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Article:

A Long, Brown Shadow? The Impact of Non-Democratic Legacies on the Environment in Portugal and Bulgaria

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Abstract

Legacies of non-democratic rule influence and direct many decisions and actions within democratising political systems as institutions, procedures and policies are reformed. This article is concerned with the effect of legacies on environmental politics in democratising states. Democratic political systems are better equipped to address environmental concerns than their non-democratic counterparts; democratisation is therefore expected to lead to improvements. To assess the effect of non-democratic legacies the cases of Portugal and Bulgaria have been selected, as they experienced different forms of non-democratic rule, identifying general outcomes. The results indicate that democratisation does lead to improvements in environmental politics, with the extent and course of change being mediated by the legacy of the preceding political system.

Keywords: Environment; Administrative Structures; Democratisation; Non-Democratic Legacies; Portugal; Bulgaria

Introduction

The development of domestic environmental capacity is an increasingly important issue. Without the necessary capacity it is unlikely that a state can address effectively the environmental challenges it faces (see Carmin and VanDeveer, 2004; Fagan, 2008; Jänicke, 2002). The recent trend towards democratisation provides an opportunity to improve environmental outcomes as institutions are reformed and mechanisms for participation are introduced. It has been argued that democratic

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regimes are more capable of addressing environmental concerns, as they possess negative feedback mechanisms necessary to recognise and find solutions for environmental problems (Dryzek, 1988). Non-democratic regimes by contrast rely on centralised control structures that are less receptive to external signals. On the surface it therefore appears that democratisation will lead to improved environmental outcomes, however the relationship requires closer examination.

Legacies of non-democratic regimes remain long after democratisation process has started, shaping the decisions and actions taken, placing restrictions on and influencing the ability of the new regime to choose the most effective course of action. The core of the legacy persists in the form of 'values, institutions and behaviours introduced by the authoritarian regime', these are replaced with time but the shadow they cast is likely to linger (Hite and Morlino, 2004, p. 28). The importance of non-democratic legacies has gained increased attention in recent times, with a number of authors considering their effects.[i] There has also been examination of the extent non-democratic legacies shape the development of environmental politics (Carruthers, 2001; Pavlínek and Pickles, 2004). The ability of democratising regimes to establish strong democratic political systems, and by extension environmental capacity, is predicated on their ability to address such legacies. This article considers the effect of legacies on environmental politics in Portugal and Bulgaria.

Democratisation in South and South-Eastern Europe provides an opportunity to consider the effects of legacies in countries with different political histories. Portugal emerged from authoritarianism in the 1970s as environmental concerns entered the political agenda internationally and gained EU membership (in 1986) shortly before the EU adopted sustainable development as a core policy goal. By contrast, Bulgaria began to democratise at a time when environmental issues were at the centre of international political consciousness and also faced substantial EU accession requirements. Within their respective regions each country is also unique in that they were both relatively small, peripheral states with minimal domestic opposition

to non-democratic rule. Examining how the states adopted and reacted to environmental challenges and pressure from the EU can therefore shed further light on the strength and effects of the non-democratic legacies on democratising state administrations.

The experiences of Portugal and Bulgaria are considered through an examination of the formal political domain of legislation and public policy. This focus allows for a more measured understanding of the development of environmental regulations and practices. By focusing on formal developments it is possible to bridge the gap between the different backgrounds of the two states. The article begins by briefly exploring the relationship between democracy and the environment, examining how legacies are expected to shape environmental politics during democratisation. It then examines developments in Portugal and Bulgaria during democratisation, drawing on a series of semi-structured interviews conducted with NGO representatives and administration officials in their professional capacity.[ii] The article concludes by re-considering the influence of non-democratic legacies in light of the case studies, identifying the key features shaping the development of environmental politics.

How do Non-Democratic Legacies Impact on Environmental Politics During Democratisation?

The democratisation process in both Portugal and Bulgaria followed extended periods of non-democratic rule. This history has done much to shape the subsequent direction and actions of the respective democratic regimes. In order to assess the democratisation process, it is necessary to understand the effects of their non-democratic legacies. Although institutions and processes associated with non-democratic rule are replaced, the development of supporting social and attitudinal structures require a longer time to take hold. Stark (1992, p. 20) has argued in Eastern Europe:

> It is in the ruins that these societies will find the materials with which to build a new order; therefore, differences in how the pieces fell apart will have consequences for how political and economic institutions can be reconstructed in the current period.

The key point is that the democratisation process is closely linked to the policies and structures of the preceding regime; progress is made through the renegotiation and reformation of existing structures and roles.

Legacies of the preceding non-democratic regime will influence the practice of environmental politics and access of civil society actors to decision-making procedures as these are reformed. Non-democratic legacies are defined as:

> all behavioural patterns, rules, relationships, social and political situations, norms, procedures, and institutions either introduced or patently strengthened by the immediately preceding authoritarian regime. (Hite and Morlino, 2004, p. 26)

Changes in political institutions and practices form the core of the democratisation process, but democratic consolidation is not possible until the legacies of the preceding regime have been reconciled with the new reality (Schedler, 2001). The strength of these legacies is difficult to measure, given the multifaceted and interconnected character of the political and social change required. Hite and Morlino (2004, p. 25) identify three core dimensions shaping the strength of the non-democratic legacy as: the durability of the preceding regime, institutional innovation of that regime, and the mode of transition. The depth and breadth of the preceding non-democratic regime, measured by time in power, societal transformation and institutionalisation determine the size of the shadow that is cast over the democratising regime. The mode of transition is important in determining the extent to which the emerging regime is able to distance itself from the non-democratic regime, whether democratisation represents a rejection or revision of the preceding political system (with the latter allowing room for former elites).

To understand the impact of legacies on environmental politics it is necessary to examine the relationship non-democratic and democratic political systems have with environmental issues. A core weakness of non-democratic systems in dealing with environmental problems is the inability to react to signals. Inflexibility derives from

their closed and exclusionary character, where control is exercised from the centre to serve pre-determined goals (Barry, 1999; Mills, 1996).[iii] The uncertain and increasingly complex character of environmental issues means that they require constant adjustments, feedback and negotiation to be identified and managed effectively (Lidskog and Elander, 2007). In a closed administrative system, and in the absence of free information flows and responsive institutions, the ability to utilise these mechanisms is greatly reduced. The character of non-democratic political systems also leads to disengagement by citizens, as their role as active stakeholders and participants is restricted. As Barry (1996, p. 127) argues, under such 'conditions responsibility for the common good, including ecological commons, cannot find interactive, collective expression, in the sense that the state can be blamed, thus relieving the citizens of the onus to take responsibility.' The inability to encourage common responsibility for public goods forces the state to rely on formal mechanisms, which are in turn undermined by inadequate information flows.

By contrast, democratic political systems are better equipped to deal with environmental issues. Whereas non-democratic systems suffer from an absence of negative feedback, this is a core element of the democratic system. Mechanisms for negative feedback provide an opportunity for individuals to organise and present their arguments to the state (Dryzek, 1988). Democratic regimes are able to utilise both technical and non-specialist knowledge (such as local experience) to assess, prioritise and react accordingly to developing situations, while maintaining external support (Lidskog and Elander, 2007). An open and transparent system encouraging discursive practices allows the state to respond to the needs of the community and ensure greater participation and stability (Barry, 1999). The strength of democratic states in addressing environmental issues has been confirmed in recent empirical studies (Li and Reuveny, 2007; Ward, 2008; Winslow, 2005). It has also been argued that the type of democratic system (majoritarian or consensus) has limited effect on regime performance in addressing environmental issues (Poloni-Staudinger, 2008).

5

While democratic political systems are better equipped to address environmental issues, the situation in democratising states is less well established. The democratisation process is complicated as actors jockey for position and the outcome is far from certain at the outset, with the possibility that progress may be diverted, stalled or even reversed (see Bunce, 2003; McFaul, 2002). Introduction of a democratic regime requires the reformulation of an existing political system, generating fluidity and uncertainty, as the roles and institutions constituting the governing system are redefined. Institutional and procedural features are important in analysing democratisation, but it is also necessary to consider the depth of the emerging democratic system. This entails considering the role of cultural and historical developments in laying the ground for and shaping the democratisation process itself (Wiarda, 2001). While the transition leads to changes in the political system, this does not automatically result in increased public participation; the distance between political elites and citizens may still remain (Carothers, 2002). In assessing the effectiveness of democratising states in addressing environmental issues it is necessary to examine both formal institutional developments and the openness to participation.

Continuation of exclusionary practices from the non-democratic political system during democratisation will restrict the operation of feedback mechanisms required for effective environmental performance. A system may be able to develop the formal political institutions of democracy, but lack the informal elements necessary to ensure feedback mechanisms function. To be effective, democratic structures need to be enhanced through the introduction of an environmental role into all government processes and institutions, strengthening local government, and encouraging public participation (Paehlke, 1995; Barry, 1996). Limitations on participation have important implications for environmental issues, as Lidskog and Elander (2007, p. 90) argue '[d]eliberation among a small circle of powerful actors may…run the risk of strengthening values and interests that are contrary to green thought.' Where the discussion process is captured by special interests or limited due to temporal pressures the outcome is likely to be sub-optimal and skewed in

favour of established interests, perpetuating legacies and weakening environmentally sustainable measures.

The role of external influences in shaping domestic behaviour must also be considered. Growing international environmental awareness from the 1970s has resulted in the development of international and regional norms that increasingly influence domestic decisions (Bernstein, 2001). In this context, the EU has played an important role in encouraging member and prospective member states to adopt policies and practices aimed at improving environmental standards and outcomes.[iv] However, these regulations are filtered through national priorities and institutions, which may limit their influence at the domestic level. With regard to Eastern Europe, Goetz (2001, p. 1040) has argued:

> empirical work on administrative Europeanization 'Western-style' suggests that European integration may be a trigger for, or an intervening variable in, domestic institutional development, but explains little on its own.

Implementation of EU regulations is also an area of concern, with countries adopting regulations but failing to effectively ensure that they are enforced once in place (Börzel, 2001; Lampinen and Uusikylä, 1998; Perkins and Neumayer, 2007). Findings have indicated that where there are stable and adaptable institutional structures the level of implementation is greater. In the context of this study, the influence of the EU is likely to encourage more rapid introduction of sustainable practices, but the persistence of legacies may work to undermine implementation.

In order to assess the effects of non-democratic legacies on the environment the article focuses on the form and operation of associated political institutions and policies. It is argued that the causal connection between non-democratic legacies and the environment runs through the state institutions and policies. These are responsible for framing the presentation of environmental issues and shaping opportunities for public participation. The article now turns to an overview of structural developments, motivations for change and the depth of engagement with environmental goals. Given the relationship between the form of political system

and the environment it is expected that democratisation in Portugal and Bulgaria will lead to improved environmental outcomes. The degree of this improvement will however be heavily influenced by the legacies as new institutions and policies are developed on the remains of the previous system with many of the same actors, placing limitations on the rate and extent of change. The article now examines the situation in Portugal and Bulgaria during democratisation.

Portugal

Corporatism, as an ideology and system of national socio-political organisation, formed the core of the regime of António Salazar and Marcelo Caetano (1926-74). Corporatism has been defined as:

> a system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls (Schmitter, 1974, pp. 93-4).

The 1933 Constitution gave corporatism a central role in 'determining institutional structures, ideology, relations with "organised interests" and the state's economic policy.' (Costa Pinto and Rezola, 2007, p. 360-61). Formal control was exercised through the National Assembly (*Assembleia Nacional*), consisting of two chambers representing geographical and corporatist groups (such as the Catholic Church, the armed forces and the wine industry) respectively (Costa Pinto, 2003). The stated purpose was to encourage class harmony and organic unity over conflict, diversity and pluralism, Wiarda and Mott (2001) argue corporatism served as a means of maintaining centralised top-down control. Placing restrictions on the emergence of independent interest groups allowed the regime to prevent the emergence of potential sources of opposition while prioritising elite interests.

Democratisation began with the removal of the Salazar-Caetano regime by a military coup initiated by the Armed Forces Movement (MFA - *Movimento das Forças*

Armadas) on 25 April 1974.[v] The primary reason for the revolt lay in the cost of the African colonial wars that had begun in the 1960s; organised societal opposition was weak and played little role prior to the regime change (Hamann and Manuel, 1999). The regime change created a sense of liberation within society that the state administration was not able to restrain (Durán, 2001), but the general weakness of civil society meant that elite actors were able to exercise control over the political system (Costa Pinto, 2006). The shallow roots of the emerging political parties combined with a closed list electoral system meant that they lacked effective means to disseminate their decisions and gain legitimacy, restricting the scope for broader participation (Hamann and Manuel, 1999; Leston-Bandeira and Freire, 2003; Magalhães, 2003). Faced with uncertainty, elites relied on technocratic practices to generate stability. The result has been that while democratisation has been successful the administrative system remains relatively closed to external actors and public participation.

Environmental issues were low on the political agenda during the Salazar-Caetano regime, with Portugal portrayed as free from environmental problems. An academic familiar with environmental politics during this period argued:

> nobody would talk about the environment in Portugal. At that time you had the idea that Portugal is very clean, beautiful, its fantastic and the other [countries]…were in hell, doing industrialisation, having pollution and so on, and this was the speech of Salazar (Interview with Academic, 2007a).

Discussion of environmental issues was restricted to specialist communities, although there were restrictions. Gonçalves (2002, p. 253) notes 'science and scientific rationality continued to be viewed with suspicion by the dominant economic and social forces'. In this context environmental politics was slow to develop and did not enter the political agenda until the early 1970s, resulting from external pressure. The first significant action was the formation of the National Commission for the Environment (CNA – *Comissões Nacional para o Ambiente*) in 1971 to draft a report, detailing 'the main topics of what was happening [to the environment], the main difficulties, from East Timor to Lisbon' (Interview with

Academic, 2007b), for the 1972 United Nations Convention on the Human Environment (UNCHE).[vi] Following the preparation of the report, the CNA became an autonomous body under the Prime Minister, but played a limited role before the revolution (Interview with Government official, 2007).

The development and implementation of environmental policy during the democratisation period was hampered by a lack of political will and enforcement mechanisms. The core framework legislation on the environment was the 1987 Environmental Basic Act (LBA – *Lei do Bases do Ambiente*) (Ribeiro and Rodrigues, 1997). The LBA acknowledged the role of the state in promoting quality of life through an improved environment and introduced the concept of sustainable development, with chapters covering: natural and human environment, instruments, rights and duties, and penalties. Subsequent policy has been developed to build on and strengthen the goals of the LBA. An academic familiar with environmental policy argued that:

> The main problem lies…[with] the emphasis that is given in the capacity of implementing the policies, enforcing legal statutes and so on…there you have the problem of priorities, of political consensus, so, the best moments we had in terms of environmental policy were…moments in which you had two conditions that were fulfilled, strong persons heading the environmental department, and…favourable outward framework conditions [such as the UNCHE and EU accession] (Interview with Academic 2007b).

Although implementation of environmental policy remains an area of concern in Portugal there have been improvements. One area where a shift has been identified is in the operation of environmental impact assessments (EIA). Examining the functioning of the EIA process Gonçalves (2002, p. 266) argues that the relatively closed nature of the administrative system prevented the development of 'communication and understanding between decision-makers, scientists, and the general population during the EIA caused very politicised debates in the informal environment of the mass media.' This exposure served to bring the issues into the public arena and encourage greater consideration of public views of planned

projects.

Institutional representation of environmental politics in Portugal is important to understanding the development of domestic environmental politics. Ribeiro and Rodrigues (1997) note that the representation of environmental issues evolved substantially over the period, from Secretariat within the Ministry of Planning and Territory (1979-90), through the Ministry of Environment and Natural Resources (MARN - *Ministério do Ambiente e de Recursos Naturais*), to the creation of the Ministry for Environment, Spatial Planning and Regional Development (MAOTDR - *Ministério do Ambiente, do Ordenamento do Território e do Desenvolvimento Regional*) in 1999. An academic familiar with these changes argued:

> you can identify in Portugal the difficulty of understanding the priority of environment looking to the names of the Ministry…the redrafting, the new baptisms, that the Ministry is always receiving (Interview with Academic, 2007b)

The degree of fluidity in the environmental agencies raises questions about their effectiveness. Environmental issues fall outside the core political agenda, and are subject to a greater degree of influence based on the issue at hand.[vii] Examining the siting of the *Vasco da Gama* Bridge in Lisbon in the late 1990s, Bukowski (2004) noted that advice provided by MARN was overruled by the Prime Minister and the Ministry of Public Works in favour of economic interests. It was also argued that communication within and between the Ministries (including the MAOTDR) is poor, with a tendency for decisions to be dictated from above (Interview with Academic, 2007a). The result is that while there may be increasing will to address environmental issues, structural weaknesses continue to restrict effective implementation.

Portugal has retained a centralised formal state structure, but there has been some devolution of responsibility. At the local level the administrative hierarchy consists of districts (18), counties (308) and parishes (4261) (Opello, 1992). These municipal bodies have responsibility for waste, water, sanitation and planning (Interview with Government official, 2007). The effectiveness of the municipalities in carrying out

their responsibilities is restricted by financial dependence on the central government and a lack of technical expertise. Limited financial resources create tensions that make the implementation of environmental policies more difficult, an NGO representative noted that 'they like to be painted green, but they don't pay the costs of being green' (Interview with NGO representative, 2007a). Much municipal income is derived from construction, resulting in pressure to expand urbanisation and generate increased property taxes (Interview with Academic, 2007a). It was argued that many local administrative bodies see sustainable development as a limiting factor, with one NGO representative frankly stating, 'municipalities…are our terror, I mean the national government is bad, but local governments are a terror' (Interview with NGO representative, 2007b). Carter et al (2000, p. 184) note that there is a tendency in local government to restrict public participation:

> There is no tradition of community involvement in local government decision-making. A further legacy of the Salazar regime is an absence of any expectation on the part of the population that they should, or could, be involved in local government affairs.

Given the importance of local government in addressing environmental issues and providing a channel for participation, these developments further limit implementation.

Portugal's accession to the EU in 1986 has been important in shaping domestic political developments and supporting the democratisation process. Soares (2007) notes that after accession financial transfers from the EU underpinned economic growth during the 1990s and supported the renewal of the country's physical infrastructure. The requirements of EU membership also supported the introduction of environmental regulations and policies. An academic familiar with environmental policy made the following observation:

> from 1986 to 90, we had almost 80 new laws on environment, they all came from pressure…at the European level we had to implement the laws, which doesn't mean that on the practice its really like that, because we have a big gap between the legal country and the real country. (Interview with Academic, 2007a)

This indicates that much of the drive to introduce environmental policies was due to the introduction of directives from the EU. While there have been improvements, it was noted during interviews that the capacity to implement environmental policies remains limited (Interviews with Academics 2007a, b and NGO representatives 2007a, b). This reinforces the point that support (and pressure) from the EU is important in furthering the environmental agenda, but struggles to overcome domestic political realities.

Bulgaria

The communist regime in Bulgaria was characterised by a significant degree of stability, from coming in power in 1946 to its removal in 1989.[viii] Internal stability was maintained through extensive control over the actions of its citizens, dissent was not tolerated and almost unknown until the final stages of the regime (Linz and Stepan, 1996). Control also extended to include state ownership of significant capital equipment and the creation of a centrally planned economic structure (Crampton, 1997). The aim of the regime was to concentrate power and control in the hands of a small ruling elite and increase industrial modernisation, while maintaining the limited appearance of choice.

Faced with limited but growing domestic opposition in 1989, regime elites removed the leader Todor Zhivkov in a 'palace coup', allowing them to maintain some control over the initial democratisation (Giatzidis, 2002).[ix] Roundtable talks involving representatives of the ruling elite, emerging opposition parties, the Turkish minority and nationalists were held to determine a path away from communism (Crampton, 1997). This process allowed opposition groups to play a limited role in reforming the system and members of the former elite to reinvent themselves as democratic actors. The reliance on closed party lists led to the emergence of politicians that were not accountable to the population, while reformers refused or were unable to rely on the formal powers of office, leading to a weakening of state institutions, state capacity and general ungovernability (Vassilev, 2003). There was also a tendency within the population to turn away from politics, with the initial rejection

of totalitarianism turning into a rejection of state authority (Mitev, 1998).[x] This lack of engagement allowed an exclusionary, elite dominated administrative system to develop during democratisation.

The environment in communist Bulgaria was viewed as a tool to be mastered in the pursuit of economic development. Mikhova and Pickles (1994, p. 229) argue that the 'state…had a practical interest in the unregulated and rapid development of industrial capacity and very little immediate interest to protect against, or even monitor accurately for environmental impacts.' An NGO representative supported this view, arguing:

> one of the major features of the previous regime was the hypocrisy, you say you are very much concerned about the environment…[but w]hen you start to try and get proof about this policy in the field, you see that there is something wrong. (Interview with NGO representative, 2007c)

The first legislation addressing emerging environmental problems was introduced in 1963 to deal with air, water and soil pollution, and was followed in 1971 by the creation of the Environmental Protection Agency (Koulov, 1998). The effectiveness of government action was limited by inadequate enforcement and subordination of environmental concerns to economic development (Koulov, 1998; Staddon and Cellarius, 2002). In conjunction with policies aimed at addressing the environmental problems, the regime sought to control discussion of environmental issues through the formation of state sponsored environmental groups and restrictions on access to information (Baumgartl, 1992).

The development of environmental policy in Bulgaria during the democratising period started with the 1991 Environmental Protection Law (EPL).[xi] The purpose of the EPL and the rationale for subsequent policy was set out in Article 2:

> The reduction of risk for human health and for the environment and its relation to suffered damages and missed benefits shall be the basis for determining ecologic policy.

The EPL represented a significant step towards standardising environmental policy and practice under new rules by clearly setting out rights, responsibilities and penalties. An important element of the EPL was the provision for assessment of the environmental impact of projects, facilities and programs, setting out the basic requirements related to the EIA process in Bulgaria. Implementation of EIA procedures is illustrative of problems associated with environmental regulations. EIA procedures have been criticised due to the reliance on technical specifications, with limited attention being given to the broader context and 'cumulative and additive environmental impact.' (Veleva and Anachkova, 2000, pp. 35-6) There has also been a tendency to restrict public access, with public consultations receiving little publicity and being conducted late in the assessment process (Almer and Koontz, 2004).

The institutional structure of environmental protection consists of three levels, national, regional and municipal, with responsible agencies at each level. At the national level the Ministry of Environment and Waters (MOSV - *Ministerstvo na Okolnata Sreda i Vodite*) is responsible for pollution abatement; nature conservation; environmental legislation; and environmental education and public relations (Gal and Krzywkowska, 2001). Discussing the MOSV an NGO representative argued that continuity is a problem:

> the lack of motivated people, motivated staff at the expert level…there is a very high turnover of personnel…people we worked with in the Ministry for Environment and Waters, who were really helpful and helped with projects, all of them are gone and there are new people coming. (Interview with NGO representative, 2007e)

In addition, it was argued by a senior NGO representative that the MOSV (in common with much of the administrative structure) remains unable to institute proactive and forward looking policies, reacting instead to outside influences (Interview with NGO representative, 2007c).

The regional administrative structure consists of a network of 15 Regional Environmental Inspectorates (REI). These agencies are responsible to the MOSV, and are tasked with coordinating environmental issues covering more than one

municipality and assisting those that do not have environmental protection and staff. Specific REI tasks include: pollution abatement, waste protection, environmental accidents management, permits, and enforcement of environmental regulations (Gal and Krzywkowska, 2001). It has been noted that the effectiveness of the REIs was restricted due to 'fragmentation of responsibility, poor lines of communication between responsible agents, and conflicts of interest.' (Baker and Baumgartl, 1998, p. 194) This pattern appears to have persisted with a researcher familiar with Bulgaria commenting: 'I've rarely found difficulty doing what I do in Bulgaria at the local level or at the national level; where I found difficulties is in the regional offices.' (Interview with Academic, 2007c) The issue identified was one of indifference; while regional agencies possess power, the will is lacking.

At the local level there are 263 municipalities (*obshtina*) (Brinkerhoff and Goldsmith, 2006), responsible for: developing environmental protection programs, informing the public, managing waste, and organising the activities of eco-inspectorates. Although local administration has gained increased power central control and oversight still dominate the system. Discussing devolution an NGO representative noted:

> after years of efforts from different sides, Bulgaria tends to be a bit less centralised country, unfortunately not to the extent that the EU recommends, or that most of the municipalities and citizens would like to see (Interview with NGO representative, 2007c)

The tension between central and local government has also affected internal administrative communication, with the limited flow of information potentially restricting a broader approach (Interview with NGO representative, 2007c).[xii] Reforms in 2003 have seen greater funding control moving to the local level, while at the same time attempts have been made to improve transparency and communication between levels of government (Brinkerhoff and Goldsmith, 2006). Finally, there has been a trend towards professionalisation at the local level:

> a lot of funding from EU…was directed to the local level too, municipalities are the
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> beneficiaries, so little by little they learn how to do this and how to address local
>
> problems (Interview with NGO representative, 2007e)

In considering the development of Bulgarian environmental politics it is crucial to acknowledge the influence of the EU. From the first stages of Bulgaria's democratisation the EU has provided financial backing, first through PHARE[xiii] and then through structural funds following the signing of the Accession Partnership in 1999, including substantial funds to support the adoption and implementation of EU environmental regulations (Soveroski, 2004). At the same time, the volume of legislation required to meet the EU obligations placed a heavy burden on the government, making implementation difficult. Although a senior NGO representative challenged this position, arguing:

> Some people would say its too much to be implemented in a short period of time,
>
> but again I could remember that at least already 15 years Bulgarian institutions
>
> receive support from, both from Commission and old member states to increase the
>
> capacity of the administration and they still claim they need more finances
>
> (Interview with NGO representative, 2007d)

This points to the fact that while the EU is able to apply pressure on accession states it is more difficult to ensure full compliance at the domestic level.

Reassessing Environmental Legacies During Democratisation

Examining the development of environmental politics in Portugal and Bulgaria it is clear that democratisation has led to improvements. Both have introduced formal institutional mechanisms necessary to be classified as consolidated democratic political systems, although not without difficulties (see Noutcheva and Bechev, 2008). In the period following the removal of the non-democratic regimes, institutions addressing environmental issues have been strengthened and policies crafted. The EU has played a crucial role in encouraging these developments, providing financial and technical support, as well as establishing guidelines that must be enacted and implemented. Despite this progress, it is clear that legacies from the

non-democratic period continue to shape the form and operation of administrative structures and priorities. It is therefore necessary to examine the form of the legacies that have persisted, to identify how they are perpetuated and how they can be addressed.

Development of administrative structures necessary to address environmental issues has been constrained by legacies in both countries. The continuation of centralised administrative structures has undermined attempts to transfer decision-making procedures to the responsible level. By maintaining centralised administrative structures with underfunded municipal bodies both countries prevent the emergence of effective local government capacity, as effective policy development takes place at multiple levels simultaneously (Barry, 1996; Paehlke, 1995). Local government is an important component of effective environmental policy, but remains constrained by a lack of power, unclear responsibilities, limited expertise and funding difficulties (Interviews with NGO representatives, 2007a, b, c and d). The centralisation of power has also restricted the operation of environmental agencies. A government official in Portugal noting that until the early 1990s the environmental agency was like an NGO within government (Interviews with Government official, 2007), there have been improvements, but the environmental agencies remain peripheral. This view was reflected in Bulgaria where an NGO representative argued that although the MOSV is improving 'it is inconsistent, with any new cabinet or Minister etc, the policy either starts new or there is a sharp interruption in the achievement, so there is no continuity in the policy implementation' (Interview with NGO representative, 2007c).

Legacies of non-democratic rule have also been perpetuated through the character of the political system. The structure of the electoral systems in both countries has seen the emergence of political parties that are largely unaccountable to the general public, relying on closed party lists (Magalhães, 2003; Spirova, 2005). This has allowed for the continuation of exclusionary political practices that limit broader political participation. Corruption has also emerged as a challenge to the functioning

of state administration, limiting effective implementation of policies introduced (de Sousa, 2008; Noutcheva and Bechev, 2008). In Bulgaria the continued weak rule of law and lack of enforcement also undermine the ability of government to operate (Vassilev, 2003). Together these features combine to exclude the general public from participating in politics and undermine trust in the political system, leading to an increasing reliance on exclusionary practices. This in turn has a negative effect on environmental outcomes, as environmental decision-making benefits from open discussion and engagement of all stakeholders.

Limited public participation is not solely the result of the administrative structure and the actions of the political elite. In both cases non-democratic rule left behind a flattened civil society and the absence of a tradition of participation (Linz and Stepan, 1996). This legacy has been reflected in a reliance on the state to deal with problems, passivity when faced with challenges from the state, and alienation from the political system. The lack of experience with participation and low levels of trust lead to a reliance on informal networks and contacts, that has in turn further undermined the willingness and ability to establish broader generalised trust networks necessary for effective feedback mechanisms to develop (de Sousa, 2008; Lagerspetz, 2001). Environmental NGOs have grown in number and scope in both countries, but they remain constrained by a lack of grassroots support and closed administrative systems (Cellarius and Staddon, 2002; Jancar-Webster, 1998; Soromenho-Marques, 2002). These features have limited the development of incremental and discursive practices necessary to strengthen environmental practices.

The situation in Portugal and Bulgaria illustrate the difficulty in addressing the legacy of non-democratic rule. Progress has been made in addressing environmental issues, with institutions created and policies introduced, but the effectiveness has been undermined by lack of effective implementation or broad participation. Moving towards democracy leads to improved approaches to environmental issues, as would be expected given the positive association between democracy and the

19

environment, but this is tempered by the strength of the non-democratic legacy. In both countries the length of time the non-democratic regime was in power and the extent of depoliticisation resulted in a weak civil society and a tendency towards centralised elite dominated decision-making. The absence of a desire to encourage greater participation and accountability within the administration contributed to weak environmental policies and practices, confirming the challenge presented by elite domination (Lidskog and Elander, 2007). Support and guidance from the EU has been important in placing environmental issues on the political agenda, but has been unable to overcome the domestic legacies.

Conclusion

This article demonstrates that non-democratic legacies have been important in shaping the development of environmental politics in both Portugal and Bulgaria. The respective non-democratic regimes paid little attention to environmental concerns and, where measures were taken, these were undermined by restricted participation and poor implementation. Democratisation saw increased attention paid to environmental issues, with the establishment of formal institutions and the formulation of policies. Examining these developments more closely reveals that much of the drive for change came from external actors, in particular the EU, with limited domestic political will. Progress was restricted by the continuation of centralised administrative structures, non-accountable elites and restrictions on public participation. At the same time, there was little appetite within the population to demand significant change, through increasing participation and attempting to hold the elites accountable. These features can be linked to the lasting imprint of the non-democratic regime where closed administrative structures and weak (or non-existent) civil society predominated. Together these features prevent the emergence of forms of engagement expected in democratic political systems.

Hence, non-democratic legacies exert significant influence over environmental politics in democratising states. As with other aspects of democratisation it is not a simple transition from non-democratic to democratic political system. On the

surface, democratisation was expected to lead to improved environmental practices as democratic features (in particular mechanisms for feedback and participation) were introduced. However, to be effective these require a regime that is flexible and adaptable, able to respond to changing situations. This presents a further challenge to the democratising state faced with competing pressures and a desire to generate stability. In such a situation there is a temptation for the elite to place restrictions on opportunities to provide feedback and participate in decision making. The extent to which the emerging regime chooses to do this will in turn be determined by the strength of the legacy and how complete the regime change has been. In such a situation it is important for civil society to emerge and challenge the actions of the state, to ensure that it addresses their concerns. The duration and effect of the legacy is therefore determined by the desire and ability of civil society to challenge the state administration and encourage changes, leading to an open political system capable of absorbing feedback.

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[i] See for example: Costa-Pinto, 2006; Hite and Morlino, 2004; Pop-Eleches, 2007; Pridham, 2000; Schedler, 2001.

[ii] Interviews took place between February and August 2007 (six interviews were conducted for each country) and were recorded and transcribed by the author. They were structured to capture a broad perspective of environmental politics in each country, incorporating: environmental policy, effects of democratisation, public participation, environmental NGO activities, media, foreign influence and state administration. The interviews were part of a PhD project examining the relationship between democratisation and environmental capacity building in South and South-Eastern Europe (Spain, Portugal, Romania, and Bulgaria). All relevant interviews were consulted in the preparation of this article and the material cited is representative.

[iii] This view has been challenged by the argument for eco-authoritarianism, which claims that authoritarian methods can be justified to make difficult decisions using technical expertise to address the increasingly urgent and serious environmental problems. See: Lidskog and Elander, 2007; Ophuls, 1973; Orr and Hill, 1978; Barry, 1999.

[iv] The EU has consistently sought to address environmental issues since the first Environmental Action Plan of 1973 'defined the general principles of environmental policy such as "prevention", "action at source", and "the polluter pays"…[which] remain core principles of EU environmental policy-making' (Lenschow, 2005, pp. 306-07).

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[v] For details on the coup and democratisation see: Costa Pinto, 2006; Bermeo, 2007; Linz and Stepan, 1996; and Maxwell, 1986.

[vi] See Bernstein (2001) on the UNCHE.

[vii] A government official argued that the position of environmental agencies has improved: "the environment was treated as an NGO, usually its said we began in the environment and until 92, where a little bit of NGO was in the government." (Interview with Government official, 2007)

[viii] Bell has argued that this stability resulted from passivity and immobility within the system, created by close links to the Soviet Union and the long tenure of Todor Zhivkov as leader (1997).

[ix] A central element of the opposition to the Zhivkov regime was *Ekoglasnost*. Formed in March 1989 to protest over pollution in the border town of Ruse, *Ekoglasnost* expanded its focus after a regime crackdown and 'expressed concern about the ecological situation and demanded openness and clarity and transparency, in all politics regarding the environment' (Baumgartl, 1992, p. 166). Following the removal of the communist regime, *Ekoglasnost* entered the political system, but was unable to generate significant influence as factions joined different political groupings (Waller and Millard, 1992, pp. 168-69).

[x] Survey results from 2003 show levels of trust in Government (28.4%), Parliament (21.5%) and Local Government (29.0%) to be low, with the President faring marginally better (Sotiropoulos, 2005, p. 248).

[xi] The 2005 Law of Preservation of Environment (SG 77/05) replaced and expanded on the EPL. Available at http://faolex.fao.org/docs/texts/bul52883.doc

[xii] This has been influenced partially by party affiliation: 'my experience is that mayors are from this party or this party and they follow very strictly…priorities of the party.' (Interview with NGO representative, 2007e).

[xiii] Poland and Hungary: Assistance for Restructuring their Economies

References

Almer, H. and Koontz, T. (2004) Public Hearings for EIAs in Post-Communist Bulgaria: Do They Work?, *Environmental Impact Assessment Review*, 24(1), pp. 473-493.

Baker, S. and Baumgartl, B. (1998) Bulgaria: Managing the Environment in an Unstable Transition, *Environmental Politics*, 7(1), pp. 183-206.

Barry, J. (1996) Sustainability, Political Judgment and Citizenship: Connecting Green Politics and Democracy, in: B, Doherty and M, de Geus (Eds), *Democracy and Green Political Thought: Sustainability, Rights and Citizenship*, pp. 132-148 (London: Routledge).

Barry, J. (1999) *Rethinking Green Politics: Nature, Virtue and Progress* (London: Sage Publications).

Baum, M. and Freire, A. (2001) Political Parties, Cleavage Structures and Referendum Voting: Electoral Behaviour in the Portuguese Regionalization Referendum of 1998, *South European Society & Politics*, 6(1), pp. 1-26.

Baumgartl, B. (1992) Environmental Protest as a Vehicle for Transition: The Case of Ekoglasnost in Bulgaria, in: A, Vári and P, Tamás (Eds), *Environment in Democratic Transition: Politics and Policy in Central and Eastern Europe*, pp. 157-75.

Bell, J. (1997) Democratization and Political Participation in "Postcommunist" Bulgaria, in: K, Dawisha, and B, Parrott (Eds), *Politics, Power, and the Struggle for Democracy in South-East Europe*, pp. 353-402 (Cambridge: Cambridge University Press).

Bermeo, N. (2007) War and Democratization: Lessons from the Portuguese Experience, *Democratization*, 14(3), pp. 388-406.

Bernstein, S. (2001) *The Compromise of Liberal Environmentalism*. New York: Columbia University Press.

Börzel, T. (2001) Non-compliance in the European Union: Pathology or Statistical Artifact?, *Journal of European Public Policy*, 8(5), pp. 803-24.

Brinkerhoff, D. and Goldsmith, A. (2006) Organising for Mutual Advantage: Municipal Associations in Bulgaria, *Public Administration and Development*, 26(5), pp. 373-382.

Bukowski, J. (2004) Multi-level Networks as a Threat to Democracy? The Case of Portugal's Vasco da Gama Bridge, *Journal of Southern Europe and the Balkans*, 6(3), pp. 275-97.

Bunce, V. (2003) Rethinking Recent Democratization: Lessons from Postcommunist Experience, *World Politics*, 55(2), pp. 167-192.

Carmin, J. and VanDeveer, S. (2004) Enlarging EU Environments: Central and Eastern Europe from Transition to Accession, *Environmental Politics*, 13(1), pp. 3-24.

Carothers, T. (2002) The End of the Transition Paradigm, *Journal of Democracy*, 13(1), pp. 5-21.

Carruthers, D. (2001) Environmental Politics in Chile: Legacies of Dictatorship and Democracy, *Third World Quarterly*, 22(3), pp. 343-58.

Carter, N., da Silva, F. and Magalhães, F. (2000) Local Agenda 21: Progress in Portugal, *European Urban and Regional Studies*, 7(2), pp. 181-86.

Cellarius, B. and Staddon, C. (2002) Environmental Nongovernmental Organizations, Civil Society, and Democratization in Bulgaria, *East European Politics and Societies*, 16(1), pp. 182-222.

Costa Pinto, A. (2003) Twentieth Century Portugal: An Introduction, in: A, Costa Pinto (Ed.) pp. 1-46 (Boulder: Social Science Monographs).

Costa Pinto, A. (2006) Authoritarian Legacies, Transitional Justice and State Crisis in Portugal's Democratization, *Democratization*, 13(2), pp. 173-204.

Costa Pinto, A. and Rezola, M. (2007) Political Catholicism, Crisis of Democracy and Salazar's New State in Portugal, *Totalitarian Movements and Political Religions*, 8(2), pp. 353-68.

Crampton, R. (1997) *A Concise History of Bulgaria* (Cambridge: Cambridge University Press).

de Sousa, L. (2008) 'I Don't Bribe, I Just Pull Strings': Assessing the Fluidity of Social Representations in Portuguese Society, *Perspectives on European Politics and Society*, 9(1), pp. 8-23.

Dryzek, J. (1988) *Rational Ecology: Environment and Political Economy* (Oxford: Basil Blackwell).

Durán, R. (2001) Regime Change, State Capacity and Mass Behaviour: Southern, Central and Eastern Europe in Comparative Perspective, *South European Society and Politics*, 6(2), pp. 1-26.

Fagan, A. (2008) Global-Local Linkage in the Western Balkans: The Politics of Environmental Capacity Building in Bosnia-Herzegovina, *Political Studies*, 56(3), pp. 629-52.

Giatzidis, E. (2002) *An Introduction to Post-Communist Bulgaria: Political, Economic, and Social Transformation* (New York: Palgrave).

Goetz, K. (2001) Making Sense of Post-Communist Central Administration: Modernization, Europeanization or Latinization?, *Journal of European Public Policy*, 8(6), pp. 1032-1051.

Gonçalves, M. (2002) Implementation of EIA Directives in Portugal: How Changes in Civic Culture are Challenging Political and Administrative Practice, *Environmental Impact Assessment Review*, 22(3), pp. 249-269.

Hamann, K. and Manuel, P. (1999) Regime Changes and Civil Society in Twentieth-Century Portugal, *South European Society and Politics*, 4(1), pp. 71-96.

Hite, K. and Morlino, L. (2004) Problematizing the Links between Authoritarian Legacies and "Good" Democracy, in: K, Hite and P, Cesarini (Eds), *Authoritarian Legacies and Democracy in Latin America and Southern Europe*, pp. 25-84 (Notre Dame: University of Notre Dame Press).

Jancar-Webster, B. (1998) Environmental Movement and Social Change in the Transition Countries, *Environmental Politics*, 7(1), pp. 69-90.

Jänicke, M. (2002) 'The Political System's Capacity for Environmental Policy: The Framework for Comparison.' In Weidner, H., Jänicke, M. and Jörgens, H. (ed) *Capacity Building in National Environmental Policy: A Comparative Study of 17 Countries*, pp. 1-18. (London: Springer).

Koulov, B. (1998) Political Change and Environmental Policy, in: J, Bell (Ed.) *Bulgaria in Transition: Politics, Economics, Society, and Culture after Communism*, pp. 143-163 (Boulder: Westview Press).

Lagerspetz, M. (2001) From 'Parallel *Polis*' to 'The Time of the Tribes': Post-Socialism, Social Self-Organization and Post-Modernity, *Journal of Communist Studies and Transition Politics*, 17(2), pp. 1-18.

Lampinen, R. and Uusikylä, P. (1998) Implementation Deficit – Why Member States Do Not Comply With EU Directives, *Scandinavian Political Studies*, 26(3), pp. 231-51.

Lenschow, A. (2005) Environmental Policy, in: H, Wallace, W, Wallace, and M, Pollack (Eds) *Policy-Making in the European Union. (5th ed)*, pp. 305-27 (Oxford: Oxford University Press).

Leston-Bandeira, C. and Freire, A. (2003) Internalising the Lessons of Stable Democracy: The Portuguese Parliament, *Journal of Legislative Studies*, 9(2), pp. 56-84.

Li, Q. and Reuveny, R. (2006) Democracy and Environmental Degradation, *International Studies Quarterly*, 50(4), pp. 935-56.

Lidskog, R. and Elander, I. (2007) Representation, Participation and Deliberation? Democratic Responses to the Environmental Challenge, *Space and Polity*, 11(1), pp. 75-94.

Linz, J. and Stepan, A. (1996) *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press).

McFaul, M. (2002) The Fourth Wave of Democracy *and* Dictatorship: Noncooperative Transitions in the Postcommunist World, *World Politics*, 54(2), pp. 212-244.

Magalhães, P. (2003) Elections, Parties and Policy-Making Institutions in Democratic Portugal, in: A, Costa Pinto (Ed) *Contemporary Portugal: Politics, Society and Culture*, pp. 183-202 (Boulder: Columbia University Press).

Mills, M. (1996) Green Democracy: The Search for an Ethical Solution, in: B, Doherty and M, de Geus (Eds), *Democracy and Green Political Thought: Sustainability, Rights and Citizenship*, pp. 95-112 (London: Routledge).

Mikhova, D. and Pickles, J. (1994) Environmental Data in Bulgaria: Problems and Prospects, *Professional Geographer*, 46(2), pp. 228-235.

Mitev, P. (1998) Popular Attitudes toward Politics, in: J, Bell (Ed) *Bulgaria in Transition: Politics, Economics, Society, and Culture after Communism*, pp. 39-64 (Boulder: Westview Press).

Noutcheva, G. and Bechev, D. (2008) The Successful Laggards: Bulgaria and Romania's Accession to the EU, *East European Politics and Societies*, 22(1), pp. 114-144.

Opello, W. (1992) Portuguese Regionalism in the Transition from the Estado Novo to the Single Market, in R, Leonardi (Ed.) *The Regions and the European Community: The Regional Response to the Single Market in the Underdeveloped Areas*, pp. 162-186 (London: Frank Cass).

Ophuls, W. (1973) Leviathan or Oblivion?, in H, Daly (Ed.) *Toward a Steady State Economy*, pp. 215-30.

Orr, D. and Hill, S. (1978) Leviathan, the Open Society, and the Crisis of Ecology, *Western Political Quarterly*, 31(4), pp. 457-69.

Paehlke, R. (1995) Environmental Values for a Sustainable Society: The Democratic

Challenge, in: F, Fischer and M, Black (Eds), *Greening Environmental Policy: The Politics of a Sustainable Future*, pp. 129-144 (London: Paul Chapman Publishing).

Pavlínek, P. and Pickles, J. (2004) Environmental Pasts/Environmental Futures in Post-Socialist Europe, *Environmental Politics*, 13(1), pp. 237-65.

Perkins, R. and Neumayer, E. (2007) Regulatory Compliance? An Empirical Analysis of EU Directives 1978-99, *European Union Politics*, 8(2), pp. 180-206.

Poloni-Staudinger, L. (2008) Are Consensus Democracies More Environmentally Effective?, *Environmental Politics*, 17(3), pp. 410-430.

Pop-Eleches, G. (2007) Historical Legacies and Post-Communist Regime Change, *Journal of Politics*, 69(4), pp. 908-26.

Pridham, G. (2000) Conflicting Conditions and Breaking with the Past: Historical Legacies and Political Learning in Transitions to Democracy, *Democratization*, 7(2), pp. 36-64.

Ribeiro, T. and Rodrigues, V. (1997) The Evolution of Sustainable Development Strategies in Portugal, *Environmental Politics*, 6(1), pp. 108-130.

Schedler, A. (2001) Taking Uncertainly Seriously: The Blurred Boundaries of Democratic Transition and Consolidation, *Democratization*, 8(4), pp. 1-22.

Soares, A. (2007) Portugal and the European Union: The Ups and Downs in 20 Years of Membership, *Perspectives on European Politics and Society*, 8(4), pp. 460-75.

Soromenho-Marques, V. (2002) The Portuguese Environmental Movement, in: L, Vasconcelos, and I, Baptista (Eds), *Environmental Activism in Society: Proceedings of a Workshop on The Role of Environmental Activism in Society: Environmentalism in 2020, January 25 and 26, 1999*, pp. 85-127 (Lisbon: Luso-American Foundation).

Sotiropoulos, D. (2005) Positive and Negative Social Capital and the Uneven Development of Civil Society in Southeastern Europe, *Journal of Southeast Europe and Black Sea Studies*, 5(2), pp. 243-256.

Soveroski, M. (2004) 'EC Enlargement and the Development of European Environmental Policy: Parallel Histories, Divergent Paths?' *Review of European Community and International Environmental Law*, v13, n2, 127-34.

Staddon, C. and Cellarius, B. (2002) Paradoxes of Conservation Development in Postsocialist Bulgaria: Recent Controversies, *European Environment*, 12(2), pp. 105-116.

Stark, D. (1992) Path Dependence and Privatization Strategies in East Central Europe,

East European Politics and Societies, 6(1), pp. 17-54.

Vassilev, R. (2003) The "Third-Worldization" of a "Second-World" Nation: De-development in Post-Communist Bulgaria, *New Political Science*, 25(1), pp. 99-112.

Waller, M. and Millard, F. (1992) Environmental Politics in Eastern Europe, *Environmental Politics*, 1(2), pp. 159-185.

Ward, H. (2008) Liberal Democracy and Sustainability, *Environmental Politics*, 17(3), pp. 386-409.

Wiarda, H. (2001) Southern Europe, Eastern Europe and Comparative Politics: "Transitology" and the Need for New Theory, *East European Politics and Societies*, 15(3), pp. 485-501.

Wiarda, H. and Mott, M. (2001) *Catholic Roots and Democratic Flowers: Political Systems in Spain and Portugal* (Westport: Praeger).

Winslow, M. (2005) Is Democracy Good for the Environment?, *Journal of Environmental Planning and Management*, 48(5), pp. 771-83.