to participate in it and if so, how?

## Request to add if there is anything important not covered in the interview and final thanks to the respondents.

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