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**From Government to Governance for Biodiversity
in the European Union:
The Experience in the New Member States**

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Multilevel Governance of Natural Resources:
Tools and Processes for Water and
Biodiversity Governance in Europe

From Government to Governance for Biodiversity

in the European Union:

The Experience in the New Member States

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EXECUTIVE SUMMARY:

The paper is product of the project GOVERNAT, WP1: Development of shared analytical framework. Main objective was to address the problems of institutional changes in governance and biodiversity conservation policy framing at the level of enlarged European Union. The currently being launched European Union policy emphasizes the role of partnerships and networks beyond the formal structure of governance characterized by informal social systems rather than by bureaucratic structures. Governance has become more complex and multilevel, partially usurping competences from the central State and relying on networks of interconnected actors rather than on a hierarchy dominated and defined by the State. This shift is particularly challenging for biodiversity governance in new member states, where current decision-making is still affected by post-socialist relations and massive ongoing institutional changes often resulting into inefficient institutional design and over-exploitation of natural resources. The paper proposes cross-country analysis, comparing institutional change and effect on biodiversity resource management in Poland and Czech Republic. The theoretical framework is built on theory of institutional change, in particular institutional interplay and collective action. The data has been collected in a result of desk study research. . It is comprehensive analyses of decision making situation in two new member states and will later be developed into the journal version, concentrating on most important development trends.

Although some elements of multilevel governance existed in the both Polish and Czech National Parks' management prior to the EU integration, they have not been fully established yet. In particular, privatization and increasing importance of market elements in nature governance was oftentimes not accompanied by development of adequate monitoring and sanctioning institutions. In both countries the influence of environmental NGOs in decision-making is very low. The governance of natural resources in Poland and Czech Republic contains also some differences. In the Polish case the governance is rather hierarchically oriented and jurisdictions are of a general purpose. In Czech Republic the jurisdiction is more task specific and includes a higher number of actors in the decision-making.

The decentralization together with the increasing role of non-state actors results in both countries in cross-scale coordination and information problems. This was in particular highlighted during the appointment of Natura 2000. The process was run rather top-down and in both Poland and Czech Republic lower levels of government were under informed and NGOs were practically excluded from the decision-making. We might conclude that the mismatch between the old hierarchical institutions developed under socialism and the new oriented bottom-up decentralized institutions introduced during the accession process still persist and is visible.

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1. Introduction

In the European policy there is a growing interest in promotion of shared decision-making, which implies that interested parties not only intervene in planning but also become partially responsible for the policy outcomes (Bouwen and Taillieu 2004: 138). This is related to the concept of multilevel governance, which describes “the dispersion of central government authority both vertically to actors located at other territorial levels, and horizontally, to non-state actors.” (Bache and Flinders 2004: vii).

The aim of the report is to analyze how the European policy in the area of natural resource and biodiversity management is adopted in new members states. In the new members states, which in majority experienced transition from hierarchical governance of socialism through implementation of a free-market economy, adopted different institutional solutions in governance of the environment prior to the EU accession and have been facing different problems with AC implementation. The report traces back the historical development of institutions governing natural resources and biodiversity and searches for elements of evolving multilevel governance and cross-scale interactions

The empirical evidence has been collected in Poland and Czech Republic. In particular, we focused on the management of National Parks. We selected these two Central and Eastern European Countries since they are characterized by relatively similar resource attributes as far as considering mountainous areas. Both countries experienced socialism and transformation, however, the degree of land nationalization and subsequent land privatization differed. Additionally, in Poland, contrary to Czech Republic, most of national parks were established before 1989. In the empirical analysis we search for differences in the development of institutions for biodiversity governance and their impact on the implementation of the environmental Acquis Communautaire.

The results show that some elements of multi-level governance existed in both countries prior to the EU integration. The integration empowered, however, the lower levels of self-government. Although so far they are not visible yet in the decision-making, we might expect they will be more visible in the future as they acquire more information and experience in the new governance processes.

2. Institutional changes in Central and Eastern European Countries

The governance for natural resources and biodiversity as part of environmental governance (see Paavola, Adger 2005) implies establishing compatibility between ecosystems and social systems. It involves establishment and enforcement of governance institutions as essential links for maintaining the capacity of ecological systems support social and economic systems. Institutions for biodiversity governance can be defined as systems of established and embedded social rules that structure interaction between social and ecological system (Hodgson 2004). An interaction between complex social and ecological systems is understood as process of evolution and co-evolution. Such notion refers to characteristics of the process of institutional change and institutional building which are dynamic, complex and a result of co-adaptation. A major challenge is to

understand process of institutional building for biodiversity governance that allows adaptive and thus sustainable management of local, regional and global ecosystems. The connectivity pattern within and between social and ecological systems plays an important role for designing institutions for sustainable resource use (Gatzweiler, Hagedorn 2002).

Institutional changes undertaken in socialist¹ countries of Central and Eastern Europe in late 80' represents massive political, economic and society transformation in the part of the world with long history of human societies evolution. As matter of fact process of institution building for sustainability in Central and Eastern Europe (CEE) is affected by the particular procedures and problems arising from the process of transforming former political and economic system (Gatzweiler and Hagedorn 2002). The breakdown of the command economies of CEE highlighted the problem of institutional building. The transition process in CEE has been given names like 'jump start', 'institutional gap' (Gatzweiler and Hagedorn 2002) or 'institutional vacuum' (Stark 1996; Hanisch et al. 2002) in literature, and the western model of privatisation as essential institutional transformation was intended to be implemented instantly, ignoring thus importance of interaction within social-ecological systems and co-evolution of institutions (Chobotova 2007).

As Bromley (2000) pointed that people believed that capitalism would appear magically from the morning mist if only the heavy hand of government would get out of the way. According to Evans (2004) such impose of uniform institutional blueprints based on idealized versions of western institutions can be called 'institutional monocropping'. Such oversimplified view that transition involves unproblematic imposition of western blueprint is contested being shaped by existing informal institutions and social conflicts (Gowan, 1995; Smith and Pickles, 1998). The persistence of routines and practices endure from the socialistic period. Thus transformation cannot be viewed as replacement but recombination or in other words actors in the post-socialist context have been rebuilding institutions not *on the ruins* but *with the ruins* of communism (Stark, 1996). The transition involves not the imposition of a blueprint on a 'blank' social and economic space, but a reworking of institutions of central planning (Williams, Balaz, 2002). To understand the process of institutional changes in transition countries of Central and Eastern Europe we have to underline the necessity of assuming prior existence of some other institutions (Chobotova 2007) and their interplay. Van den Bergh and Stagl (2003) also pointed that such process cannot occur in a vacuum but is affected by economic, social and environmental forces. According to Rammel, et al. (2007) the evolution of institutions over the time (either by deliberative design or spontaneously) is always constrained by path dependencies. Meaning that their structure, rules and objectives reflect past conditions and reveal on the process of adaptation over time (Hodgson 1998). Thus the process of implementation of new institution in transition period of CEE has been difficult because it relied on previous institutions and rules.

To be able to understand the process of institutional changes in transition countries of CEE and its effect on biodiversity resource management we have to take into consideration the influence of past and prevailing institutional factors on durability of

¹ Socialism is a system of economic institutions in which the property rights to the means of production and predominantly held by state agencies. To facilitate top down control, many internal institutions of civic society have to be replaced by externally designed, predominantly prescriptive institutions, and central planning substituted for spontaneous coordination in markets (Kasper, Streit 1998: 415).

newly established institutions. The building of institutional arrangements for achieving suitability in the rural areas cannot be established easily as there was no 'institutional free space'. The period of transition in CEECs is slow, complex and dynamic process that requires evolution, co-adaptation and learning rather than 'shock therapy'.

Our paper will concentrate on two most important institutional changes of CEE countries, these are transformation and EU accession. Transformation that took place from late 80's and still ongoing can be understood as mixed process of top down institutional building (new political and economic institutions) as well as evolution of previous post-socialistic institutions such as informal rules or shared mental models. EU accession on contrary was externally imposed process of legal harmonization where time given was not sufficient for evolution.

Main processes to follow under the transformation are democratization, decentralization and emergence of the market. In respect to democratization and market, privatization represents most significant institutional change. It is defined as assignment of previously collective (state property rights to specific owners by means of restitution, outright sale, voucher privatization, etc.. (Kasper, Streit 1998: 442). However in CEE countries rather than efficiency and competitiveness political objectives were fundamental for undertaking this process (Hagedorn et al 2002:8) and privatization end up by simple transforming previously collective or state property to the private owners and "let market to evolve it" without appropriate link to the governance structures as Hahn 2000 called it tragedy of privates. Hence previous socialistic shared mental models were not capable to function, adapt or evolve new institution. Thus some groups, mostly those that could benefit from previous cooperation and experience under the socialistic period were advanced in the process and could benefit or even parasite on privatization process in particular in early years of transformation. Such groups can be characterized by unidirectional decision-making, excluding all those who are not members of elite political structures, with negative effect on social capital and are called gray-black networks (Paldam and Svenson, 2000) and also well documented by various authors, e.g Gatzweiler, 2003, Portes, 1998 and others.

In the area of environmental protection in socialistic period state property was promoted against private and common property. The governments in several CEE countries failed to manage the natural resources in an effective manner (design and implementation of effective rules limiting access and defining rights and duties) and created de jure state property but de facto open access (Ostrom 1990) with all the inherent effects of this e.g. free-riding, overexploitation etc. Further privatisation of land in early 90s transformed state ownership into the private mainly by restitution, resulting in increase of land fragmentation and market failure due to missing market institutions in particular an absence of appropriate incentives to encourage sustainable behavior of non state owners and absence of general principles that increase performance of institutional design and robust governance of the resources (Kluvankova, Chobotova 2006). In particular weakly designed and implemented compensation for removal of opportunities for income generation by private and municipal owners² has resulted in the expansion of

² For example in Slovak Republic The governmental order to administrate such a right came into force 6 years after imposing regulation on private owners and the application process is very complex, not transparent and is lacking state support.

unsustainable economic activities, e.g. intensive tourism, timber agriculture etc. The key question today revolves around who will control the local assets, either generating decent revenues in the long term (if managed in a sustainable way) or much greater short-term benefits based on natural resource exploitation? (Kluvankova 1999). Situation may vary from country to country, such as privatisation of nature protected land was not major issue for each transforming CEE country. In Poland for example small private farm existed prior 1989 and new environmental governance could build on previous structure and skills in market transactions. In Czech Republic, most of national park were established after 1990 and nature protected land was excluded from privatization. Thus process of transformation hierarchy to state largely depends on previous institutions and mental models.

Decentralization of previous hierarchical and centralized governance can also be seen as rather top down oriented process in most cases heavily influence by political forces or external factors such as implementation of the EU law. Hooghe and Marks (2001: xi) bring attention to changes in decision-making ongoing in the European Union. European integration and rationalization have shifted authority from national states up to European-level institutions and down to subnational levels of government. The dispersion of central government authority both vertically and horizontally refers to the concept of multi-level governance (Marks and Hooghe 2004: vi). Marks and Hooghe (2004: 17) observe two types of multi-level governance. Multi-level governance type I refer to the general-purpose oriented (territorial) with non-intersecting membership. Type two refers to special purpose jurisdictions tailoring membership, rules of operation and functions to a particular policy problem. Similar concept is introduced by Elinor and Vincet Ostrom (1961) who propose the term of polycentric governance which describes a co-existence of many centers of decision making that are formally independent of each other (Ostrom in McGinnis, M. ed.1999). Assuming type I and II are specific as well as complementary and that polycentric governance can be characterized by elements for both Type I and II, the key question remains how this concepts can assist EU ambitious to reformulate previous governance structure to be prepared to address emerging needs of enlarged EU. In particular what institutional solutions might be appropriate to address these challenges or can participation support cross scale interactions and polycentric governance.

In the new member states context, the literature points out that at first, time given to rebuilt previous institutions from democratic period before socialism³ or build new was not adequate. So far we may observe evolution of “old” institutions such as historical common property rural networks or other hybrid modes of organizations with the ruins of socialism, e.g. top down imposed agriculture cooperatives, where all private property was state owned. All these processes are resulting in non robust institutions due to weak cooperation of rural actors and absence of appropriate mechanisms for social interactions such as conflict resolution mechanisms. Lack of bottom up decentralization can be explained by low participation of citizens due to overall apathy of individuals and low trust. Such process was also documented by previous studies from rural communities in Slovak Republic (Kluvankova, Chobotova 2006) where low social capital was determined by low trust to formalized rules and governmental actors. This was also found as a barrier for market development and national park to be view as an asset but rather an economic barrier to the execution of private or common property rights.

³ In CZ, PL or SK well developed democracies existed before 1948

Thus also centrally organized large scale incentive for bottom up cooperation could not be sufficient for achieving sustainability (such as Sapard Lowe 2000, Hagedorn et al. 2002:12). But rather community activities that are enable to initiate cooperation and evolution of relationships as well as institutions can be seen as successful strategies, in particular for rural development where hybrid governance structures are involved and cross scale interaction essential.

EU accession that took place in 10 CEE countries⁴ can be understood mainly as top down implementation of EU rules by national governments where the role of society actors was dramatically reduced and the willingness of public to support the process of creating an effective legal system was not seen important (Hagedorn et al. 2002:13). Thus it is possible to say that time given for this institutional building was not sufficient and possible evolution of newly transposed institution can be expected in near future.

To sum up multilevel governance in new EU member states is thus characterised by specific features such as prevailing hierarchical structure, lower public awareness and institutional co-evolution, rapidly affected by transformation and integration processes. Situation vary from country to country, depending on overall effectiveness of institutional changes undertaken to transform hierarchical governance structures of socialism to hybrid systems that are common in European democracies.

3. Analytical Strategy and Materials

In the study we have applied the comparative case study design. Case study research is concerned with the complexity and particularities of the investigated case. A comparative case study entails using more or less identical methods for two or more contrasting cases. It embodies the logic of comparison, which helps to understand the social phenomena better when using meaningful contrasting cases (Bryman 2003: 52-53). The system of natural resource governance in two Central and Eastern European Counties – Poland and Czech Republic, were selected for the comparison purposes. The choice of the countries was motivated by their relatively similar resource characteristics as far as considering mountainous regions but distinctive historical development of institutions for biodiversity management.

The process of data collection was based on a list of general guidelines and research questions (Annex 1). The guidelines followed the theoretical concepts on institutional change outlined in Section 2. The guidelines aimed at analyzing the determinants, effects, and processes of institutional change in the two case study countries and their impact of biodiversity governance. The guidelines were organized around themes of democratization, decentralization, market emergence, and EU integration. The analysis covered the period from 1990 to present. Short summary of the situation prior to 1989 is also provided.

The data has been collected based on a desk-study research involving secondary data. In particular, we reviewed academic literature and other publications, documents, and Internet resources. We also consulted a few experts in order to access internal publications or statistics.

⁴ Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovenia, Slovakia, Poland later Bulgaria and Romania.

4. Research Results

4.1 Biodiversity Governance in Poland

← Formátované: Odrážky a číslovanie

4.1.1 Introduction

Protection of the environment is currently regulated in Poland by the legislation from December 2000, which introduced amendments to the previous law. A number of other acts together with the Law on the Protection of the Environment from 2001 compliment the legislation. Protection of land, water, air, green areas in cities, protection from noise, landscape protection, protection of animals and plants are additionally regulated by separate bills (Walczak et al. 2001: 22).

The legislation distinguished the following forms of nature protection:

- National Parks
- Nature Reserves
- Areas of Protected Landscape
- Landscape Park
- Protection of Species
- Monument of the Nature
- Documentation Stand
- Ecological grounds
- Environment-Landscape complexes (Walczak et al. 2001: 24)

Additionally, in 2004 the Polish Parliament proclaimed introduction of Special Protection Areas and Special Areas of Conservation (Natura 2000) (Legislation 21st July 2004). The implementation of the sites is discussed in Section 4.1.6.

National Parks are created by a disposition of the Council of Ministers. They covers environmental sights unique in respect to their scientific, environmental, social, cultural and educational values not smaller than 1000 ha. The whole territory of parks is strictly protected. All National Parks are open for visitors (Walczak et al. 2001: 25). In 2007 there were 23 national parks in Poland with total area of ca. 315,000 ha, which cover approximately 1 per cent of the country's area. Table 1 lists the parks and provides information on their year of establishment and size.

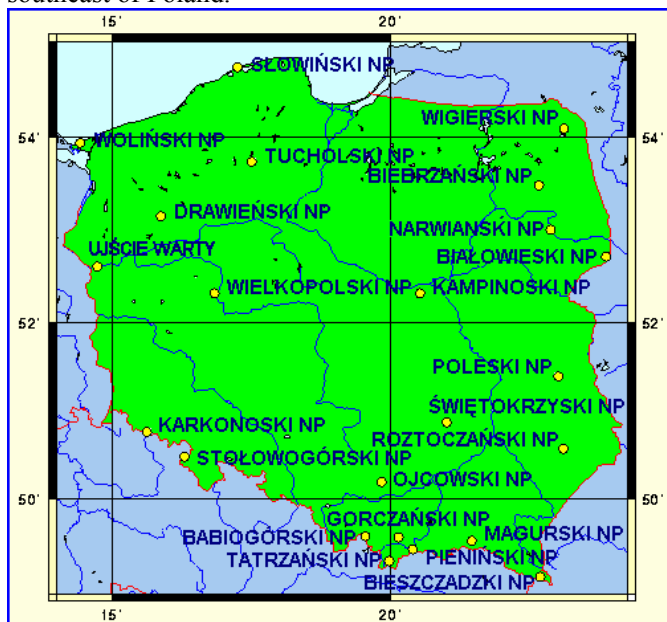
Table 1: National Parks in Poland

National Parks	Year of Establishment	Area (ha)
National Parks on Mountain Ranges		
1. Babiogorski NP	1955	3392
2. Bieszczadzki NP	1973	29202
3. Gorczanski NP,	1981	7030
4. Karkonoski NP	1959	5575
5. Magurski NP	1995	19439
6. Pieninski NP	1955	2346
7. Stolowe Mountains NP	1994	6340
8. Swietokrzyski NP	1950	7626
9. Tatrzański NP	1955	21164
National Parks on Highlands		
10. Ojcowski NP	1955	2146
11. Roztoczański NP	1974	8483
National Parks on Lowlands		
12. Bialowieski NP	1947	10502
13. Biebrzański NP	1993	59223
14. Borow Tucholskich NP	1996	
15. Drawieński NP	1990	
16. Kampinoski NP	1959	38544
17. Narwiański NP	1996	7350
18. Poleski NP	1990	9762
19. Ujście Warty NP	2001	7956
20. Wielkopolski NP	1957	7620
21. Wigierski NP	1989	15085
National Parks on the Baltic Coast		
22. Słowiński NP	1967	18618
23. Wolinski NP.	1960	10943
Forthcoming National Parks		
Jurajski NP		
Mazurski NP		
Turnicki NP		

Source: Polish National Parks (2007)

The number of visitors in national parks has been systematically increasing. In 1987 a little over 1 million tourists visited the parks. In 1994 the parks counted over 8 times more visitors. The most frequently visited was Tatrzański National Park. In 1994 it was visited by almost 2.5 million tourists (Polish Parks in Poland 2007). A buffer zone can be established on the area surrounding the Park, where activities like hunting are either restricted or completely limited (Liga Ochrony Przyrody (2007). Map 1 present

geographical location of the Polish National Parks. Most of the Parks are located in the southeast of Poland.



Map 1: Location of National Parks in Poland

Source: Polish National Parks 2007

Regarding other types of protected areas, Nature Reserves cover ecosystems characterized by no or very limited human interference which are unique in respect to their scientific, environmental, cultural or landscape values. The Minister of the Environment or the corresponding Voivoda (chief of Voivodship, Polish regional government unit) if its establishment is required by international regulations. At the end of 2000 there were in Poland 1303 such preserves, which covered 147 211 ha (about 0.5% of the country's territory) (Walczak et al. 2001: 25).

Areas of protected landscape are protected due their unique landscape values, characterized by different ecosystems and valuable due to their leisure and tourist values. Their management should sustain their ecological balance. There are considered in landscape management plans. In 2001 they covered 7 153 758 ha (23% of the country) (Walczak et al. 2001: 28).

Landscape Parks are areas protected due to their unique environmental, cultural, and historical values. The purpose of their establishment is to sustain and popularize their values. Voivods can establish them after consultations with representatives of the local government. In 2001 there were in Poland 119 landscape parks which covered 2 539 670 ha (8.1% of the country) (Walczak et al. 2001: 27).

Protection of Species is established by the Minister of the Environment after consultations with the Minister of Agriculture. It can be also established by Voivods on

their territories. In 2001 there were over 200 protected species of plants and over 70 protected species of animals (Walczak et al. 2001: 28).

Monument of the Nature are single objects or groups of objects characterized by unique environmental, landscape, scientific or historical values or which are very rare. Trees, stones, avenues and rural parks are the most frequently recognized as monuments of nature. Voivodship Nature Conservationists proclaim and monitor the monuments. At the end of 1999 there were 33 243 monuments of nature in Poland. Majority were single trees. Documentation Stand are protected due to their unique scientific or teaching values. The most frequently they cover unique geological formations and excavations. At the end of 1990s there were 70 such objects in Poland. Ecological grounds are remaining of ecosystems, which preserve unique types of the environment. They usually cover unique water ponds, groups of trees, swamps, dunes, or places of procreation and inhabitation of protected species. Their protection has to be considered in landscape management plans. Environment-Landscape complexes are designated due to their distinctive fragments of the natural or cultural landscape or esthetic values. Their protection has to be also considered in landscape management plans (Walczak et al. 2001: 29-30).

Table XX presents the composition of the Polish protected areas from 1975 to 1998. In 1998 National Parks covered about 3% of the total protected areas.

Table 2: Protected areas in Poland 1975-1998

Area (in thous. of ha)	1975 r	1980 r	1985 r	1998 r
National Parks	116	119	126	306
Nature Reserves	59	75	105	141
Landscape Parks	—	236	614	2 482
Areas of Protected Landscape	—	624	2 031	6 770

Source: Edukacja Europejska 2007

Table 3 presents composition of protected areas in Poland in 2005 not including, however, Natura 2000 sites.

Table 3: Protected areas in Poland in 2005 excluding Natura 2000 sites

Form of Protection	Number of sites	Area (ha)	% of the country area
National Parks	23	317 405.5	1.000
Nature Reserves	1 385	162 435.2	0.500
Landscape Parks	120	2 517 183.9	8.100
Areas of Protected Landscape	445	7 042 615.7	22.500
Ecological grounds	6 177	42 641.0	0.140
Documentation Stands	115	783.7	0.003
Environment-Landscape complexes	177	85 329.3	0.274
Monument of the Nature	34 385	-	-
TOTAL	42 827	10 168 394	12.5

Source: Adapted from: Ministry of the Environment 2007

4.1.2 Democratization

The first National Park in Poland was established in 1932 and comprised the area of Pieniny mountains on both Polish and Czech sides of the border. In 1934 the first law on the protection of the environment was passed. By the beginning of the World War the Second there were already 6 national parks in Poland, 180 nature preserves, and 4500 so called monuments of the environment. The law respected the previous property rights on the areas of the parks' establishment. The State Council for the Protection of the Nature (*Panstwowa Rada Ochrony Przyrody*) - a state advisory body - initiated the emergence of the law, however, non-governmental organizations actively participated in the process. They were involved for example in collection of funds for purchasing the private land converted into the parks (Walczak et al. 2001: 20-21).

In 1949 the new socialistic regime launched new legislation about protection of the environment. The legislation regulated establishment of national parks and other protected areas. The State Council for the Protection of the Nature was still the main advisory body for the government, however, similar advisory bodies were created also in each of the voivodships (regions). The Ministry of the Forestry was in charge of implementation of the law. Also in each Voivodship there was acting so called "Nature Conservationist" (Walczak et al. 2001: 21-22). The state still respected the property rights. The owners could either sell or exchange their land (Mirek 1996: 39). In the 80s a new Ministry of Administration, Territorial Economy and Protection of the Environment was created and in 1980 the Parliament passed another legislation about protection of the environment. In result both the Ministry of the Forestry and the new Ministry of Administration, Territorial Economy and Protection of the Environment had similar

competencies in the area (Walczak et al. 2001: 21-22). There is, however, no data on what was the impact of this twofold administration on the nature management.

Some non-governmental organizations were also active in Poland during socialism. One of the biggest was the League for the Protection of the Environment (Liga Ochrony Przyrody) which was an association of mainly teachers and youth and was organizing mostly education activities. From the 80s the League could also comment new legislation's proposals (Liga Ochrony Przyrody 2007). Additionally, each national park had (and till today has) a park's council, which was a separate advisory body composed mainly of scientists and representatives of the academia who advised and opinionated project and research carried out in the parks (Kozlowski et al. 1981: 99).

Some land converted into national parks was still privately owned. The state, however, imposed on the owners rights and duties to be executed on the land and the literature does not report conflicts emerging in that time in this area (Kozlowski et al. 1981: 101). There were, however, some difficulties with buffer zones that were not properly managed. They were mainly related to not properly designed or overused water resources, air pollution from traffic and heating systems, urbanization, intensification of tourism activities, and shrinking forest (Wojcik 1981: 160-161, 164).

The biggest problems in the protection of the environment and biodiversity that time were related to the industrialization and overexploitation of the protected areas and lack of environmental awareness of the state officials. Mirek (1996: 40) gives examples of intensive building of roads, paths, hotels, skiing facilities in National Parks and disregarding by the courts cases of poaching. Oftentimes local communities and local governments were not aware of their responsibility for their heritage either and were in conflict with the Park's administration. Environmental services such hunting, fishing, agricultural activities and tourism on protected areas were not sufficiently regulated (Kasprzak and Skoczylas 1993: 66).

In 1990 Members of the Polish Parliament initiated the work on new legislation on the protection of the environment. The legislation was passed in October 1991. It proclaims that protection of the environment is a part of the state's policy and that the state is responsible (also financially) for protection of the environment. Protection of the environment is understood in the legislation as:

- sustaining ecological processes and stability of ecosystems
- sustaining biodiversity
- sustaining the geological heritage
- sustaining the continuation of the species and ecosystems
- promoting environmental awareness
- restoration of environmental resources (Kasprzak and Skoczylas 1993: 67).

The new legislation does not violate property rights. Restrictions on property rights can be introduced only based on a legal agreement which entails compensation of the owners. The State Treasury is responsible for damages caused by such species as bison, bears and beavers. The Council of Ministers can also include in the compensations schemes other species. Local governments were given new right and responsibilities. Municipal Councils could create protected sights on their territories such as protected landscape, monuments of the environment, ecological areas, documentation areas and environmental-landscape complexes but they also could introduce a protection of certain species. Local governments, state administration, as well as persons and companies

carrying out activities influencing the environment become responsible for implementation of the state's policy. The new policy aimed at increasing the protected areas to the 30% of the state territory, increasing the areas covered by national parks to 1%, and nature preserves to 0.4-0.5% of the state territory (Kasprzak and Skoczylas 1993: 67-68).

The new legislation clarified the role and tasks of national parks. National Parks could be created only by the Council of Ministers. National Park cover protected areas specific from a scientific, environmental, social, cultural or educational point of view. The territory covered by a national park cannot be smaller than 1000 ha which is covered by full protection. All activities within the park should aim at protection of the sight and protection activities are superior to other actions. The Parks' management overtook real estate located in the parks, which was owned previously by the State Treasury. The Council of Ministers can, however, make exceptions from this rule. Parks' Directorates have to approve all changes in exploitation of land or buildings within the parks and have a priority of its purchase. Economic and Development plans covering national parks' territories have to be consulted with the Parks' Directorates. The legislation proclaimed a tax release on land and buildings (as long as they are used for the statutory purposes) in national parks and nature preserves. Expansion of existing buildings and other installations in national parks and nature preserves are limited only to necessary maintenance operations. Expansion of existing buildings as well as construction of new buildings always has to be approved by the corresponding Voivoda (a chief of the Voivodship) (Kasprzak and Skoczylas 1993: 69).

The Corresponding Voivoda together with the Nature Conservationist in the Voivodship, the Minister of the Environment, Natural Resources together with the General Nature Conservationist, and the Directorate of the National Park are three bodies responsible for protection of the environment. Park's Directorates are responsible for management and implementation of the policy. The Parks' Directorates are also representing the State Treasury in legal transactions. The Directorates issue regulations within the Parks. The Directorates moreover, have a right to initiate or support indictments if the crime is related to robbery of wood and other crime against nature protection. Broad monitoring responsibilities including also using force and weapon are given to the Park Guards (Kasprzak and Skoczylas 1993: 70).

The Park's directorates also regulate the rules for visitors together with entrance fees. The funds raised from the fees are to be spent on conservation actions within the park (Kasprzak and Skoczylas 1993: 70).

What is important, the launched after the transformation law is compatible with different international conventions. Additionally, in September 1992 new legislation on forest was passed. The legislation regulates sustaining, protection, and enlarging of forest. Both law on the protection of the environment and forestry law are compatible too. Certain legal regulations were still missing though that time. For instance there was still no law on landscape planning, no hunting law, and no water law. Executive law to some parts of the environmental legislation, e.g. on environmental services, compensation for damages caused by wild animals, and on breeding protected species was also missing (Kasprzak and Skoczylas 1993: 70). Nowicki (1993: 146) mentions other inefficiencies of the environmental laws, that is a strong industry lobby and control bodies which are not sufficient equipped in order to monitor obedience of the law.

According to the legislation from 1949, protection of the environment was submitted to scientific, esthetic, historical, health and sport, and public interests. This approach reflected the view of the natural environment that time. The legislation passed after the transformation corresponds to the research results in biology and geology and to the achievements of the international environmental movement. The main purpose of nature protection was defined as preserving the environment despite the growing economic pressure (Kasprzak and Skoczylas 1993: 74).

Nevertheless, the literature does not report privatization taking place in Polish National Parks. This could be related that the nationalization of land in Poland as such never took place. The socialistic regime mostly respected private land property. In this respect Poland was unique among the CEE countries. Agricultural land was never fully collectivized. At the end of 1980s 76% of agricultural land was cultivated by family farms. About 20% of land was cultivated by state farms and 4% by cooperatives. Thus the issues of privatization and land restitution did not play a major role in Poland in the 1990s. Privatization efforts focused mainly on the relatively modest land resources owned by the state, which were transferred in 1990 to the management of a state organization called Agricultural Property Agency (Csaki and Lerman 2001: 3). Quickly advancing privatization of state owned land after transformation was, however, a problem in appointing new national parks after the transformation. Such problems occurred in National Park Bory Tucholskie and Narwianski National Park. New owners of the land as well as municipality governments, concerned about blocking development activities, were blocking the parks' formation (Karko.net 2007).

Currently majority of land in Polish national parks is owned by the State Treasury. For instance in Bory Tucholskie National Park only 0.23% of the Park's land was municipality land and 0.045% of land was privately owned (Bory Tucholskie 2008). In Poleski National Park the private land consisted about nearly 13% of the Park's area. Only in Pieninski National Park private land composes as much as 45% of the Park's territory. The management of the private land and located on it meadows are problematic for the Park's authorities. The owners are not eager to cut the grass on the meadows and they would prefer to plant trees on their land (Ekofundusz 2008). In Jurajski Park which is planned to be established in the future private land might compose about 17% of the territory. Local politicians as well as land owners who are afraid of limitations in their property rights execution are thus against establishment of the park (Onet.pl 2008).

4.1.3 Decentralization

Protection of the natural environment and achieving sustainable development was proclaimed in the Polish Constitution proclaimed on 2nd April 1997. It's article 74 declared support for active citizen involvement in protection activities. Governance decentralization in Poland was also related to the Administrative Reform launched in January 1999, which introduced 3 levels of territorial administration. Except Voivodship (Regions) and introduced in 1990 Municipalities, the Reform introduced Poviats (Counties). Regarding realization of the constitutional environmental goals, the most important executive document is so called *Environmental Protection Law*. According to the document Sejm (the lower chamber of the Polish Parliament) in cooperation with the Council of Ministers proclaims the State's *Ecological Politics* every four years, which

points out the main directions of the State's activity in the area of environmental protection. All levels of the government (regional, county, and municipality) are involved in preparation and implementation of the *Ecological Politics*. Every two years the heads of each level of the government have to report implementation of the *Politics* in their area (Bernaciak 2004: 9).

Accordingly, four main units of environmental governance could be distinguished in Poland:

- central – where the governmental administration is functioning, the key body here is the Ministry of the Environment
- voivodship – the voivoda is representing the governmental administration and the voivodship council, the directorate of the voivodship, and the voivodship marshal are representing the self-governmental administration
- powiat (district) – general administration is represented here by self-government administration which is composed of the powiat's council (legislative body) and the powiat's directorate (executive body)
- municipality level – on this level only self-government administration is functioning with municipality council (legislative body) and the municipality's mayor (executive body) (Zielone Wrota 2007).

The Ministry of the Environment was the most important organ of the state administration of the environment, responsible for a rational use of resources, nature protection, geology, natural resource management, and research on the environment. The Ministry is also in charge of water management, flood protection, meteorology, and hydrology. The Ministry cooperates also with other Ministries in the area of agricultural policy, spatial development and construction (Bernaciak 2004: 11).

Voivods are responsible for protection of the environment of the voivodship levels. The voivods can delegate their responsibilities to other organs, e.g. to National Park directorates, who are overtake competencies of the Voivoda on the area of the National Park. Tasks not exercised by the state administration can be implemented by self-governments. Tasks which cover areas larger than a municipality are exercised by voivodship self-governments and powiat self-governments. Mayors or Presidents of municipalities and towns are responsible for regular resource management in their areas (Bernaciak 2004: 12).

Additionally, the administration bodies cooperate with opinionative and complementary organizations such as:

- State Council for the Environmental Protection
- Commissions for assessing the impact on the environment
- Funds for the Protection of the Environment and Water Management

The State Council for the Environmental Protection is an advisory and opinionative body for the Ministry of the Environment. The Council is in charge of opinionating decisions in the area of environmental protection and of putting forward proposals for improvements in sustainable development and environmental protection. Similarly, commissions for assessing the environmental impacts are advisory bodies. The Country Commission for Assessing the Impact on the Environment works for the Ministry of the Environment and is in charge of opinionating decisions of the Ministry, and monitoring and opinionating the system of assessing the environmental impact. Similar commissions work also on the Voivodship level (Bernaciak 2004: 12).

The Fund for Environmental Protection and Water Management is responsible for managing financial resources collected from ecological payments and penalties. It is composed of four levels:

- National Fund for Environmental Protection and Water Management
- Voivodship funds for environmental protection and water management
- Poviats funds for environmental protection and water management
- Municipality funds for environmental protection and water management (Bernaciak 2004: 12).

Certain multilevel governance elements appear also in the management of the Polish National Parks. The Park's Directorate is the main administration body within the Park and the Directorate is in charge of the Park's protection policy. An important role in the management process is played by the Park's Scientific Council. The Council is an opinionative and advisory body in the protection and research activities in the Park. The members of the Council are appointed by the Ministry of the Environment for a 5 years period. Also, the Voivodship Environment Conservationist participates in the work of the Council. Very often Parks also have Social Cooperation Councils, which are consultation bodies for the Parks' Directorates in the area of cooperation with the local society and other stakeholders within the Park and the buffer zone. The Social Cooperation Councils are composed of representatives of the local government and non-governmental organizations. The management of the Parks should be based on their Protection Plans. The Protection Plans are written in accordance with the Instructions of the Ministry of the Environment. The practical realization of protection activities is carried out by employees of the Park's Service. Sometimes National Parks also establish Research Units or Museums (Mirek 1996: 23-24). What is interesting, non-governmental organizations report that the Parks' Directorates have in practice too much autonomy and even in clear cases of overusing their decision-making power with harmful effects for the environment they were not penalized (Pracownia na Rzecz Wszystkich Istot 2008)

The legislation on biodiversity protection involves all levels of the government in the conservation actions. Landscape management plans and local legislation in rural and urban municipalities and in towns should comply with the regulations on the protection of biodiversity (Kasprzak and Skoczylas 1993: 76).

According to the current legislation, the Minister of the Environment in cooperation with the Minister of Agriculture is in charge of defining protected species. The management of the protection species sites is regulated by the Ministry of the Environment (Zielone Wrota 2007). Protection of Species might be also introduced by Voivodships (Walczak et al. 2001: 28). Also local governments might declare a protected species on their territory (Kasprzak and Skoczylas 1993: 67-68). In 2001 there were over 200 protected species of plants and over 70 protected species of animals.

List of endangered species are regularly updated and published in cooperation with scientists. The first list of endangered species was published in 1986 by the Polish Academy of Sciences (Walczak et al. 2001: 28-29). In the 90ties also the first birds special protection areas called birds' mainstays were established in Poland. They are established based on the European Birds' Directive from 1979 The initiative has to be taken the Voivodship authorities. In 2007 there were 74 birds' Special Protection Areas (Przyroda Wojewodztwa Śląskiego 2007). Consultations with scientists and expertise of NGOs play an important role in designating this kind of protected areas (Polska.pl 2007).

The first list of birds' mainstays was elaborated by the Polish Association for the Protection of Birds in 1994 (Przyroda Wojewodztwa Slaskiego 2007).

4.1.4 Emergence of the market

Prior the transformation there were some market elements in nature protection management. A part of land and real estate on protected areas was privately owned. The state, however, imposed restriction on the property rights execution. It was up to National Parks' directorates to regulate how the property can be used. The directorates could also allow some prohibited activities within the Parks such as collection of protected plants, picking up mushrooms, collection of resin, collection of stones and other materials from streams, and running commercial and trade activities by private actors. Additionally, the directorates were in charge of regulating tourism and skiing activities. (Kozlowski et al. 1981: 98-99). Production activities were also one of tasks of national parks carried out by a assistant holdings (owned by the park's administration), which were in charge of forestry, pastoral, and fishing management within the parks (Kozlowski et al. 1981: 97). The main income of the Park's assistant holdings currently comes from logging (about 95%), what is frequently criticized for (Pracowania na Rzecz Wszystkich Istot 2008). For example in 1981 in Tatry National Park 0.84% of the Park's land was agriculturally cultivated and on 0.41% of the Park's land were localized investments such as communication devices, tourist and accommodation services, and dwellings (Kozlowski et al. 1981: 120). Majority of National Parks also allow seasonal hunting in appointed areas and in the buffer zones (Pracownia na Rzecz Wszystkich Istot 2008).

The new environmental law passed in 1991 introduced first compensation schemes. Restrictions on property rights could be introduced only based on a legal agreement which entails compensation of the owners, such as the State Treasury was responsible for damages caused by such species as bison, bears and beavers (Kasprzak and Skoczylas 1993: 67-68). Elicitation of market mechanisms for protection of the environment has been an important element in particular in the country environmental policy since the late 1990s. This includes such elements as supporting public-private partnerships in the protection policy and introducing and executing payments and penalties for environmental externalities (Ministerstwo Srodowiska 2007).

Due to compensation programs for land owners but also to Parks' managements which try to cooperate with local communities overall local actors see the protected areas as assets. The Park authorities often undertake actions which improve the economic situation of the still not sufficiently financed National Parks from the State budget but also the locals. This includes introduction of entrance fees and sometimes extensive sale of wood but also in some cases enlarging tourist facilities such as skiing tractions or enlarging highway tractions (BIP 2008). Such actions sometimes resulted in protests of external non-governmental environmental organizations (Obywatel 2008). The National Parks' directorates somehow in most of cases find the way to a dialog with the local communities, but environmental NGOs are still perceived by them as "orthodox" and are not incorporated in the consultations (Pracowania na Rzecz Wszystkich Istot 2008).

A certain role in the emergence of the market played also external funds. In 1990 Poland received the first external funds coming from the World Bank. The credit from the

Bank was spent on modernization of the infrastructure of environmental management (Nowicki 1993: 164). The biggest portion of funds came from the European Economic Community and succeeding it European Union and their funds for Central and Eastern Europe. For instance within the first three years of the PHARE program (1990-1992) the funds were spent among other things on equipping control bodies with modern measurement apparatus and trainings for Polish specialists in arranging investment projects (Unia i Polska 2007).

The subsequent SAPARD and ISPA Programs activated private actors and local governments, local government organizations and other public organizations which could apply for the program (Narodowy Fundusz Ochrony Srodowiska i Gospodarki Wodnej 2007). About half of the ISPA funds for were spent for environmental projects (Program Operacyjny Pomoc Techniczna 2007).

According to a EU Report on ISPA implantation, the preparation and approval of environmental projects has been proceeding reasonably well, implementation has been slow. The main reason for the slow progress of implementation was the lack of experience of the Polish contracting authorities with tendering and contracting procedures. The problem was addressed with technical assistance measures over time (EU 2007). The Instrument for Structural Policy for Pre-Accession (ISPA) in 2002, Annual report). Due to management trainings for the authorities but also to the experience in project management and cooperation with non-state actors we may conclude that the external funds contributed considerably to sustainable management of the natural resources.

4.1.5 EU integration

Implementation of the AC in Poland is connected to such problems as cooperation of many organisations, overcoming lack of knowledge about the country natural resources, gaining social support, and also ensuring substantial financial resources (Makomska-Juchniewicz and Tworek 2003: 8). The Habitats Directive and Bird Directive leaves consultation process with land owners users, NGOs, and other stakeholders involved for assigning the Special Protection Areas and Special Areas of Conservation in each member state. Such consultations has been carried out in Poland, however, the biggest problem was lack of information about the Natura 2000 network and its aims, aims, and potential benefits and costs for the actors involved (Makomska-Juchniewicz et al. 2003: 64-65).

In Poland as early as in 2003 the first draft of Natura 2000 sites was proclaimed. It covered 285 sites, 181 Special Protection Areas and 180 Special Areas of Conservation (some sites were both SPAs and SACs). The total area of the sites covered 40.000 km², what was about 13% of the country territory. In March 2004 the Ministry proposed another version of the Natura 2000 sites' proposal, which covered only 282 sites (201 SPAs and 71 OSOs). There are still discussions going on the final form of the Network, the implementation process has not been finalized yet (Biodiversity Polska 2008). The habitat sites were declared in November 2007 (MoE, 2007: 76).

However, the list which the Government present the European Commission was strongly opposed by Polish Environmental NGOs such as the Polish Section of WWF. As

a result the European Commission rejected the proposed by the Ministry List. One more assessment of the sites might result in delays and financial sanctions and loosing EU funds (WWF Poland 2008). Increasing the areas of covered by Natura 2000 was opposed by the Polish Prime Minister Jaroslaw Kaczynski who declared that “Natura 2000 has expanded so much that it is practically impossible to build anything”. Mistakes occurred also in the process of appointing the sites. As the Polish Environment Ministry spokesman reported some areas were appointed without detailed knowledge what is in them and some local governments did not agree on many of the sites (BBC 2006). Another source of conflicts is restrictions on the State Forests and loss of income from extensive logging, which would follow including more forests sites in the Network (Ekoinfo.pl 2008).

According to a WWF Report, the problems with implementation of Natura 2000 sites in Poland are related to the lack of funds and human capital. Management of the sites was given to administration units which are overloaded with other tasks, and in result of lack of funds and time implementation of Natura 2000 in many cases in postponed or not carried out at all. Many actors additionally do not have adequate information about Natura 2000 and associate it with areas of strict protection. The lack of knowledge has a negative impact on the political decision-makers (the Ministry of the Environment) as well as on the Network itself. Despite NGOs are oftentimes invited for participation, their inputs are not takes into account. Nevertheless, quite much work has been done in Poland so far. The country overall had all the necessary documents ready on time. There are also positive examples of assigning Natura 2000 sites, where its implementation catalyzed regional development (e.g. Barycz valley, Warta estuary) (WWF Polska 2008).

Regarding management of Natura 2000, the rules will differ for different protection regimes. In National Parks the parks’ directorates are in charge of all stages of implementation of the network, however, all management plans for the Parks have to be officially approved by the Minister of the Environment. In Landscape Parks and Nature Preserves the corresponding Voivoda is in charge of all formal issues and the park’s directorates or other bodies managing the parks are responsible for practical implementation of the network. The most problematic is implementation of Natura 2000 in areas under private ownership. Legal agreements have to be negotiated with numerous non state actors and owners of protected land what impose considerable pressure on transforming management and governance structures, in particular effectiveness and transaction costs. Thus monitoring still need to be implemented (Weigle 2003: 193) to make new governance structures effective.

Financial instruments under the Natura 2000 aimed at mitigation conflicts with non state owners and their right such as agri-environmental schemes depend on the management organs such as Program of Development of Rural Areas. Currently farmers whose land is within Natura 2000 obtain 20% higher agri-environmental benefits than farmers whose land is not covered by Natura 2000. In the future the compensation schemes is planned to be introduced also for forest-environmental programs and fishery (Europejska Siec Ekologiczna Natura 2000 2007). Compensation schemes as well as its monitoring require cooperation between many government units and also with interest groups. This includes also negotiations with land owners and land users (Liro 2004: 118).

Implementation of Natura 2000 occurs also at different governance levels. On the central level the network is supervised by the Ministry of the Environment. The minister

is in charge of strategic management of the network, including it in state's ecological policy, and in charge of state's legislation on biodiversity and other environmental issues. On the regional level the Voivoda is responsible for the network but Voivods realize their tasks through voivodship nature conservationists, and thus the conservationists will be actually in charge of supervision and management of Natura 2000. Additionally, each voivodship has a department of environmental protection. On the individual level, corresponding to the level of the Natura 2000 sites, as long as the site covers area previously protected, e.g. as a national park, the directorates of the parks will be responsible for implementation of the network. If, however, Natura 2000 sites cover areas not previously protected, their management becomes more problematic (Weigle and Kiczynska 2003: 195-196). Management of such sites was given to local governments (municipalities) and foresters (Natura 2000 Polska 2007) (Table 4).

Table 4: Responsibility for Natura 2000 in Poland

Administration Body	Competences
Minister of the Environment	<p>Prepares a proposal Natura 2000 sites, which after approving it by the Prime Minister is sent to the European Commission</p> <p>After consultations with the Ministers responsible for agriculture, rural development, and water management appoints Natura 2000 sites and supervisory body. In the same way border of the sites can be changed or the site might be liquidated</p> <p>After appointing areas of special bird protection sends it to the European Commission</p> <p>Proclaims the protection plan</p> <p>Supervises functioning of Natura 2000 sites (gives dispositions and suggestions, asks for information, controls realization of protection plans)</p> <p>Sends to the European Commission reports and notifications regarding Natura 2000</p>
Corresponding to the site supervisory body (appointed by the Minister) – can be a national park's directorate, directorate of a regional directorate of the State Forest, Voivoda	<p>After consultations with the local government, prepares a proposal of a protection plan within 5 years from appointing the site</p> <p>Evaluates the effectiveness of the protection reporting each 6 years habitat sites and each 3 years birds' sites to the corresponding minister</p>
Voivoda	<p>Coordinates functioning of the site</p> <p>Takes decision about approval of realization of projects that might have negative consequences on the sites; also assigns possible compensation schemes; informs about it the corresponding minister</p> <p>Commands hold-up of projects on Natura 2000 sites which were initiated without carrying out expertise of its environmental impact as well as takes actions in order to come back to the previous state of the site</p> <p>Can sign an agreement with land owners about financing necessary protection activities or about compensation for limitations in use of the land</p>
District Foresters	Carries out protection activities in forests managed by the State Forest Holding of the State Forest, according to the Natural 2000 protection plans for such areas
Directorate of the Sea Administration	Takes decision about approval of realization of projects on sea areas that might have negative impacts on Natura 2000 sites; also takes decision about compensation schemes
Municipality Council	<p>Opinionates proposals for Natura 2000</p> <p>Agrees on protection plans for Natura 2000 sites</p>

Source: Natura 2000 Polska (2007)

We may conclude that the EU integration and implementation of Natura 2000 contributes to the development of multilevel governance and stimulates cross-scale interactions.

However, according to Wojciechowki and Kozlowski (Pracowania na Rzecz Wszystkich Istot 2007) in particular cooperation with self-governments and municipalities still partially does not exist. Additionally, the lowest government levels lack of sufficient information about the new regulations.

Witkowski (2003: 210, 215) points out that implementation of Natura 2000 involves certain direct and direct costs. The direct costs are related to costs of managing the protected area, such as administration costs and costs of protection activities, but also costs of organization, carrying out and publishing monitoring results, costs of compensation schemes for limitation in executing property rights and costs of subsidies for owners adopting environmentally friendly practices, costs of management plans of Natura 2000 sites, and costs of enlarging and improving the quality of nature protection administration related to implementation of Natura 2000. Indirect costs are related to costs of promotion, education and information about Natura 2000, costs of conflicts emerging after implementation of the network, and other indirect costs (e.g. related to changes in the law) (Witkowski 2003: 215). The implementation of multilevel governance structures has been therefore so far very costly. We may also assume that due to involvement of a larger number of state and non-state actors in the decision-making the management costs of Natura 2000 will rise in the future.

4.1.6 Summary of the Polish Case

There are nine types of protected areas in Poland. National Parks are areas of the highest level of nature protection. Currently there are in Poland 23 National Parks. They cover over 300 thousands hectares, what composes one percent of the state territory. During the socialism period in most of cases in the process of establishment of the National Parks private property rights were respected and the owners got either financial or land compensation. Functioning of some environmental non-governmental organizations as well certain market elements in the Parks' management were permitted, however, such activities were controlled by the State. The new environmental legislation launched after the transition clarified the role and task of national parks emphasizing their protection functions. Since there was never a mass-scale land nationalization, privatization of the Parks' land was not an important issue. The literature review suggests, however, that emergence of the market and decreasing state financial support for the Parks was a source of many management dilemmas and conflicts. The parks' administration in most of cases find a way to compromise with the development expectations of the local communities, however, environmental NGOs, which support strict protection and as little intervention as possible are perceived as the biggest opponents. In most of cases NGOs are excluded from the decision-making processes.

What is interesting, hierarchical elements still persist. Legislation oftentimes refers the persons of the "Park Director (Directorate)", the "Minister", or the "Inspector", not to the administration body as a whole (e.g. Act from 16th April 2004 on Nature Protection, Act from 27th April 2001 Environmental Protection Law). It emphasizes the key position and leadership of the person appointed as the chief of the unit. Another issue is that in face of such big autonomy of the administration chiefs there are still no adequate monitoring and sanctioning institutions.

Multilevel governance elements existed in the both Polish national environmental policy as well as in National Parks' management prior to the EU integration. That type of governance contained elements of the type I governance as defined by Marks and Hodge (2004). Today, the Park's management is based on consultations with researchers, local governments and other local stakeholders. Both Central as well as Regional government levels play also a role in the management. The implementation of Natura 2000 brought changes especially in managements of so far not protected areas empowering formally the lowers levels of the self-government. The resources report, however, that so far the local governments still lack of sufficient information and are excluded from the governance of natural resources process. Similarly, expertise of NGOs was not taken into consideration whole appointing NATURA 2000 sites, what resulted in NGOs protest in the European Commission. The increasing decentralization causes coordination and information problems not only among the government levels but also between state and non-state actors. Information provision and changes in the law and management practices related to the implementation of Natural 2000 imply enormous cost for the both country and EU budgets.

4.2 Biodiversity Governance in Czech Republic

Formátované: Odrážky a číslovanie

4.2.1 Introduction

In the Czech Republic, there are several categories of particularly protected areas: national parks, protected landscape areas, national nature reserves, nature reserves, national natural monuments and natural monuments (Act No. 114/1992, § 14). According to the size, there are *large-scale protected areas* that include the protected landscape areas and the national parks, and *small-scale protected areas* that include the other categories (Voženílek, V. et al., 2002: 7). The terms "*large-scale protected areas*" and "*small-scale protected areas*" are not stated in the legislation, but they are used in the common day language of public employees and academic staff. In the following text, we will focus on the large-scale protected areas and specifically on the category national parks (NP).

Similarly to other countries, there exists legislation whose purpose is to provide a framework for conservation and revitalization of nature and landscape, in national parks and on other lands. Below listed is the main body of legislation directly related to the protection of nature and landscape:

- **Act No. 114/1992 Coll.**, On the Protection of Nature and Landscape, as amended. This is the most important piece of Czech law dealing with protection of nature and landscape. Its full text was published in the Volume 460 of the Collection of Laws, on August 11, 2004, a few months after the entry of the Czech Republic into the European Union. In this amended version of the 1992 act, the main conditions of Natura 2000 were incorporated into the Czech law (part 4, § 45a-i). The basic conditions for national parks and other particularly (specially) protected areas are also stated in this law (part 3, § 14-45). The act states also the authority and responsibility of various public administration bodies, as well as the

opportunity for participation in nature protection matters for civic associations (§70) and municipalities (§71).

- **Act No. 115/2000 Coll.**, on Damage Compensations Caused by Selected Protected Species, of April 5, 2000, as amended by Act No 476/2001, Act No 320/2002 and Act No. 130/2006 Coll. This law provides for compensation of damages incurred by farmers, domestic animal breeders, fishermen, foresters and beekeepers. Seven selected animals are listed in the act (§3): European Beaver (*Castor fiber*), River Otter (*Lutra lutra*), Large Cormorant (*Phalacrocorax carbo*), European Elk (*Alces alces*), Brown Bear (*Ursus arctos*), European Lynx (*Lynx lynx*) and Grey Wolf (*Canis lupus*).
- **Notice No. 360/2000 Coll.**, of Ministry of Environment, On Calculation of Compensation for Damage Caused by Selected Protected Species. This notice is supplementary to the Act No. 115/2000 Coll., and specifies the way the compensations for damages are calculated.

Additionally, individual national parks are currently declared by the **Acts of the Parliament**. The other categories of particularly protected areas, as well as Bird Areas, are established by legislative pieces of a lower degree. The European legislation on Natura 2000 was implemented into the Czech legislation by the Act No. 218/2004 Coll., which was an amendment to the Act 114/1992 Coll. Currently, the amended version of the Act No. 114/1992 Coll., On the Protection of Nature and Landscape, deals with Natura 2000 in part 4, § 45a-i. The Notice No. 166/2005 Coll. lists in its enclosures the species that are subject to protection or hunting, as well as habitats of European interest that are on the territory of the Czech Republic.

The human activities regulated by the below legislation do not have as their main or single purpose the protection of nature and landscape. However, they may be related or influence the conditions of nature and landscape protection.

- **Act No. 289/1996**, Forest Act. This piece of law specifies mostly the conditions for commercial forestry management. Includes also a subchapter on “forests of special designation” (§8), which may be forests in some particularly protected areas by the law No. 114/1992 Coll.
- **Act No. 449/2001 Coll.**, On Hunting. This part of legislation stipulates the rights, obligations and game management practices of voluntary hunters’ associations.

Currently, there are 4 national parks (see the table) in the Czech Republic established by the Czech legislation.

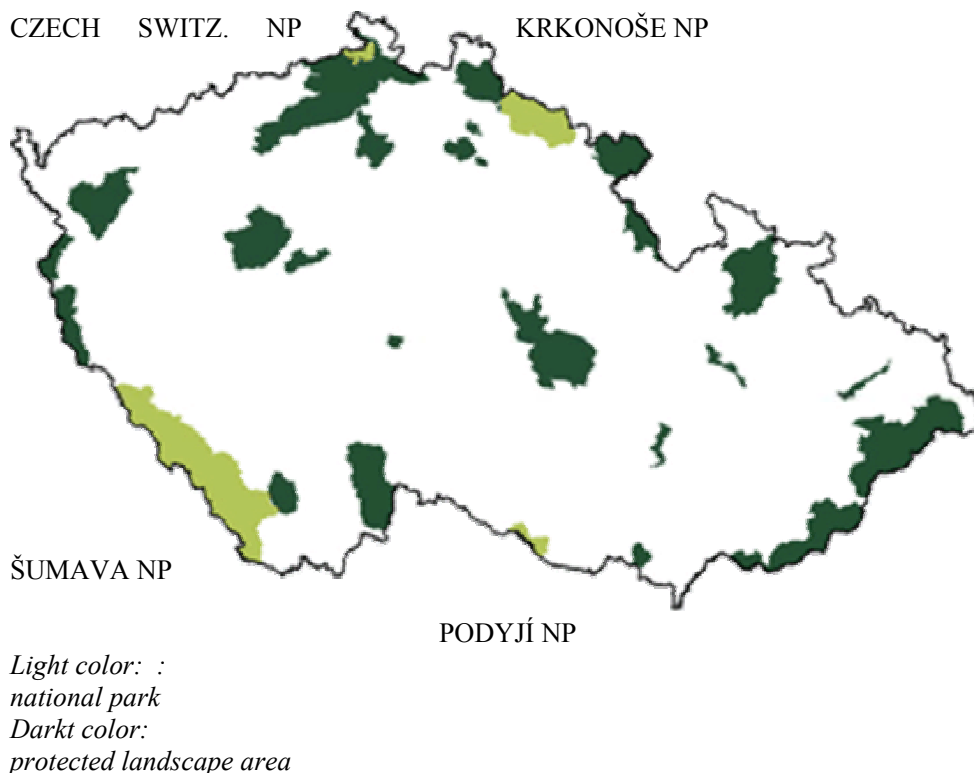
Table 5: National Parks of the Czech Republic

National Park	Year of declaration	Area (ha)	Area including buffer zone (ha)
Krkonoše National Park	1963	36 300	54 969
Podyjí National Park	1991	6 300	9 200
Šumava National Park	1991	68 500	166 400 ⁵
Czech Switzerland National Park	2000	7 900	7 900

Source: Voženilek, V. et al. 2002

⁵ The buffer zone of the Šumava NP consists of the Šumava Protected Landscape Area.

Map 2 presents the location of the Parks.



Map 2: NATIONAL PARKS IN THE CZECH REPUBLIC

Source: AOPK, ČR (2007)

Forests cover in the Czech national parks 87 % of the land (MoE/CSU: 2007). The only Czech national park established before the political changes in 1989 was the Krkonoše National Park. This NP was declared in 1963. Besides that, 19 protected landscape areas were declared as well (Čihař, M. 1998: 71, 87-126).

According to the international classification (IUCN, 1994), the Krkonoše National Park does not belong to category II, National Park, but to the category V, Protected Landscape Area. The current conditions, use patterns and management practices do not allow for the category II by the IUCN standards. The major problem of the Krkonoše National Park is the excessive development of some recreation activities on a scale that is unsuitable for a NP's mission (KRNAP, 2007). Therefore, while describing the situation of the Czech national parks, we will focus on the 3 other parks that have more features in common.

Management of land in national parks should be carried out according to the division into protective zones (Act 114/1992, §17).

The division into protective zones within the Czech national parks is as follows (Voženílek, V. et al., 2002: 8):

- A. the 1st zone is the highly conserved zone of the park, covered mostly by natural ecosystems. It is not designated for use and human interventions are rarely allowed.
- B. the 2nd zone is covered mostly by forests with changed structure and by grasslands which are dependent on human maintenance. Human intervention in forests and grasslands is needed in order to support the natural biological heterogeneity.
- C. the 3rd zone is covered by meadows, pastures, sparse estates and forest monocultures. Common non-intensive forms of agriculture are allowed.

In the average, the 1st zone covers 14 % of the total national park area, the 2nd zone 58 % and the 3rd zone 28 %. Generally, there is an effort to enlarge the 1st zone in the national parks.

At present, there are 25 protected landscape areas (MoE/CSU: 334), including Šumava PLA which is under the same administrative management as the Šumava National Park. The protected landscape areas cover 13,78 % of the territory of the Czech Republic (MoE/CSU: 333). Also the PLA have their administrations, however, their financing, staffing and authority is substantially lower than of the national park administrations.

In protected landscape areas, there are either three or four zones of graded nature conservation demarcated (Act 114/1992, § 27).

On the entire territory of a protected landscape area it is prohibited, for example (Act 114/1992, § 27, sect. 1): :

- to carry out intentional dispersion of non-native plant and animal species
- to build new highways, settlement formations and navigation channels
- to spread the thoroughfares with chemicals
- to organise automobile and motorcycle races

On the territory of the first zone of a PLA, it is also prohibited (Act 114/1992, § 27, sect. 2):

- to permit the construction and to construct new buildings
- to permit a change and to change the use of the land
- to alter the present composition and location of cultivate plants (if this alteration does not ensue from the PLA management plan)
- to fertilise the land, use farm-sewage, silage juice and other liquid waste
- to extract minerals and hummollites

On the territory of the first zone of a PLA, it is also prohibited (Act 114/1992, § 27, sect. 3):

- to farm the land in a manner which requires the use of intensive technology, particularly means and activities that can cause fundamental changes in biodiversity, structure and function of ecosystems, or can irreversibly damage the soil surface, to use biocides, to alter the water conditions, or to carry out extensive alterations of the terrain
- to introduce intensive breeding of game, e.g. game enclosures, breeding farms and pheasantries

- to organise bicycle races, except on roads, local thoroughfares and places assigned for this purpose with the approval of the nature conservation authorities

The I. zones cover 8%, II. zones 30%, III. zones 49% and IV. zones 13% of the total area of PLA in the Czech Republic (MoE 2007: 72).

The youngest to the Czech protected landscape areas is the Český Les Landscape Protected Area. During establishment of this PLA, we can identify some approaches in line with governance principle of participation. This PLA seems to be prepared in cooperation with regional administration (Plzeň region), and received fairly good support from municipalities in the region (Plzeňský kraj, 2007), (CHKO Český les, 2007), (InfoCesko, 2005).

The administration and management of national nature reserves and national nature monuments carry out the assigned PLA administrations. They are declared by the Ministry of Environment. The nature reserves and nature monuments are under the supervision of regional authorities, and can be declared by them (MoE 2007: 72-73).

The basic conditions of protection and use of these small-scale particularly protected areas are stated in the Act No. 114/1992, § 28-36. In general, the “monuments” categories exhibit more human influence than the “reserves” categories. The “monuments” categories are often geological and geomorphologic formations. There are less restrictions on human activities stated in the Act No. 114/1992 Coll. regarding natural monuments than with other categories.

Table 6: Comparison of Particularly Protected Areas by Area

Category	National Parks	Protected landscape areas	National Nature Reserves	Nature Reserves	National Nature Monuments	Nature Monuments	TOTAL
Number	4	25	112	779	104	1193	2 217
Area (ha)	119 489	1 086 737	28 198	36 746	2 773	27 316	1 301 259
% of area of CR	1,52	13,78	0,36	0,47	0,04	0,35	16.52

Source: Adapted from: AOPK ČR In: MoE/CSU: 333

4.2.2 Democratization

Before 1989, the private property in fact did not exist. There was only the so-called personal (direct) ownership which was not relevant for the purpose of biodiversity protection.

If the biodiversity is understood as a „source“, e. g. the source of recreation, source for the pharmaceutical industry etc., than we can find regulation dealing with access to biodiversity. Even before 1989, the movement of tourists in national parks was regulated and the legislation for species' conservation was in use (e. g. the picking of herbs was limited). Also, the hunting of wildlife animals was regulated by the hunting law (Act No. 23/1962). Generally speaking, there was state ownership with the some limitation of resource use for the citizens. The resource use was decided and directed by the government.

Most of the land in national parks remained in the state ownership also after 1989.

According to the 2004 report of the Czech Inspection of Environment (CIZP), in the largest Šumava National Park there have been 53 226 ha of forest land under the state ownership out of the 69 030 ha total of the national park. This would amount to 77 % share of the state-owned forest land out of the NP total area (CIZP, 2004).

Table 7: Land Ownership in the Czech National Parks

	Podyjí NP	Czech Switz NP	Šumava NP	Krkonoše NP
State	84	98	77	79
Municipal, Regional	8	0,5	?	2
Private and other	8	1,5	?	19

Source: Personal phone and e-mail inquiry to the NP in Nov. and Dec. 2007 , except Šumava NP.

Note: The numbers do not include protective zones. “Other” may include co-owned, undetermined, etc. The numbers should be for the year 2006, except Šumava NP which is year 2004. The numbers may have some margin of error, especially in the large parks - Šumava NP and Krkonoše NP

The changes in the land property in the national parks were organized in the same way as in the rest of the Czech Republic – i.e. through laws and restitutions. Due to the historical development, this land (including forests) was mostly designated as state ownership (kindly see table). The territory of current national parks was subject to the displacement of German population after 2nd World War. Most of local municipalities were abolished. The border regions, especially in the Šumava and the Podyjí National Parks, were subsequently used by the Czechoslovakian Army. The civilian settlement

was reduced, and the movement of civilians restricted. The army administration managed also the land (including forest land and less extensive agricultural land). The continuity of the human settlement and of the historical property rights was interrupted (Mikšíček, P., 2007).

Some villages were re-populated by settlers from other parts of the country. However, the new settlers lacked not only emotional ties to the region, but often lacked proper land management skills as well. Still, the population density after the 2nd World War, till the year 1989, remained very low. Due to the above described social development, historical ownership and habits played a minor role. Only a small number of permanent residents reside in the national park areas. This is important to emphasize for the further discussion about economic impacts (employment) and socio-political consequences (participation in governance). The largest Šumava national park has about 1000 permanent residents (Šumava NP, 2007) and the only village within the Podyjí National Park, without buffer zone, has 62 residents (Podyjí NP, 2007). After 1989, communal (municipal) ownership was re-established to some extent. Some lands and forests, usually in the vicinity of the municipalities, were returned into municipal ownership. The process of conversion from state to municipal ownership (covering a relatively small share of total land area) is still on-going. Sometimes, the decision is made by the court (Czech Switzerland NP, 2007: p. 87).

On the territory of a national park, **the national park administration** is responsible for the state management of landscape and nature protection. This means that the management of nature and landscape issues is not subordinated to regional administration (as for example in Slovakia). It is independent and governed by the Ministry of the Environment of the Czech Republic. Rules are set up by Act No. 114/1992 Coll., on Nature and Landscape Protection (approved by the parliament), by the legal act establishing the particular park and also by **visitors' rules** (In Czech: *návštěvní řád*) of individual national parks. These rules are created by the national park administration in cooperation with municipalities and external experts. The national park administrations issue visitor' rules in the form of a legal act of a lower degree (a public notice/In Czech: *obecně závazná vyhláška*). The residents living or working in a national park may be (partly) excluded from these rules (Act No. 114/1992, § 19) (Czech Switzerland, 2001)⁶. The meeting/acceptance of these rules should be controlled by the national park administration. Sanctions are specified by the Act. No 114/1992. Also, the law on infringement or in some cases the penal code can be applied (depends on the severity of the illegal act or behavior). Most often, sanctions are applied to misdemeanours, such as trespassing into the 1.st zone by tourists, or offences in agricultural management, for polluting activities etc. Small sanctions can be also introduced against tourists violating rules of movement in national parks. In practice, there are relatively rarely applied (Czech

⁶ § 19, Law 114/1992 states that limitations on movement of persons in the national park are stated in the Law 114/1992 and in the Visitors' Rules of the given NP. Persons permanently living or working in the NP may be exempted from the Visitors' Rules.

Ordinance No. 1/2001, Article 5, par. 2 of Visitors' Rules for the České Švýcarsko NP states that the restrictions of access to the 1st zone do not apply to the permanent residents of parts of municipalities within the area of the NP, to the owners of the property and their close relatives (close relatives according to the Civil Code)

Switzerland, 2007)⁷. Monitoring of the national park conditions (biodiversity, etc.) should be distinguished from the common control of the visiting rules. The monitoring of the state of the biodiversity was introduced after Natura 2000 implementation (national parks were incorporated into Natura 2000 sites). At present, there are no official results, since it is too early in the Natura 2000 process.

The role of the state in the national park management is considered crucial. The state guarantees the nature protection in national parks. This also comes from the international definition of a national park (IUCN). The institution of a national park is interconnected with the institution of the state and the state warranty is a part of the definition of a national park (IUCN, 1994)⁸. Even though the IUCN definition allows for some alternatives, these have not been tested in the practice of national parks yet. National parks are financed partly from the central state budget and partly from their own forest management activities - timber harvesting (Šumava NP, 2007).

The privatization of land on the territory of national park territories was relatively minor, in consequence of the described historical development.

Generally, a major purpose of privatization in Czech Republic was the re-establishment of private property rights.

The privatization, the shift of the property to municipalities and the liberalization of the citizen movement caused bigger pressure on the recreation activities (both commercial and individual) in national parks. Mainly, this was an issue in the Šumava National Park (Malota, R, 2003), (Hradská, V, 2003). However, it is difficult to distinguish which factor was the most important. It is important to notice that nature and landscape in the Šumava and the Podyji National Park before 1989 were not protected by some institution for nature protection, but by the army (together with the severe restrictions of civil activities). Nature protection administration started to operate at the beginning of the 90's and it developed together with changes in land ownership. Most of the national parks and the conditions of their conservation were declared by law in 1991 (NP Šumava: Ordinance No. 163/1991 Coll., NP Podyjí: Ordinance 164/1991 Coll., Czech Switzerland NP Act No. 161/1999 Coll., Krkonoše NP: Ordinance No. 165/91 Coll. /in the case of Krkonoše NP this legislation substituted the earlier legislation from 1963/).

4.2.3 Decentralization

The system of the biodiversity protection is centrally organized. The state administration is represented by the national park administration. It has relatively strong power in the area of nature protection and a supporting budget. It carries out the so called *special state*

⁷ The Year 2006 Annual Report of the Czech Switzerland NP reports 32 fines, by the park guards, amounting to 17 400 Kc (cca 970 USD) in total.

⁸ „Ownership and management should normally be by the highest competent authority of the nation having jurisdiction over it. However, they may also be vested in another level of the government, council of indigenous people, foundation or other legally established body which has dedicated the area to long-term conservancy.“ Citation from: http://www.unep_wcmc.org/protected_areas/categories/eng/ii.pdf (Guidelines to Protected Areas Management Categories – Cat. II, National Park, part Organizational Responsibilities).

administration (public administration in nature protection) on the territory of national parks (Act No. 114/1992 Coll., § 75).

A national park administration also manages state forests in the park area (Act No. 114/1992 Coll., § 22). Most of forests belong to the state (ČIŽP, 2004)⁹. Since forestland usually covers most of the park area, this responsibility is very important.

Owners of recreational objects can influence the state of the biodiversity locally. Tourist activities are also organized by entrepreneurs situated outside the national park – e. g. canoeing and other water sports. National NGOs may occasionally play the role of a watch dog – for example they called attention to controversial forest management practices in the Šumava National Park (Hnutí Duha, 2007).

The cooperation of a national park administration with other actors or organizations is formalized via formation of national park councils. This council is an advisory body of a national park administration. It discusses all important documents dealing with protection and management of the national park (especially zoning, management plan, visiting rules, forest management, land-use plans). Members of the council are representatives of municipalities, mountain service, important entrepreneurs in forestry, tourism, and members of academia and other state organizations (Act No. 114/1992 Coll., § 20). The national park council is founded by the park administration as an initiative and consultative body. The national park council takes part in negotiating and consulting all important national park documents (zoning, management plans, visitors' rules, etc.) The national park administration is obliged to agree on the proposal of zoning, management plan and visitors' rules documents with the representatives of the municipalities. If there is no agreement reached, the Ministry of Environment decides after negotiation with the municipalities (Act No. 114/1992 Coll., § 20, par. 3 and par. 4). In practice, there seems to be some differences in cooperation of individual park administrations with the public.

The most formalized involvement of the public appears to be in Czech Switzerland National Park, where the national park administration initiated the foundation of a non-profit organisation (in the Czech law: *obecně prospěšná společnost*, literally: *public benefit organisation*) designated for the cooperation and communication with municipalities, NGOs and others. This organization, České Švýcarsko, o.p.s. attempts to integrate interests of the state administration, municipalities and NGOs. Its common activities are for example: the preparation and the coordination of the project *Integrated protection of ecosystems in Czech Switzerland*, running of the Information Center of the National Park, etc. The founding members are the national park administration, the municipality Krásná Lípa and NGO Tilia (Czech Switzerland NP, 2003: 81). Also, the Club of Friends of the NP Czech Switzerland was founded that takes part in volunteer activities in the park (Czech Switzerland NP, 2003: 82)..

Let us mention that in all 3 national parks (excluding Krkonoše National Park), the largest conflicts in the past were not between private owners and state administration, but rather about management practices conducted by the state administration itself (Hnutí Duha, 2007). We have already noted that the most severe conflict was about the forest

⁹ The 2004 report of the Czech Inspection of Environment (ČIŽP) states that in the largest Šumava National Park there are 53 226 ha of forest land under the state ownership out of the 69 030 ha total of the national park. This amounts to a 77 % share of the state-owned forest land out of the NP total area.

management practices in the Šumava National Park. The dispute was between the national park administration, supported by the part of academia and forest experts, and NGOs, also supported by the part of academia and forest experts (AVČR 1999). The problem, in general, seems to be that national park administrations¹⁰ may have material interest in logging, which may run against the goal of biodiversity support. Due to the lack of monitoring and the absence of measurable criteria for the evaluation of the success of the administration, it is difficult to estimate the size of the problem.

Minor conflicts of interest regarding tourism, agriculture and business projects can be solved through direct communication with the owner or operator. In addition, the national park councils were established. More serious problems can be solved by Ministry of the Environment (Act No. 114/1992 Coll., §20, par. 4)

Before the proposal of zoning, visiting rules and management plans, the national park administration is obliged to communicate with municipal representatives in the NP council. If no agreement is reached, the dispute is shifted to Ministry of the Environment (Act No. 114/1992 Coll., § 20, par. 4).

The authority and responsibility for nature conservation is held by the national park administration (a state organization), which in some cases may fail to pursue the declared goals of the national park. The costs of sacrificed opportunities are mostly carried by municipalities, owners of some land, whose development plans are limited. Generally, this seems to be a minor local problem in comparison to controversies in forest management supervised by national park administrations. Also, by the word of law, all owners and land users, including municipalities and private persons, are obliged to protect the so called *territorial systems of ecological stability of the landscape* (in Czech: územní systémy ekologické stability) on their land (Act No. 114/1992 Coll., § 4, par. 1).

Although it is difficult to speak about profound changes in governance structures, we may follow some steps in that direction. A more developed communication and cooperation approach seems to be used in the Czech Switzerland National Park, the youngest Czech national park. Transaction costs of alternative management schemes are unknown, because there are not (even theoretically) alternatives developed.

4.2.4 Emergence of the Market

There were no multilevel governance elements prior to 1989. The state administration was responsible for nature protection on a district level (Act No. 60/1961, 11, art. d). It was, however, a part of a centralized system. The following market elements and/or respective nature conservation regulations appeared after the transformation:

- **Logging** (timber harvesting) is carried out by sub-contractors on the territory of national parks (state and municipal property). The state is the main owner of the forests. The forest management practices were sometimes controversial with nature conservation regulations.
- **Recreation** – mostly, there is free entrance to national parks for everybody. Legislation allows an introduction of entrance fees to territories outside built-up areas

¹⁰ Note: The newest of the Czech National Parks, the Czech Switzerland NP, has a different financial structure. It is not a „contributory“ organisation, but an „organisational part of the state“. From the accounting point of view, it means that it does not have a profit and loss statement.

(Act No.114/1992, §24). This option is rarely used (with exception of few spots). In the 1st zone of national parks, the movement of tourists outside marked trails is prohibited. This restriction is not valid for local owners and land tenants (Act No.114/1992, §24, art. 1)

- **Sport hunting** carried out by hunting associations is allowed in Czech national parks (Act No.114/1992, §21). On the territory of national parks, as well as on other Czech territory, the hunting law is applicable. However, the park administration can modify the rules on the territory of the national park (Act No.114/1992, §21) The animals that can be hunted are explicitly determined by the hunting law (Act No. 449/1991) and by the particular NP rules. The supervision of hunting is carried out by the national park administration (Act No.114/1992, §78). The members of hunting associations are usually local inhabitants and inhabitants of villages outside the national park, and also some employees of the national park administrations.

Despite limited private ownership within national park, there were non state owners of land in national parks, mainly small farmers, are compensated for the reduction of the intensive production methods (the use of pesticides, application of fertilizers, etc.). The subsidies are disbursed to them within the EU funded program of the rural development (MoA, 2007), agri-envi measures subchapter II.I.3. assuming that practices of are in compliance with relevant legal regulations on sustainable use. Activities such as intensive agriculture technologies, picking fruits, hunting, extraction of minerals, etc. are subject to legal regulations by the Act 114/1992 Coll. In the previous Horizontal Rural Development Plan of the Czech Republic for 2004-2006, these compensations were included under E-LFA subsidy titles (MoA, 2004). Currently, the compensations are directly targeted to 1st zone of national parks and protected landscape areas. Most subsidy titles include grass mowing or pasture. A major rule is to refrain from the application of fertilizers (MoA, 2007), (Act No. 114/1992 Coll., § 16). In the other zones, additional financial tools are available (MoA, 2007).

Special subsidy titles for Natura 2000 compensations as a part of the subchapters II.I.2 and II.2.2 in the Program of Rural Development (MoA, 2007). The areas of Czech national parks are not within fish-pond production areas. Elsewhere, the problem with mostly “foreign” (non-breeding) cormorants overflying the Czech territory in autumn is being solved also by financial compensations to professional fishermen (which count about 2000 professional fish-pond production employees). These compensations were paid out even before the EU entry. These compensations are supplementary to hunting permits (by exception to the law) for the cormorants¹¹.

According to the Act No. 115/2000 Coll., on Damage Compensations Caused by Selected Protected Species, damage caused by 6 listed species can be claimed for reimbursement (Act No. 115/2000 Coll, §, from funds of the Ministry of the Environment. Cormorant is one of such species and compensations of fishermen represent the main portion.

¹¹ The problem with cormorants is probably larger with the media, than in reality. An inquiry study has indicated that the fishermen in the major fish production area (partly overlapping with the Trebonsko Landscape Area) in South Bohemia are fairly/relatively content with the way the issue of cormorants is handled by the authorities., in comparison with other regulation. Urbanová, T. (2005) in Šauer et al. *Náklady na ochranu ŽP*. p. 165-166.

Since, the share of the agricultural land in national parks is small, and farming in national parks is mostly little attractive due to natural conditions, there are no large conflicts. Some agricultural practices (grazing) are necessary to keep open meadows, so agriculturists are compensated to do so (to mow and graze the grasslands). (MoA, 2007) There are a few foreign studies on the topic “national parks as an economic asset” (Lee C., Han S., 2002). In the Czech Republic no such studies are available.

There is no study available dealing with market use of national parks. Generally, national parks are not viewed as a place for market development, perhaps with exception of some sustainable ways of eco-tourism. According to the law: “*All utilisation of national parks must follow and conform to the preservation and improvement of the natural conditions and must be in conformity with the scientific and educational aims pursued by the proclamation of national parks*” (Act 114/1992 Coll., §15, Sect. 2).

4.2.5 EU Integration

The Natura 2000 habitat sites in Czech Republic were declared by 2008/25/EC (Continental biogeographical region) and 2008/26/EC (Pannonian biogeographical region) on 13 November 2007 adopting, pursuant to Council Directive 92/43/EEC, (notified under document number C(2007) 5404. The Natura 2000 Bird areas were mostly declared already (MoE, 2007: 76).

Most of the NATURA 2000 sites overlaps with existing protected areas. (MoE/CSU, 2007: 343). The use of land should not change dramatically. The extent of the Natura 2000 sites is estimated to 13,3 % of the Czech Republic, more exactly: 8,8 % Bird Areas, and 9,2 % Habitat Areas, with some overlap between these two groups¹² (MoE/CSU, 2007: 343).

The expected effect of Natura 2000 implementation is the introduction of the monitoring of the current state and development of the protected areas (Act 114/1992 Coll., §45f). This monitoring and reporting to the European Commission should be the largest change in comparison with the earlier situation.

Participation in designing Natura 2000 in Czech republic took place by involvement of some NGOs. One of the resources used for the amendment of the list of Natura 2000 sites was the “shadow list” developed by NGOs. It was sent to Brussels in 2006 (MoE, 2007: 76). Verification of sites from the shadow list and inclusion of new sites to the proposal was realized from May 2006 till January 2007. This work coordinated by the State Agency for Nature and Landscape Protection. Collected suggestions of additional Natura 2000 sites were evaluated on meetings of government experts and professional NGOs. (MoE, 2007: 76).

It is difficult to identify failures of institutional interplay (discordance of old and new institutions.). A change in the Act No. 114/1992 Coll., On nature and landscape protection, was to ensure the coherence of the national and the EU legislature. The Natura 2000 sites are managed by the same government organisations as the national protected areas (Act 114/1992, §75).

¹² Note: Some areas are both Bird Areas (SPA-BA) and Habitat (pSCI) Areas .

We have identified the following tools that encourage partnerships and cooperative decision making in nature protection in national parks:

- financial compensations (see the text above)
- obligatory negotiation about conditions of land conservation in Natura 2000 areas and also in national parks (zoning)
- open organizations and communication platforms (national park councils referred in previous section, organizations for the regional development)
- communication, information and educational activities .

Some of these tools are relevant to land owners, some to municipal authorities, and the last mentioned one is relevant to all Czech population.

Also, within and outside national parks, Czech legislation declares support for participation of citizens and participation of communities in the protection of nature. Under specified conditions, registered civic associations whose main mission is the conservation of nature are entitled to participate in administrative proceedings which could involve nature and landscape protection interests (Act 114/1992, §70). Also, according to the legislation, the nature conservation authorities must co-operate with communities, submit supporting materials and information to them, give them the necessary explanations for nature interventions and for methods of protecting the environment. Also, the communities are to advance their opinion on the establishment of particularly protected areas (Act 114/1992, §71).

In the past, a few NGO's brought media attention to some environmental issues (for ex. forest management in the NP Šumava. However, with some exception, the national parks' management mostly does not systematically involve NGO's into the decision making or consultative process and the influence of the NGO's is low.

In the Czech Switzerland National Park, the involvement of NGOs is initiated by the national park administration and there seems to be a good cooperation (Czech Switzerland NP, 2003: 81-82).

It is difficult to estimate, however, the transaction costs of the change in the resource management. Most of the area of the Natura 2000 sites is, or will be within the previously established national protected areas (MoE/CSU, 2007: 343). These are managed by the organizations of the state (Act 114/1992, §75).

The rules for economic use in older protected areas has been designed and adopted previously, so that management regimes will not change much (therefore there is not much to negotiate). The land in national parks is mostly state property, so negotiation with other parties is limited.

4.2.6 Summary of the Czech Case

In the Czech Republic, there are several categories of protected areas: national parks, protected landscape areas, national nature reserves, nature reserves, national natural monuments and natural monuments. National parks forms major category and there are four national parks with more than 80% of the land owned by state. Park administration serve as major decision making body. The Act No 114/1992 Coll., On the Protection of Nature and Landscape, and the Act 123/1998 Coll On the Right for Information on the

Environment, provide a legal basis for biodiversity protection, including participation of NGO's, municipalities and citizens in biodiversity management and decision making.

In particular Act No. 114/1992, § 20 enables establishment of national park councils – multiactor advisory body to the park administration. Additionally, due to the initiative of national park administration, several interactions can be recorded, such as the foundation of a non-profit organisation in various protected areas, e.g. *České Švýcarsko, o.p.s.* designated as a platform of cooperation and communication between the NP administration and municipalities, businesses, NGOs and others. Also the project *Partner* in Šumava National Park (cooperation between the NP administration and tourism entrepreneurs) (Šumava NP, 2007c) or information center for farmers on agri-environmental programs set up by the administration of Podyjí National Park. (Podyjí NP, 2006). In this respect major effect of Natura 2000 process is that establishment and management of sites requires negotiation with non-state owners (Act No. 114/1992, § 45c, §45e).

Summing up, biodiversity governance in Czech Republic is based on state regime, with limited market structures. However it is accompanied by well expanding network of non state actors with task specific jurisdiction as well as inclusion in the decision-making process and enabling for cross scale interactions such as NP council and various non state actors consultation mechanisms. Thus CZ biodiversity governance can be considered similar to type II governance as defined by Marks and Hoodge (2004). However to analyse effect of EU enlargement from complex perspective is preliminary.

5. Conclusions and discussion

This report concentrates on two most important institutional changes of CEE countries on the examples of Poland and Czech Republic. In particular it analyses key transformation processes (democratization, decentralization and emergence of the market) and EU accession and their effects on biodiversity governance.

In Poland there are currently 23 National Parks and only 4 national parks in the Czech Republic. However in both countries this composes approximately one percent of the states territory. In Poland most of the NP were established during socialistic period but the process of establishment of the National Parks private property rights were respected and the owners got either financial or land compensation. Since there was never mass-scale land nationalization, privatization of the Polish National Parks' land was not an important issue. In Czech Republic there was only one national park established before the political changes in 1989. Due to the historical development, the land in the National Parks was mostly designated as state ownership and thus the privatization of land on the territory of national park territories was relatively minor.

Despite limited effect of privatization, in both cases democratization and decentralization as well as increasing role of property rights in protected regimes increased management problems and also management failures. Quickly advancing privatization of state owned land in Poland after transformation was a problem in appointing new national parks after the transformation. Moreover emergence of the market and decreasing state financial support for the Polish National Parks was a source of many management dilemmas and conflicts. In Czech Republic the privatization, the

shift of the property to municipalities and the liberalization of the citizen movement caused pressure mainly on the recreation activities in national parks. Moreover, the increasing importance of market elements in nature governance was oftentimes not accompanied by development of adequate institutions such as monitoring and sanctioning. Such a case of an institutional gap was for example found in Poland, where national park directorates enjoy a high degree of autonomy in the parks' management. Nonetheless, in case of overexploitation or misuse of the resources there are practically no possibilities to sanction them. Such cases are brought to light by NGOs, not by state administration, what also confirms weak monitoring procedures. Similarly in Czech Republic state agencies are suffering from conflicts over the management of protected sites and miss-interplay of forest management and nature protection rules and practices. Our findings underline the general assumption proposed in first section of the paper that, rather than imposition of western institutions such as free market and EU rules, new institutions have to be introduced with adequate rules for governing transition societies and co-evolution between old and new institutions must be given time and space.

Although some elements of multilevel governance existed in the both Polish and Czech National Parks' management prior to the EU integration, they have not been fully established yet. The Polish and Czech Park's Directorates represent the main administration and decision making body with Park's Scientific Council as advisory bodies in the area of protection and research activities. The Parks' management is also based on consultations and cooperation with researchers, local governments and other local stakeholders. However environmental NGOs are still perceived as opponents and are not incorporated in the decision-making.

The governance of natural resources in Poland and Czech Republic contains also some differences. In the Polish case the governance is rather hierarchically oriented and jurisdictions are of a general purpose. In Czech Republic the jurisdiction is more task specific and includes a higher number of actors in the decision-making. The EU integration and implementation of the AC has been a key driving force for changes and synchronization in the governance of natural resources. In both countries the implementation of Natura 2000 brought some changes especially in management of sites where it has to be negotiated with non-state owners and in managements of so far not protected areas empowering formally the lower levels of the self-government. Particularly in the last years, in both Poland and Czech Republic it is noticeable that new elements of multilevel governance are slowly appearing. The decentralization together with increasing role of non-state actors results though in both countries in cross-scale coordination and information management problems. This was in particular highlighted during the appointment of Natura 2000. The process was run rather top-down and in both Poland and Czech Republic the lower levels of government were under informed and NGOs were practically excluded from the decision-making. We might conclude that the mismatch between the old hierarchical institutions developed under socialism and the new oriented bottom-up decentralized institutions introduced during the accession process still persist and is visible. We might suggest that in order to develop robust and polycentric governance the EU biodiversity legislation should be flexible enough to allow adjustment to these cultural and economic differences.

This brings us to the problem of costs of the changes in the natural resources' governance systems such as costs of adjusting legislation, providing information,

developing new management practices, but also costs of providing education and stimulating the learning processes which could change the attitudes and mental models of the state administration and other actors. As the data collected on the Polish case show these costs are very serious. Additional data and further research is needed in order to estimate and compare the costs across the case study countries. Our conclusions also call for comparative research with other countries in the region of Central Europe such as Slovakia and Hungary. There also are countries characterized by different socialism regimes and transition history, such as countries in the Baltic or Balkan regions. It would be highly valuable to compare biodiversity governance in these countries with our findings.

References

- AOPK ČR (2007). Map of Czech Republic with National Parks. Download Date 12.12.2007: <http://www.ochranaprirody.cz>
- Bache, I, Flinders, M. (2004). Multi-level Governance. Oxford: Oxford University Press
- Bernaciak, A. (2004). Ochrona środowiska w praktyce. Aspekty ekonomiczno-prawne. Poznan: SORUS SC & EKOPROFIL
- BBC (2006). Download Date: 05.02.2008: <http://news.bbc.co.uk/2/hi/europe/4783233.stm>
- Biodiversity Polska (2008). Download Date: 04.02.2008
<http://biodiv.mos.gov.pl/biodiv/app/category.do?categoryId=1484>
- BIP (2008). Download Date: 05.01.2008 :
http://bip.nik.gov.pl/pl/bip/wyniki_kontroli_wstep/inform2006/2006094
- Bory Tucholskie (2008). Download Date: 02.01.2008:
<http://www.park.borytucholskie.info/index.php?lg=&a=62>
- Bromley, D. 2000. A Most Difficult Passage: The Economic Transition in Central and Eastern Europe and the Former Soviet Union. Paper presented at the KATO Symposium. Berlin, 2-4 November.
- Bryman A. (2003). Research Methods in Social Sciences. Oxford: Oxford University Press
- Chobotová, V. 2007. Evolution of institution for sustainable tourism in the context of transition process of Slovakia, Working Paper, SAV
- Csaba, C., Lerman, Z. (2001). Land and Farm Structure in Poland, Discussion Paper No. 10.01, The Hebrew University of Jerusalem, The Centre for Agricultural Economic Research
- Edukacja Europejska (2007). Download date: 20.12.2007: Edukacja Europejska 2007
www.nowik.com.pl/download/lmd/zadania%20do%20sciezek%20edukacyjnych.doc
- Ekofundusz (2008). Download Date: 05.01.2008: <http://ekofundusz.org.pl/pl/kom41.htm>
- Ekoinfo.pl (2008). Download Date: 05.02.2008:
<http://www.ekoinfo.pl/art.php?action=more&id=242&idg=7>
- EU (2007). Download Date: 20.12.2007:
http://bookshop.europa.eu/eubookshop/FileCache/PUBPDF/KNAE03001ENC/KNAE03001ENC_002.pdf
- EU: Směrnice Rady Evropských společenství ze dne 2. dubna 1979 o ochraně volně žijících ptáků (na stránkách AOPK ČR: www.natura2000.cz, access 11/2007)
- EU: Směrnice os stanovištích (92/43EHS) ze dne 21. května 1992 o ochraně přírodních stanovišť, volně žijících živočichů a planě rostoucích rostlin (na stránkách AOPK ČR: www.natura2000.cz, access 11/2007)
- European Commission: European Governance. A White Paper. COM(2001) 428 Final. Brussels 25.7. 2001.
- Europejska Siec Ekologiczna Natura 2000 (2007). Download Date: 12.12.2007:
http://natura2000.mos.gov.pl/natura2000/pl/przewodnik_met.php?doc=przewodnik_met/4.5.htm
- Gatzweiler, F., Hagedorn, K., 2002. The evolution of institutions in transition. International Journal of Agricultural Resources, Governance and Ecology 2 (1), 37–58.
- Gatzweiler, F. (2003). Patterns of Institutional Change for Sustainability in Central and Eastern European Agriculture. CEESA Discussion Paper No.16. Humboldt University Berlin
- Gowan, P. 1995. Neo-liberal theory and practice for Eastern Europe. New Left Review, 213, 3–60
- Hanisch, M., Beckmann, V., Boger, S. and M. Brem. 2001. In Search of the Market: Lessons from Analyzing Agricultural Transition in Central and Eastern Europe. Paper submitted for the 10th EAAE Congress. Exploring Diversity in the European Agri-Food System. August 28-31, 2001, Zaragoza (Spain)
- Hodgson, G.M., 1998. The approach of Institutional Economics. Journal of Economic Literature 36: 166-92.
- Hodgson, G.M., 2004. The Evolution of Institutional Economics: Agency, Structure, and Darwinism in American Institutionalism. London and New York: Routledge.
- Karko.net (2007). Download Date: 12.12.2007: <http://karko.net/nauka/ekologia>
- Kasper W., Streit M.E., 1998. Institutional Economics. Social order and public policy. The Locke Institute, Edward Elgar pp. 514
- Kasprzak K., Skoczylas. (1993). Rozwój ochrony przyrody nieożywionej i ożywionej, historia i współczesność. Poznan: Fundacja "Warta"

- Klůvankova, T. : 1999. Sustainable Tourism in Mala Fatra National Park, The Slovak Republic. In: Journal of Sustainable Development, Vol 2, No: 2. Paris.
- Klůvankov-Oravsk, T. Chobotov V. 2006. Shifting Governance. Managing the Commons: the Case of Slovensky Raj National Park, Sociologia, 2006. Vol. 38. No. 3: 221-244
- Lee C., Han S.: Estimating the use and preservation values of national parks' tourism resources using a contingent valuation method. Tourism Management, 23 (2002), p. 531-540
- Liga Ochrony Przyrody (2007). Download Date: 12.12. 2007: <http://www.lop.org.pl/?pageid=66&lang=pl>
- Liro, A. (2003). Siec Natura 2000 a zrownowazony rozwoj obszarow wiejskich. In: Ekologiczna Siec Natura 2000. Problem czy szansa. Krakow 2003: Instytut Ochrony Przyrody PAN
- Kozłowski, J., Baranowska-Janota, M., Ptaszycka-Jackowska, D. (1981). Ochrona srodowiska przyrodniczego oraz struktura funkcjonalno-przestrzenna w koncepcji planu Tatrzańskiego Parku Narodowego. In: Wojcik, Z. (ed.). Ochrona Tatr w Polsce Ludowej. Materiały na Sympozjum Tatr 1981. Warszawa: Polskie Towarzystwo Przyjaciół Nauk o Ziemi. Dyrekcja i Rada Tatrzańskiego Parku Narodowego
- Makomska-Juchniewicz, M., Tworek, S. (2003). Przedmowa. In: Makomska-Juchniewicz, M., Tworek, S. (eds.). Ekologiczna Siec Natura 2000. Problem czy szansa. Krakow 2003: Instytut Ochrony Przyrody PAN
- Makomska-Juchniewicz, M., Tworek, S., Cierlik, G. (2003). Zasady ochrony obszarow Natura 2000. In: Makomska-Juchniewicz, M., Tworek, S. (eds.). Ekologiczna Siec Natura 2000. Problem czy szansa. Krakow 2003: Instytut Ochrony Przyrody PAN
- Marks, G., Hooghe, L. 2004. Contrasting Visions of Multilevel Governance. In: Bache I., Flinders, M., Multilevel Governance, Oxford University Press.
- McGinnis, M.ed.1999. Polycentric Governance and Development: Readings from the Workshop in Political Theory and Policy Analysis, University of Michigan Press.
- Ministry of the Environment (2007). Download Date: 20.12.2007: http://www.mos.gov.pl/2materialy_informacyjne/inne/obszary_chronione.pdf
- Mirek, Z. (1996). Tatrzy i Tatrzański Park Narodowy – Wiadomosci ogolne. In: Mirek, Z., Glowacinski, Z., Klimek, K., Piekos-Mirkowa, H. (eds.) Przyroda Tatrzańskiego Parku Narodowego. Tatrzy i Podtatrze 3. Zakopane-Krakow: Tatrzański Park Narodowy
- Narodowy Fundusz Ochrony Srodowiska i Gospodarki Wodnej (2007). Download Date: 20.12.2007 http://www.nfosigw.gov.pl/site/main/ispa_odslona.php?id=1034685474
- Natura 2000 Polska (2007): Download Date: 20.12.2007 <http://www.natura2000.org.pl/index.php?articles=5&kat=10&article=23>
- Nowicki, M. (1993). Strategia Ekorozwoju Polski. Warszawa: Agencja Reklamowo-Wydawnicza A. Grzegorzcyk
- Obywatel 2008: Download Date: 04.01.2008: <http://www.obywatel.org.pl/index.php?name=News&file=article&sid=9037>
- Onet.pl (2008). Download Date: 05.01.2008: <http://rowery.onet.pl/1510077,wiadomosci.html>
- Ostrom, E. (1990). Governing the Commons. The Evolution of institutions for collective action. New York, Port Chester, Melbourne, Sydney: Cambridge University Press
- Rammel, C., Stagl, S., Wilfing, H., 2007. Managing Complex adaptive systems – A co-evolutionary perspective on natural resource management. Ecological Economics
- Paavola, J., Adger, W.N., 2005. Institutional ecological economics, Ecological Economics 53: 353– 368
- Paldam M, Svendsen, G.T. 2000. Missing Social Capital and the transition in Eastern Europe. Journal of Institutional Innovation, Development and Transition Issue. www.hha.dk/nat/WPER/00-5_grs.pdf.
- Polish National Parks (2007). Download date: 12.12.2007, <http://www.staff.amu.edu.pl/~zbzw/ph/pnp/pnp.htm>
- Polska.pl (2007). Download date: 20.12.2007: http://przyroda.polska.pl/wartosci/ostoje_ptakow/index.htm
- Portes, A. (1998) 'Social capital: its origins and applications in modern sociology', Annual Review of Sociology, 24, pp. 1-24
- Pracowania na Rzecz Wszystkich Istot (2008). Download Date: 02.01.2008: <http://www.pracownia.org.pl/dz/index.php?d=archiwalne&e=artykuly&rok=2004&nr=120&id=498>
- Program Operacyjny Pomoc Techniczna (2007). Download Date: 20.12.2007: <http://www.dobrepraktyki.org.pl/page/fp.html>

- Przyroda Województwa Śląskiego (2007). Download Date: 12.12.2007: http://www.przyroda.katowice.pl/ostoje_ptasie.html
- Smith, A., & Pickles, J. 1998. Introduction: Theorising transition and the political economy of transformation in Eastern and Central Europe. In J. Pickles, & A. Smith (Eds.), *Theorizing transition: The political economy of post-communist transformations* (pp. 1–24). London: Routledge.
- Správa NP Podyjí: Zprávy o činnosti Správy Národního parku Podyjí a Rady Národního parku Podyjí za roky 1997-2005, Znojmo
- Správa NP a CHKO Šumava: Ročenky správy národního parku a chráněné krajinné oblasti Šumava 1997-2006. Správa Národního parku a CHKO Šumava, Vimperk.
- Stark, D. 1996 Recombinant Property in East European Capitalism. *American Journal of Sociology* 101:993-1027.
- Unia i Polska (2007). Download Date: 20.12.2007: <http://www.unia-polska.pl/index.php?id=4&q=300>
- Walczak, M., Radziejowski, J., Smogrzewska, M., Sienkiewicz, J., Gacka-Grzesikiewicz, E., Pisarski, Z. (2001). *Obszary chronione w Polsce*. Warszawa: Instytut Ochrony Środowiska
- Weigle, A. (2003). Wprowadzenie. In: Anrzejewski, R., Weigle, A. (eds.). *Różnorodność biologiczna Polski. Drugi Raport – 10 lat po Rio*. Warszawa: Narodowa Fundacja Ochrony Środowiska
- Weigle, A., Kiczynska, A. (2003). Kto może zarządzać obszarami Natura 2000?. In: Makomska-Juchniewicz, M., Tworek, S. (eds.). *Ekologiczna Sieć Natura 2000. Problem czy szansa*. Kraków 2003: Instytut Ochrony Przyrody PAN
- Williams, A. M. and Balaz V. 2002. The Czech and Slovak Republics: conceptual issues in the economic analysis of tourism in transition. *Tourism Management* 23: 37–45
- Witkowski, Z. (2003). Finansowanie Sieci Natura 2000. In: Makomska-Juchniewicz, M., Tworek, S. (eds.). *Ekologiczna Sieć Natura 2000. Problem czy szansa*. Kraków 2003: Instytut Ochrony Przyrody PAN
- WWF Poland (2008). Download Date: 04.02.2008: <http://wwf.pl/informacje/news.php?idn=207>
- Voženílek, V. et al. (2002): *Národní parky a chráněné krajinné oblasti České republiky*. Univerzita Palackého v Olomouci. Olomouc.
- Zielone Wrota (2007). Download Date: 12.12.2007: <http://www.zielonewrota.pl/index.php?art=534&p=20&k=12>

Summary

Tento článok sa venuje problémom inštitucionálnych zmien v procese rozhodovania a ochrany biodiverzity na úrovni Európskej únie. Súčasná politika Európskej únie zdôrazňuje úlohu partnerstiev mimo klasických formálnych štruktúr rozhodovania, ktoré sú skôr charakterizované neformálnym ako byrokratickým usporiadaním. Proces rozhodovania sa stal komplexnejším a viacúrovňovým, čiastočne presúva kompetencie od direktívneho prístupu s centrálnym postavením štátu na demokratický, pozostávajúci zo siete vzájomne prepojených štátnych i neštátnych aktérov, prerastajúci cez všetky úrovne rozhodovania.

Tento posun je významný hlavne v procese rozhodovania v rámci ochrany biodiverzity v nových členských štátoch Európskej únie, kde súčasné rozhodovanie je stále ovplyvnené post-socialistickými vzťahmi a tak inštitucionálne zmeny vedú často k neefektívnym inštitucionálnym schémam a až k drancovaniu prírodných zdrojov.

Článok analyzuje inštitucionálne zmeny a ich vplyv na manažment ochrany biodiverzity v Poľsku a Českej Republike. Práca vychádza z teórie inštitucionálnych zmien a "kolektívnej voľby" a je postavená na analýze sekundárnych údajov.

V procese privatizácie a zvyšujúcej sa dôležitosti trhových procesov a vzťahov nebola venovaná dostatočná pozornosť rozvoju inštitúcií na ochranu prírody, napríklad na účelný monitoring a sankcionovanie. V oboch krajinách je vplyv environmentálnych NGO v rozhodovaní veľmi slabý. Proces rozhodovania v oblasti ochrany prírody v Poľsku a Českej republike sa trochu odlišuje. V prípade Poľska je rozhodovací proces stále hierarchický, ale s tradičnou úlohou neštátnych aktérov na viacerých úrovniach. Ich spoluprácu určujú zabehané pravidla a kompetencie. V Českej republike sú kompetencie viac v rukách jedno-úrovňovej štátnej administratívy, avšak so silnejúcou pozíciou neštátnych aktérov v procesoch rozhodovania, stanovenou na báze dobrovoľnosti a projektových partnerstiev.

Decentralizácia spolu s narastajúcou úlohou neštátnych aktérov vyústila v oboch krajinách do problémov, predovšetkým neschopnosť inštitucionálneho prostredia vytvoriť podmienky pre medziúrovňovú koordináciu a dostupnosťou informácií. Tieto problémy sa jednoznačne prejavili počas implementácie Natura 2000. V oboch krajinách bol tento proces zabezpečovaný skôr zhora nadol a štátne organizácie na nižších úrovniach neboli dostatočne pripravené na dialóg s neštátnymi aktérmi.

Na záver môžeme usúdiť, že nesúlad medzi starými hierarchickými inštitúciami a organizáciami vytvorenými v čase socializmu a novými decentralizovanými, vytvorenými počas obdobia transformácie, je stále viditeľný a prítomný.

Pracovný materiál vychádza v rámci úloh projektu GOVERNAT.