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Review

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## THE ROLE OF THE EUROPEAN UNION IN THE IMPLEMENTATION OF THE NATURA 2000 PROGRAMME: DIFFERENCES BETWEEN SLOVENIA AND BOSNIA AND HERZEGOVINA

**Summary:** *The implementation of Natura 2000 in the countries of Southeast Europe came at the time of negotiations for entry into the European Union. Representatives of governmental and non-governmental organizations were involved in the implementation process. The roles of different actors in the implementation process of Natura 2000 were investigated across Europe. Such research is very important for the further process of managing Natura 2000. The role of the European Union in the implementation of Natura 2000 in Slovenia and BiH and their differences have not yet been investigated. The aim of the research is to study the role of the European Union in the territory of Slovenia and Bosnia and Herzegovina, to compare it between the two countries, and to find similarities and differences between other European Union countries. For this purpose, scientific literature is used to describe the role of the European Union in the implementation of Natura 2000 throughout the European Union, as well as interviews with participants in the implementation of Natura 2000 in both countries. The discussion mentions the role of the EU in the implementation process of Natura 2000, such as financing the implementation of international legislation into national legislation and their contribution, financing the strengthening of institutions for nature protection, the inclusion of all actors or interested parties in the national system of nature protection. The conclusions state the EU's positive contributions in both countries, such as the strengthening of national legislation, the profession, and institutions. The EU did not contribute to the development of the non-governmental sector in the entire territory of Slovenia and Bosnia and Herzegovina.*

**Key words:** *Natura 2000, European Union, Slovenia, Bosnia and Herzegovina*

**JEL classification:** *Q58*

### INTRODUCTION

Implementation of the natura 2000 programme in EU countries. Along with climate change, biodiversity loss is one of the biggest current environmental problems (Baker 2003). This is why nature protection has become an important global challenge. The European Union (EU) plays an important role in the global nature protection policy because 27 countries are part of the common policy. The EU's common nature protection policy is based on the international goals of sustainable development (Šobot 2022). These goals are modeled on the goals of international directives, such as the Directive on the protection of wild birds and the Directive on the protection of natural habitats and wild fauna and flora. These directives represent the Natura 2000 program for the EU area.

The Natura 2000 (N2000) program is mandatory for all EU member states. The implementation of N2000 in the countries of Southeast Europe (SEE) began at the time of the pre-accession and accession negotiations for joining the EU. Implementation led to changes in legislation in these states. These changes primarily relate to the change in the balance of power in decision-making between state and non-state actors in the nature protection system and the inclusion of new actors (Šobot and Lukšič 2020a). The obligation to adopt new directives, such as the directive on free access to information on environmental protection and the directive on the environmental impact assessment of some public and private projects, which are part of the Aarhus Convention, contribute to the democratization process (Šobot and Lukšič 2020b). The Aarhus Convention also contributes to the change in the decision-making system of nature protection, more precisely the establishment of a multi-level governance system. The multi-level governance system contributes to the inclusion of all parties interested in nature protection (Šobot 2022).

The role of actors in the N2000 governance system represents the division of responsibilities between different policies (government, non-governmental organizations and the EU) at multiple levels of governance (local, national, and international). The establishment of a multi-level governance system N2000 in practice leads to the division of power between higher levels of governance (governmental organizations) and lower levels of governance (non-governmental organizations) and the inclusion of international actors in the decision-making system (Cent and Grodzińska-Jurczak and Pietrzyk-Kaszyńska 2014). A multi-level system improves the connection of actors and reduces the influence of state institutions (Newig and Fritsch 2009). Cooperation between governmental and non-governmental actors in the multi-level governance system is getting stronger (Šobot 2022). Multi-level governance represents communication, cooperation, and coordination between different actors at the organisational level and thus represents a new model of management in state nature protection systems (Lockwood et al. 2009).

The EU has signed a White Paper on governance that clearly defines new ways of governance (Brown 2013). The white book on governance defines several normative principles (Jordan 2008) that are included in the Aarhus Convention (access to information, the possibility of cooperation in decision-making, and access to justice). The principles of the Aarhus Convention are the basic guidelines for the planning, implementation, and management of international obligations in national systems by governmental and non-governmental actors, while international actors such as the EU have different roles (Šobot and Lukšič 2016; Šobot and Lukšič 2017; Šobot and Lukšič 2019; Šobot and Lukšič 2020a, Šobot and Lukšič 2020b).

The goal of the research is to clearly define the role of the EU and its contributions in the state system of nature protection in the process of implementing N2000. In addition, the shortcomings of the EU's role in the N2000 implementation process will be clearly defined based on the practice of other member states. At the end, what needs to be done in the future will be defined. The purpose of this research is to continue the development of the N2000 governance system in Slovenia and Bosnia and Herzegovina.

## **1. LITERATURE REVIEW - THE ROLE OF THE EU IN THE IMPLEMENTATION OF THE NATURA 2000 PROGRAMME**

Various N2000 researchers have written about the different roles of the EU during the implementation of N2000 in the new member states: Greece (Dimitrakopoulos et al. 2010; Apostolopoulou and Drakou and Padiaditi 2012), Austria (Arnberger et al. 2012; Geitzenauer and Hogl and Weiss 2016), the Netherlands (Beunen and de Vries 2011), Czech Republic (Cent and Grodzińska-Jurczak and Pietrzyk-Kaszyńska 2014; Krenova and Kindlmann 2015), Italy (Ferranti and Beunen and Speranza 2010), Poland (Grodzińska-Jurczak and Cent 2011; Pietrzyk-Kaszyńska et al. 2012; Niedziałkowski et al. 2015), Croatia (Kay 2014; Šobot and Lukšič 2016), Slovakia

(Kluvánková-Oravská et al. 2009), Romania (Stringer and Paavola 2013; Manolache et al. 2017), France (Teofili and Battisti 2011), Hungary (Mertens 2013), Slovenia (Šobot and Lukšič 2017), Finland (Hiedanpaa 2002), Bosnia and Herzegovina (Šobot and Lukšič 2019), Several countries (Louette et al. 2011; Kati et al. 2014; Winter et al. 2014; Winkel et al. 2015).

Based on the selected scientific works, three important roles were recognized:

- The first role is financing the implementation of the Directive on the protection of wild birds and the Directive on the protection of natural habitats and wild animal and plant species in the state legislation of the new EU members.

Financing of the implementation of international legislation related to N2000 was mostly carried out through pre-accession financial assistance programs for South-Eastern Europe, such as Life + (Environmental Protection Financing Instrument), IPA (Pre-accession Financial Assistance Instrument), cross-border cooperation and structural financing programs EU (Stubbs 2005; Wurzel 2008; Ferranti and Beunen and Speranza 2010; Mertens 2013; Kati et al. 2014). In addition, organizations from the EU advised national organizations in the implementation of international directives into national legislation. The consultation is based on the transfer of knowledge from other EU countries that have implemented Natura 2000 goals (Giljum et al. 2005; Carmin 2010).

- Another role is financing the strengthening of nature protection organizations by the EU.

The expansion of the EU to the countries of Central and Eastern Europe has contributed to the strengthening of institutional capacities for nature protection. In these countries, the EU became a state actor (Mertens 2013), because it largely coordinated and financed the strengthening of state organizations that transformed and founded new organizations, such as the Institute for Nature Protection. New experts specialized in individual nature protection areas or N2000 were employed (Stubbs 2005; Wurzel 2008; Ferranti and Beunen and Speranza 2010; Mertens 2013; Kati et al. 2014).

- The third role is the inclusion of all actors or interested parties in the state system of nature protection with the help of the EU.

Implementing N2000 involves cooperation with different institutions and actors within different levels of the nature protection system, including different state priorities. The EU supports the involvement of different actors in decision-making (Beunen and de Vries 2011), in accordance with the principles of the Aarhus Convention. In the process of establishing the multi-level system of N2000, the EU supports the inclusion of non-governmental actors (Newig and Fritsch 2009; Carmin 2010) and encourages public participation in decision-making on nature protection at the state level (Hartley and Wood 2005; Stringer and Paavola 2013). It provides all participants with the same rights according to the Aarhus Convention, which contributes to the efficiency of state legislation and the development of the nature protection system at the state level (Kohler-Koch and Rittberger 2006). In this way, the EU has become the guardian of international nature protection goals at the state level (Jordan 1998), significantly contributing to the national legislation's transparency.

## 2. METHODOLOGY

The methodology is based on a comparative analysis of two areas (Slovenia and BiH). The author has already published scientific papers for the area of Slovenia and BiH (Šobot and Lukšič 2017; Šobot and Lukšič 2019) on the implementation of N2000. These two articles are the basis for researching the role of the EU in the implementation of N2000. The work method is based on a review of the scientific literature on the role of the EU. Based on the literature review, three research questions were created:

- Did the implementation of the directive on the protection of wild birds and the directive on the protection of natural habitats and wild animal and plant species into the national legislation of Slovenia and BiH come from the EU?

- Has the EU funded the strengthening of state organizations for work on nature protection?
- Did the EU help include all interested parties in the state system of nature protection?

In addition, interviews were conducted with the participants of the N2000 implementation in both countries. 23 interviews were collected in Slovenia (7 interviews with representatives of government organizations, 3 interviews with representatives of protected areas, 5 interviews with representatives of experts, 8 interviews with representatives of non-governmental organizations) and 27 interviews in BiH (7 interviews with representatives of government organizations, 5 interviews with representatives of protected areas, 5 interviews with representatives of the profession, 10 interviews with representatives of non-governmental organizations). Interviews about the role of the EU in the implementation of N2000 were conducted in the period of 2015-2016 with 4 groups of participants. Answers were coded in the same way as in the articles (Šobot and Lukšič 2017; Šobot and Lukšič 2019): representatives of government organizations - V, representatives of non-governmental organizations - N, experts - E, representatives of protected areas - P. The results and discussion were carried out through transparent literature and research questions and through interviews and responses of participants in the implementation of N2000. The basic roles and contributions of the EU in the implementation of N2000 and the differences between Slovenia and BiH are presented in the conclusion.

### 3. RESULTS AND DISCUSSION

In Slovenia, the EU financed and advisedly coordinated all projects for the implementation of N2000 (V1, V7, P1, N1, E1, E2). The EU had a similar role in BiH (V1, V2, P1, N4, E10). These projects led to the implementation of the objectives of the directive on the protection of wild birds and the directive on the protection of natural habitats of wild flora and fauna. It was similar in Slovakia, the Czech Republic, Romania, Hungary, and Greece (articles for individual countries are listed in the literature review). Funding from the EU ensured the implementation of international environmental law in national legislation in the field of nature protection in Slovenia (V1, V7) and BiH (V5, V6, P5, N4, E8). International environmental law is a central component of nature protection in the implementation and execution of N2000 in the countries of Southeast Europe (Šobot and Lukšič 2016, 2017, 2019). The application of international legislation in Slovenia has led to an increase in information on the number and status of species (according to the directive on the protection of wild birds and the directive on the protection of natural habitats and wild animal and plant species) throughout the country and their value in relation to other countries (V2, E1, E2, E3). It was similar in the Czech Republic, Slovakia, Austria, Greece, the Netherlands, France, Poland, and Italy (articles for individual countries are listed in the literature review). In Bosnia and Herzegovina, the EU has become the state advisor for all future nature protection plans (V1, V2, V3, V4, V5, E5, E6).

It was similar in Hungary (articles for individual countries are listed in the literature review). In this way, a new practice was introduced in the transmission of information, which is recognized as important in all processes of nature protection. In Slovenia, the EU is recognized as the guardian of the objectives of the directive on the protection of wild birds and the directive on the conservation of natural habitats and wild animal and plant species, with the aim that they remain unchanged under the influence of domestic legislation (V1, V2, V6, P1, N4, N5, E3). A similar practice happened in Austria, Italy, and the Czech Republic (articles for individual countries are listed in the literature review). The immutability of international rules in state legislation led to a change in the existing practice of harmonization with state legislation (V1, V2, V4, V6, V7, P1, P2, N1, N3, N4, N5, E1, E3, E5). The previous practice was based on the variability of compliance with state legislation. Politicians (parties) often changed legislation for their own interests. After the adoption of the international legislation and its implementation in the national legislation, there was no longer the possibility of changing the national legislation by politicians. This was reflected

at the state level (V1, V3, N3, N5, E2, E3) with a change in the natural resource management system. The management of natural resources began to be based on the planning process and intersectoral cooperation in which all interested parties (governmental and non-governmental organizations) can be involved.

International legislation practically contributed to the increase of information about important habitats and bird species according to the directive on the protection of wild birds and the directive on the protection of natural habitats and wild animal and plant species in Slovenia and Bosnia and Herzegovina. Based on these data, a third of Slovenia is protected with the directive on the protection of wild birds and the directive on the protection of natural habitats and wild animal and plant species. In BiH, protection is provided for 1/5 of the country. Based on this, new protected areas were established in Slovenia and BiH, and new nature protection experts were employed within the national nature protection system of both countries. This was the case in Austria, the Czech Republic, Slovakia, Romania, Greece, Austria, France, and Italy (articles for individual countries are listed in the literature review). The EU financed the strengthening of state institutions and transferred experiences from other countries in the establishment of new institutions and the development of the nature protection system in Slovenia. By financing and consulting organizations from the EU, the competent ministry changed the internal structure of Slovenia (V1, V2, V3). The Institute for Nature Protection was established as a professional institution dealing with nature protection for the needs of N2000 in Slovenia (V1, V2, V3, N2, N3, P1, E1, E2, E4). In BiH, there was no change in the internal structure of the ministry, nor was the establishment of the Institute for Nature Protection at the state level.

Collecting information on habitats and species N2000 in Slovenia, cooperation and communication in nature protection increased in all sectors (V3, V4, V5 N2, E2, E3). It was similar in the Czech Republic, Romania, Hungary, Poland, Slovakia, and Bosnia and Herzegovina (articles for individual countries are listed in the literature review), which also led to changes in sectoral policies and the introduction of new practices. New practices required changes in the state system of nature protection, and availability of the system to the general public, which was not a practice in Slovenia before (V1, N1, N4, E1, E2, E3, E4, E6). It was similar in Bosnia and Herzegovina, where the first nature protection policy at the state level was created - the Strategy and Action Plan for the Protection of Biodiversity from 2015 to 2020. Non-governmental organizations of Slovenia included all interested public (N1, N2, N3, E1, E3, E4) in the process of planning the establishment of the N2000 system. In this way, for the first time in the nature protection system of Slovenia, public participation in the processes of shaping the nature protection policy was understood as an opportunity to influence decision-making at the state level (N2, E3, E5). People realized that participating in the decision-making process (creation of new policies, e.g. N2000) could influence the decisions of the Ministry and thus made their full contribution to nature protection. This led to changes in practice, an increase in the number of collaborators in nature protection, respect for all participants in the system of decisions, and greater respect for legislation. For the first time in Bosnia and Herzegovina, governmental and non-governmental actors jointly created a nature protection policy for the entire country, which led to a change in the previous practice. Because of this, the non-governmental sector from larger cities in Bosnia and Herzegovina had a greater development. The non-governmental sector has also developed in the Czech Republic, Slovakia, Poland, Hungary, Italy, and Greece (articles for individual countries listed in the literature review). The EU, as the guardian of international environmental law (Jordan 1998), froze funds for Slovenia (E3) due to controversial situations that arose between governmental and non-governmental actors in the process of N2000 implementation. It is a mechanism by which the EU does not participate directly in the relations between the parties (governmental and non-governmental actors), but rather protects transnational interests and invites the participants to cooperate in finding a solution. There was no such practice in Bosnia and Herzegovina.

## CONCLUSION

The EU financed the implementation of the directive on the protection of wild birds and the directive on the protection of natural habitats and wild animal and plant species into the national legislation of Slovenia and Bosnia and Herzegovina. This contributed to the increase of information on the number and status of species. It was similar in all other EU countries.

In Bosnia and Herzegovina, the EU became a state advisor for the N2000 implementation process, like Hungary. In this way, information from the EU or other member states was transferred to Bosnia and Herzegovina.

In Slovenia, the EU has become the guardian of international rights in state legislation. With this, they achieved greater compliance with the legislation and the inclusion of a greater number of participants in the N2000 implementation process.

Unlike Bosnia and Herzegovina, Slovenia experienced the transformation of state institutions (ministries) and the establishment of new ones (new protected areas). Intra-sectoral and inter-sectoral cooperation of state institutions has also increased in Slovenia, like the Czech Republic, Romania, Hungary, Poland, and Slovakia.

In Bosnia and Herzegovina, there has been a great development of the non-governmental sector in major cities, such as the Czech Republic, Slovakia, Poland, Hungary, Italy, and Greece.

The positive contributions of the EU in both countries are the strengthening of national legislation, the strengthening of the nature protection profession, the strengthening of nature protection organizations, and greater involvement of the public in the nature protection system.

The EU did not contribute to the development of the non-governmental sector in the entire territory of Slovenia and Bosnia and Herzegovina. Non-governmental organizations from larger cities did.

In the future, it is very important to work in the field of greater development of non-governmental organizations from smaller communities and encourage the involvement of the wider public in the process of creating nature protection policies, such as examples from developed countries (Germany, France, Austria, Italy).

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