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# Environmental Democratisation: Assessing the Impact of Democratisation on Environmental Capacity in South and Southeastern Europe

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Although a relationship between established democratic political systems and environmental capacity has been described, the impact of the democratisation process on environmental capacity is not clear. The aim of this article is to determine the effect of both prior regime type and mode of transition on environmental capacity, through consideration of the cases of Bulgaria, Portugal, Romania and Spain. In addition, the importance of the European Union (EU) as an external actor shaping environmental capacity building is assessed. Findings indicate that variations in prior regime type and mode of transition had limited impact on environmental capacity development. Of greater importance were the persistent non-democratic legacies that influenced behaviours and actions during the democratisation period. The requirements of the EU were fundamental in ensuring environmental issues remained on the domestic political agenda.

**Keywords:** non-democratic legacies; administrative capacity; civil society; European Union; democratisation

## Introduction

Previous studies have shown that democratic states perform better than non-democratic states when dealing with a range of environmental issues (see Li and

Reuveny, 2006; Ward, 2008; Winslow, 2005). Stronger performance in this area has been linked to the degree of openness within democratic systems, allowing for issues of concern to the public to be identified and addressed (see Barry, 1999; Dryzek, 1988; Lidskog and Elander, 2007). These negative feedback mechanisms provide legitimate channels for the expression of discontent and sharing of information with the state (Dryzek, 1988). Although this does not preclude the failure of democratic states to address environmental issues (Blühdorn, 2013), opportunities for effective remedies to be identified and implemented are increased.[1]

The impact of moving from authoritarianism to democracy on environmental performance has been less well described than the effect of regime type per se. There is no predetermined path to democracy; each state democratises within the specific contextual constraints it faces (Tilly, 2004). The uncertainty inherent within democratisation may present challenges to the development of environmental capacity in the short-term, as institutions and relationships are established and redefined. The nature of the democratisation process therefore requires consideration. This article focuses on two aspects in particular: the prior (non-democratic) regime type, and the mode of transition. Hite and Morlino (2004) argue that the form of prior regime type is important as it determines the non-democratic legacy and structures that democratising agents must either work with or challenge. The mode of transition can help determine whether there is a more complete break with the previous non-democratic regime, or a degree of continuation (Munck and Leff, 1997). Together, these characteristics determine the configuration of actors and structure shaping the democratisation process.

The aim of this article is to determine the effects of prior regime type and mode of transition on environmental capacity, by examining democratisation in the

four European states of Bulgaria, Portugal, Romania, and Spain.

Research on democratisation has highlighted the importance of external influences on democratisation and on the decisions made by democratising states (Tolstrup, 2013). Examining states that have partially democratised, Levitsky and Way (2010) argue that the degree to which a state is integrated into the international political system plays an important role in determining whether democracy will be achieved. This issue is significant in the cases examined this article, as each received support from the European Union (EU) during their respective democratisation. Although the EU was important in supporting democratisation, the extent to which it has influenced domestic policy-making has been contested (see Goetz, 2001). It is therefore important to determine whether EU support penetrated to the level of domestic policy-making and shaping changes in environmental capacity.

The article begins by examining the literature on democratisation and environmental capacity, with a focus on the key arguments and the nature of the relationship. Following this, the second section describes the methodology for this study, detailing the interviews conducted and the supplementary data assessed. In the third section, the article examines the characteristics and development of democratisation and environmental capacity in Bulgaria, Portugal, Romania, and Spain. The final section considers the relationship between $CO_2$ emissions and GDP in the four countries, before bringing together the findings to address the core aim of the paper.

## Democratisation and Environmental Capacity

Democratisation of a state is a complex, fluid process, involving significant upheaval as roles are redefined and institutions rebuilt. In a review of the literature,

Shin (1994, 143; see also Schneider and Schmitter, 2004) identified four common stages: decay of non-democratic rule, transition, consolidation, and maturation of the political order. Although there have been disagreements about the utility of this conceptualisation (see Carothers, 2002; O'Donnell, 2002), it provides a useful framework within which more detailed analysis can take place. Central to any democratisation process is the transition stage, as this clears the space for the new political order to emerge. Recent analyses have argued that transitions from non-democratic regimes do not automatically result in democracy, with some states moving towards new forms of non-democratic regime type or developing relatively stable semi-democratic hybrid systems (Bogaards, 2009; Levitsky and Way, 2010). The divergent trajectories are determined by the existing social and political context, as well as the character of the regime change itself.

Prior non-democratic regime type is an important factor influencing form of democratisation, determining the context within which change takes place. Significant features of prior regime type include the formal institutional architecture to be reformed, as well as values and patterns of behaviour that were introduced and entrenched during the non-democratic period (Hite and Morlino, 2004). Three factors have been identified in determining the strength of these legacies: durability of the non-democratic regime, the level of institutional innovation, and the mode of transition (Hite and Morlino, 2004). Institutional innovation is significant in this context, as it captures the extent to which the non-democratic regime was able to introduce changes that reflected and reinforced its particular vision. Therefore, democratising an innovative regime will require more extensive work to overcome and reform the embedded institutional patterns. Comparing totalitarian and authoritarian regimes, it is clear that the former involves more extensive innovation in

this regard, as the goal of the regime is to establish total control over society (see Linz and Stepan, 1996; Shapiro, 1972; Thompson, 2002).

The form of the prior (non-democratic) regime influences the ability of the state to democratise and the rate at which this happens. Distinctions between regimes derive from the level of public participation and the extent of state institutionalisation (Huntington, 1968). These measures provide a means to distinguish between authoritarian and totalitarian political systems. Authoritarian regimes maintain control through the deactivation and exclusion of independent/outside actors (O'Donnell, 1979), while totalitarian regimes encourage higher levels of participation within carefully established and monitored limits (Arendt, 1966). The degree of institutionalisation is greater in totalitarian regimes, due to the need for control, but also grows in authoritarian regimes over time, as they routinise control. Different regime types will therefore have an impact on the ability of the democratising regime to introduce change.

The mode of transition is important in determining the direction of the democratisation process and the structure of the political system that can be established. Whereas the prior regime type provides the base from which democratisation must proceed, the mode of transition determines the manner in which democratisation proceeds. Addressing this point, Munck and Leff (1997, 343-45) argue that:

> the mode of transition affects the form of the posttransitional regime and politics through its influence on the pattern of elite competition, on the institutional rules crafted during transition, and on key actors' acceptance or rejection of the rules of the game.

Elite actors play the central role in the democratisation process; although they may

not be directly responsible for initiating change, they direct the subsequent development. This point is illustrated by Tarrow's (1995, 205) analysis of democratisation in Spain, noting that while '[t]he mass public rumbles in the wings; the actors on stage are the elites.' It is therefore important to ask what pushed the change 'beyond the intentions of the autocratic incumbents and/or the initially limited powers of their opponents.' (Schneider and Schmitter, 2004, 66) This requires identification of the source of the shift from non-democratic liberalisation to democratisation. The distinction can be drawn between an elite initiated (negotiated) process and one that is driven from below by mass opposition or non-elite actors (convulsive). Although the democratisation process opens the system to greater public participation over time, the extent and form of this participation is shaped by the system that is constructed early in the democratisation period.

Internal regime dynamics are central in determining the way in which the transition takes place, but external actors can also play an important role in influencing decision-making processes. The support of the EU has been a significant factor in the decisions taken at this level in South and Southeastern Europe, through the imposition of conditionality during the democratisation period (Dimitrova and Pridham, 2004; Pridham, 2007). In order to gain membership, prospective member states were required to align their policies and practices with those of the EU. However, the growth in the breadth and depth of the regulations has obliged the EU to accept limitations on the ability of states to implement the full *acquis communautaire* on accession (Inglis, 2004). The willingness of the EU to partially overlook the limitations of prospective members is due to the importance of the expected normative influence of membership.

Effective state capacity is essential for the development and implementation of

environmental policies and practices. Cummings and Nørgaard (2004) identify four dimensions of state capacity: ideational, political, technical, and implementational. The first two dimensions refer to the state's perceived legitimacy and its ability "to conduct a coherent policy and... to secure resources from both domestic and international society in the design of policy" (Cummings and Nørgaard, 2004, 688). For states undergoing democratisation and possessing limited domestic capacity, external actors (such as the EU) can provide important support and guidance in building capacity. Alongside policy development, the state also requires intellectual and organisational resources to ensure that the decisions are enacted through formal technical and implementational dimensions of state capacity (Cummings and Nørgaard, 2004).

Examining state capacity during democratisation, Bäck and Hadenius (2008, 2) identify a U-shaped relationship, arguing that during the initial stages administrative capacity declines, and recovery is not seen until higher levels of democracy are reached. Effective capacity building relies on the "*simultaneous* establishment of democratic institutions and the development of vital political societal resources." (Bäck and Hadenius, 2008, 21) Strengthening domestic institutions will give the appearance of increased state capacity, but without stable participation and oversight it is not possible to ensure elite accountability. Reform of institutional structures is necessary but not sufficient to lead to stronger capacity, particularly in the area of environmental policy. The weakness of communist era environmental agencies in Eastern Europe revealed the difference between formal and substantive institutionalisation. Jänicke (2002, 8-9; see also Mikhova and Pickles, 1994) argues that environmental institutions in these countries "neither had stringently protected jurisdictions nor support from a strong ecology movement or an independent media."

To be effective, changes in the institutional pattern "must be understood as part of a deeper process of cultural transformation." (Barry, 1999, 209) Dimitrova (2010) supports this point in relation to Eastern Europe, arguing that although the states in the region have adopted the formal requirements of the EU, informal rules and practices have been much slower to change.

Although the state may possess the formal capacity to address environmental issues, it will not necessarily do so unless there are sufficient incentives. This is particularly difficult in a period of democratisation where uncertainty presents many competing claims and pressures. This issue is captured by Carmin and VanDeveer (2005, 12) who argue that:

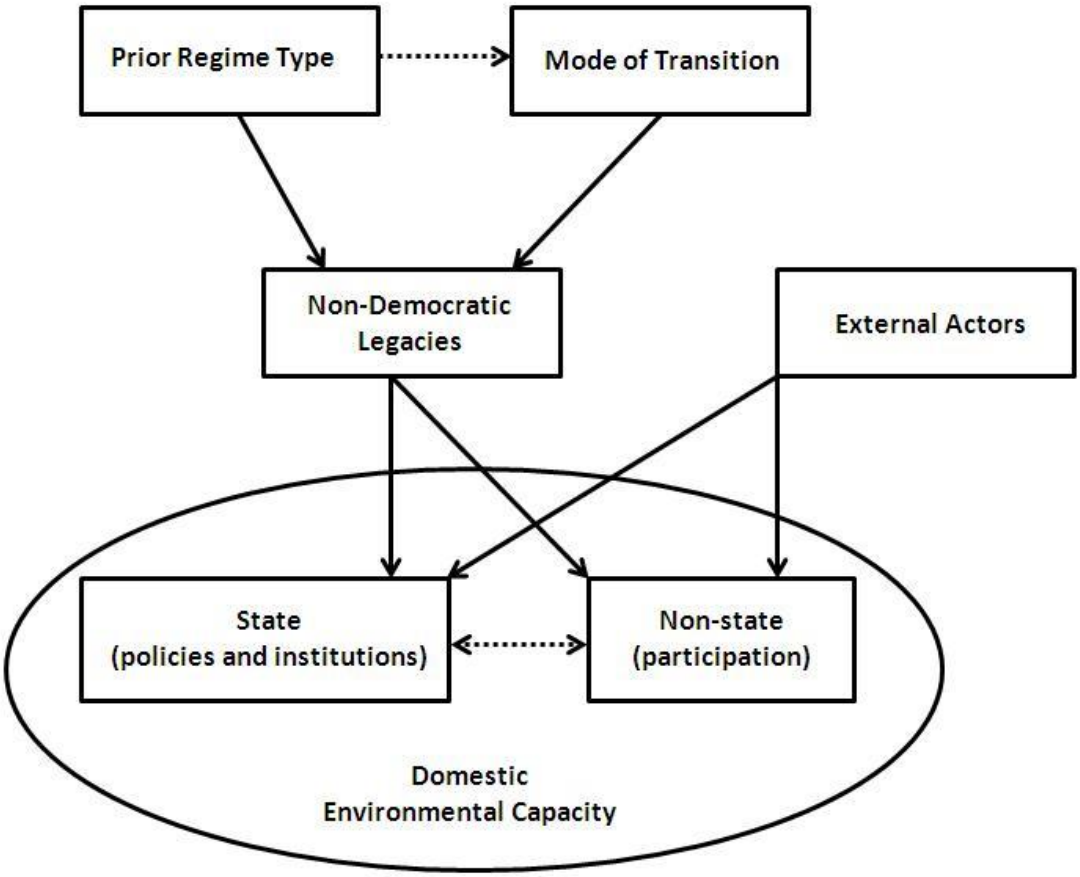
> While capacity development requires well-trained and well-equipped personnel, it is also essential to have effective and efficient governmental and non-governmental organisations to establish appropriate institutional environments in which these organisations can operate.

Capacity in this area therefore moves beyond the state and must incorporate the role and influence of non-governmental actors as well as competing internal interests. Examining levels of access and influence of such actors can provide a way of understanding of broader environmental capacity.

The development of environmental capacity in a democratising state will therefore be determined by the nature of the institutions that are created and the ability of actors to participate. In turn, these aspects will be shaped by the extent and form of non-democratic legacy that persists. The support provided by external actors will be filtered through domestic structures and perspectives (see Dimitrova, 2010; Goetz, 2001). The relationship between the variables is represented in Figure 1. Before examining the situation in the selected countries, the article introduces the

methodology used to capture domestic developments.

**Figure 1 – Relationship between Democratisation and Environmental Capacity**




## Methodology

Twenty six interviews were conducted with members of environmental NGOs, government officials, and academic experts in the four countries, as well as experts based outside the countries. The interviews were conducted between January and August 2007 and were recorded and transcribed by the author. The interviews followed a semi-structured format aiming to capture a broad perspective of environmental politics in each country. Interview questions addressed issues of environmental policy, effects of democratisation, public participation, environmental NGO activities, media, state administrative mechanisms, and the influence of the EU.

All interviews were consulted in the preparation of this article.

In order to gain contextual understanding of the interview material, this project incorporated analysis of key legislative developments in the area of environmental regulation and management, in addition to data on environmental indicators, governance, and democracy. Legislative developments provide an insight into changes in the approach of the formal state apparatus in response to changes in the domestic and international political context during the non-democratic period and subsequently. An examination of environmental indicators alongside measures of governance and democracy enables identification of respective changes over time.

## Effect of democratisation on environmental capacity development in southern Europe

This section examines the details of the prior regime type and mode of transition in each of the four countries, as represented in Table 1. The section also considers the key mechanisms (policy and administration) introduced to address and manage environmental issues and the countries' respective positions on public participation.

**Table 1 – Key Regime Characteristics**

| | **Bulgaria** | **Portugal** | **Romania** | **Spain** |
|---|---|---|---|---|
| **Regime Type** | Totalitarian | Authoritarian | Totalitarian | Authoritarian |
| **Duration** | 1946-1989 | 1926-1974 | 1948-1989 | 1936-1975 |
| **Mode of Transition** | Negotiated | Convulsive | Convulsive | Negotiated |
| **EU Member** | 2007 | 1986 | 2007 | 1986 |

*Bulgaria*

The regime of Todor Zhivkov and the Bulgarian Communist Party (BCP) was organised around a centrally controlled economic system with a focus on rapid industrialisation (McIntyre, 1988). Expressions of dissent were dealt with harshly by the regime, significantly reducing the space for opposition outside of state organisations (Linz and Stepan, 1996). Immobility in the political system led to growing frustration among the population, as the country experienced economic stagnation, environmental degradation and dissent within the Turkish minority (Bell, 1997). Faced with this opposition and changes in the wider region, the BCP forced Zhivkov to resign in November 1989, in order to maintain control over the process of regime change (Giatzidis, 2002). Central to this process were roundtable talks involving the BCP, emerging opposition parties, representatives of the Turkish minority, and nationalist groups (Crampton, 1997). These talks ended the dominance of the BCP and opened the political space to competition.

The removal of the BCP regime presented an opportunity to deal with the environmental degradation of the communist period, particularly as the environmental organisation Ekoglasnost[2] was part of the first post-communist government (Baker and Baumgartl, 1998). Initial signs were positive in the formulation of environmental protection measures. The 1991 Constitution acknowledged state responsibility (Article 15) and citizen rights (Article 55) in relation to the environment.[3] This was followed by the Environmental Protection Law, which aimed to standardise practices and establish a framework for subsequent regulations (O'Brien, 2009a).[4] Specific sectoral laws were subsequently introduced to build on the framework law in areas of air,[5] water,[6] environmental impact assessments (EIA),[7] and protected territories.[8] Although these regulations represented progress, they were driven by pressure from the EU and were not seen as priorities. Discussing environmental administration, an

academic (Interview, UK, 11 April 2007) argued 'you have got a tremendous revolution in environmental regulation, on the other hand, you have a tendency to fudge the issue, to chop and change, to ignore where needs must'. It was also noted by NGO representatives that much of this results from the reactive stance of the state administration (Interview, Sofia, 1 June 2007) and lack of motivated staff (Interview, Sofia, 16 May 2007).

Ineffective administrative structures have led people to turn to informal networks based on kinship, common interests, or professional collegiality as an alternative (Bojicic-Dzelilovic and Bojkov, 2005). This translates to low levels of action on environmental issues due to a feeling of inability to affect change, and the economic burden imposed by democratisation (Cellarius and Staddon, 2002). This appears to be changing as the economic and political situation stabilises (Interviews NGO representatives, Sofia, 16 and 21 May 2007). The feeling of inability to affect change was also shaped by the nature of the NGO sector, with the lack of domestic sources of funding leading groups to turn to foreign donors, weakening links with domestic actors (Cellarius and Staddon, 2002). With the passage of time, the sector has consolidated and a number of credible organisations have emerged. Discussing the perception of NGOs, a representative (Interview, Sofia, 21 May 2007) argued that 'if some people start to work on specific problems…when they finish with the procedures and see that non-one is dealing with their problems, they are coming to NGOs.' Relations with the state remain difficult and there is a perception that NGOs are not seen as credible partners, being invited to participate where the environmental agencies need support in challenging other agencies (Interview, NGO representative, Sofia, 21 May 2007) or on issues that are not seen as important (Interview, NGO representative, Sofia, 16 May 2007).

*Portugal*

The regime of Antonio Salazar and Marcelo Caetano was based on a traditionalist ideology (*Estado Novo*) that promoted organic unity within society (Wiarda and Mott, 2001). In order to maintain the system, the regime relied on institutional structures provided by the military, including extensive repressive apparatus, censorship and control of access to the public administration (Costa Pinto, 2003). Despite drawing on military institutions, regime elites remained wary and attempted to limit the influence of the military in politics. Following the death of Salazar in 1968, Caetano assumed the role of president, but his relative weakness forced him to continue the policies of his predecessor, including unpopular colonial wars in Angola and Mozambique (Maxwell, 1986). Regime change was initiated by coup d'état on 25 April 1974 when a group of junior and mid-level officers (MFA – *Movimento das Forças Armadas*) seized power (Bermeo, 2007). The MFA was divided following the coup and the low level rank of the coup plotters challenged the internal hierarchy of the military, leading it to support democratisation as a way of withdrawing from the political sphere (Linz and Stepan, 1996). However, the relative weakness of civil society actors meant that democratisation was dominated and controlled by elite actors (Costa Pinto, 2006).

Environmental policy was slow to enter the political agenda following the removal of the Salazar-Caetano regime. This was partly due to the perception fostered by the authoritarian regime that Portugal was had an unspoilt environment (Interview Academic, Lisbon, 2 April 2007). The 1976 Constitution reinforced this view, with Article 9[d] requiring the state to promote 'economic, social, cultural and environmental rights by means of the transformation and modernisation of economic

and social structures.'[9] The focus on economic modernisation also restricted the emergence of environmental policies. In 1987, the Environment Basic Act[10] (EBA) was introduced to act as framework legislation could build upon (see O'Brien, 2009a). Ribeiro and Rodrigues (1997) argue that the character and content of the EBA reflected the outcome of the Brundtland Report and was aligned with emerging EU policies. Discussing the nature of environmental policy in Portugal, an Academic (Interview, Lisbon, 7 August 2007) argued that:

> Portugal in terms of environmental public policy has all the exterior signs of a public policy… The main problem lies, in my opinion of course, in the performing capabilities of those environmental policies, and the emphasis that is given tin the capacity of implementing the policies, enforcing legal statutes

The weakness of the environmental agencies was also confirmed by a state official (Interview, Lisbon, 9 August 2007) arguing that, until the 1990s, the environmental agency was like an NGO, fighting for its position. It has also been noted that the relatively closed nature of the administrative system has undermined communication and understanding (Gonçalves, 2002; Interview Academic, Lisbon, 2 April 2007). Regional and municipal agencies, which have responsibility for waste, water, sanitation and planning, are also identified as a problem, as stretched local budgets and limited technical expertise lead to wide variations and undermine effective implementation (Interview NGO representative, Lisbon, 3 April 2007).

Public participation on environmental issues has been limited in Portugal reflecting the way '[c]ivil society was controlled by the means of corporatist structures, which allowed only for a limited and partial representation of popular interests' under the Salazar-Caetano regime (Hamman and Manuel, 1999, 90). The difficulties of participation are captured by the attitude of the state, with an academic

(Interview, Lisbon, 2 April 2007) arguing

> it's very difficult to participate, because when people try to, for instance in environmental impact assessment, they try to intervene making a report about that and at the end… nothing is reflected in the final decision.

Environmental NGOs have begun to exert more pressure on the state, adopting professionalised methods and organisational forms. This has been particularly challenging given the limited resources available, with an NGO representative (Interview, Lisbon, 1 August 2007) noting 'Portugal doesn't have a lot of money…what the government says to us to do, "go look for money someplace else, we don't have it."' This pressure to generate income has limited the ability of the main NGOs to cooperate on specific projects (Interview State official, 9 August 2007) and arguably weakened connections to the grassroots. Despite these challenges, it was argued that the NGOs have a 'qualitative impact' in specific areas such as waste and natural reserves through their sectoral specialities and use of the media (Interview Academic, Lisbon, 7 August 2007).

*Romania*

The Romanian political system under Nicolae Ceauşescu was arguably one of the most restrictive in Eastern Europe. Discussing the source of control, Deletant (1993, 3) argued that

> terror embraced the whole of Romanian society, searching for actual or potential opponents of totalitarian conformity, and imparting to many the sense that they were being hunted. After 1964 Romanians were marked by fear, rather than terror, of the *Securitate* [State Security Department] and the Ceauşescu regime.

The purpose of control was to modernise and industrialise Romania, although the regime became 'increasingly contradictory, erratic and personalistically

opportunistic.' (Linz and Stepan, 1996, 354) This was reflected in the shift to industrialisation on a grand scale, including an attempt to remove the rural/urban divide, by bulldozing 7000 villages and moving the population to high rise apartment blocks (Linz and Stepan, 1996). Where opposition emerged it was brutally suppressed and geographically constrained, such as when industrial workers in Braşov struck in 1987, demanding meat, bread and milk (Tismaneanu, 2003).[11] The end of the regime followed escalating protests beginning in December 1989; the unfocused nature of the opposition allowed regime elites to seize control from (and execute) Ceauşescu and establish control over the initial democratisation (Hall, 2000).

The excesses of the Ceauşescu regime left a significantly degraded natural environment, with few mechanisms to remedy problems. The first step was the 1991 Constitution, which acknowledged the right of the population to a healthy environment (Article 35[1]) and the role of the state in developing legislation (35[2]).[12] Economic pressures meant that environmental issues were viewed as a necessary evil during the early transition period (Botcheva, 1996). In 1995 the framework Law on Environmental Protection (LPM) was introduced, replacing a communist-era law and setting out mechanisms for implementation.[13] Specific sectoral laws followed on issues such as forests,[14] water,[15] and protected areas.[16] The content of these laws demonstrated recognition of the need to balance economic and environmental pressures. Many of the changes introduced during this period were made in the face of pressure from the EU, with an NGO representative (Interview, Bucharest, 27 June 2007) arguing

> I used to think that the EU is the only whip that you can use to move something in this country… it's not the only one, but it was one of the most powerful.

While the EU has encouraged progress, it was argued that change is not always

meaningful. The Ministry of Waters, Forests and Environmental Protection was created (in 1991) to satisfy EU demands, but lacks strategic direction (Interview NGO representative, Bucharest, 27 June 2007) and remains weak relative to the economic agencies (Interview NGO representative, Bucharest, 20 June 2007). Administrative weakness is also noted at the local level, with Sofroniciu (2005) arguing that implementation has been hampered by poor oversight and lack of capacity. Regional and local environmental agencies have limited impact, with an NGO representative (Interview, Bucharest, 20 June 2007) arguing they have been asked to smooth the way for business, rather than seek improvements.

The level of public participation has remained low in Romania following the removal of the Ceauşescu regime. The Constitution acknowledges the right of the population to obtain information: Article 31[1] states that access to information of public interest shall not be restricted. The public authorities are in turn required to provide information to the citizens (Article 31[2]). In relation to the environment, Article 5[a] of the LPM requires the state to guarantee the right to access information on the environment. In addition, Article 5[c] guarantees:

> the right of being consulted in the decision-making regarding the development of environmental policies, legislation and regulations, the issuing of environmental agreements and permits, including for territorial and urban planning.

Together, these show the rights of the population to obtain and make use of information without fear of prejudice from the state, indicating a significant shift. Where public participation does take place its efficacy has been questioned, with an NGO representative (Interview, Bucharest, 27 June 2007) noting:

> Public administration sometimes organises public hearings where NGOs are involved and citizens are involved and then when you look at the transcription of the discussions, you didn't say anything.

The result of this is that people are not aware of their rights with regard to public participation, and where they do become involved there is a perception that it will not have any effect on the outcome (Interview, NGO representative, Bucharest, 20 June 2007). Parau (2009, 125) notes that locals opposing the proposed Roşia Montană gold mine were 'were not only unaccustomed but actually fearful of challenging state authority.' Analysis conducted on non-voting political activity indicates that there was a decline between 1996 and 2004, the period at which the democratisation process was beginning to consolidate (Sum, 2005). This is a challenging issue; during the initial democratisation period, civil society was weak due to lack of history, yet the level of engagement has not increased substantially as the democratisation process has stabilised.

*Spain*

Democratisation in Spain followed the death of General Franco in November 1975. The Franco regime exercised control through repression to control dissent and corporatist structures to co-opt economically important actors, such as trade unions (Pierson, 1999). This combined strategy can be seen in the introduction of emergency powers and legislation allowing associations to 'formulate and contrast legitimate opinion' during 1969 (Preston, 1986, 14-5). Adopting a dual strategy enabled the regime to generate legitimacy while maintaining control over those that dissented. The result was that by the time of Franco's death, 'the population had…experience with a relatively well functioning and open market economy, a legal framework that allowed room for this market and for a plethora of voluntary associations' (Pérez-Díaz, 1999, 174-5). With the death of Franco the regime democratised under the guidance of the *Presidente* Aldolfo Suárez. A regime insider, Suárez had to navigate between

hardliners determined to maintain control and reformers recognising the need for change (O'Brien, 2007). The result, as noted by Tarrow (1995; see also Threlfall, 2008), was an elite dominated democratisation process, in which civil society actors played a supporting role.

Environmental policy saw limited development during the Franco regime, with a focus on limiting obvious sources of damage. The opening that came with democratisation presented an opportunity for change. Discussing environmental policy, an NGO representative (Interview, Madrid, 18 July 2007) identified three periods: before the 1978 Constitution (limited policy), before the 1986 accession (increasing domestic policy) and after accession (implementation of European regulations). The 1978 Constitution[17] was an important milestone, as it set out the right to suitable environment (Article 45(1)) and basic legal responsibilities of the state (Article 149). Although this set a new tone, progress was slow, with a senior NGO representative (Interview, Madrid, 18 July 2007) describing the election of the Socialist government in 1982 as initiating a 'lost decade'. Despite these reservations, legislation addressing water[18], EIAs[19], coastal areas[20], and conservation of natural areas[21] were introduced during this period. More significant was membership of the EU. The point was made that Spain did not negotiate a transition period or opt-outs in this area, so was required to introduce all relevant regulations immediately (Interview NGO representative, Madrid, 18 July 2007). Costa (2006) argues that, over time, Spain has moved from being a policy taker to an active challenger on environmental regulation. This reluctance has also been noted on the ground with an academic (Interview, Madrid, 18 July 2007) noting 'people pay a lot of attention to the passing of a law, but then forget about it.' This points to weaknesses in implementation, related to tension between central and local government (Interview NGO

representative, Madrid, 17 July 2007; Interview State Official, Madrid, 2 March 2007) and a willingness to bypass existing regulations (Pardo, 1997).

Legacies from the authoritarian regime are apparent in the area of public participation. Although there is legislation[22] in place to facilitate participation, its effect has been restricted by unwillingness of the state to encourage such action and hesitance among the population to get involved (Todt, 1999). Addressing the state's approach, Börzel (1998, 73) has argued that:

> Spanish environmental policymaking reflects a reactive problem-solving approach which relies heavily on regulatory, command and control instruments and where the 'costs' of environmental protection are weighed against the 'benefits' of economic development.

This formalised structure has also been compounded by the practice of social concertation, which has sought to institutionalise consultation and cooperation (see Royo, 2005). Central to this approach was the establishment in 1994 of the Environmental Advisory Council (*Consejo Asesor de Medio Ambiente*), which brings 'together NGOs, trade unions, consumers, scientific and business representatives to comment on policies on the environment and sustainable development.' (O'Brien, 2009b, 149) In order to function in this context, environmental NGOs have adopted an increasingly professionalised form (see O'Brien, 2009b). Professionalisation has allowed the national groups to establish distinct areas of competence (Interview NGO representative, Madrid, 17 July 2007) and also facilitated cooperation with local organisations (Jiménez, 2007).

## The Impact of Democratisation on Outcomes

Each of the countries considered in this article has made progress in

introducing mechanisms to manage environmental issues. The analysis of the cases has shown that the implementation of these measures has varied considerably, between countries and over time. Lack of effective enforcement was a common refrain, with pressures to increase economic performance outweighing the need to ensure that environmental policy was implemented. Although democratisation opened the space for a range of civil society actors to emerge, exclusionary practices (albeit on a far lesser scale) combined with societal wariness continued to preclude greater public participation in policymaking. The EU emerged as a significant influence on the development and introduction of environmental policies and practices in each of the countries. Changes in the priorities and goals of the EU over time led to different pressures being placed on countries in the two regions, with Bulgaria and Romania facing more stringent pre-accession criteria before joining in 2007.

Having identified these trends across the countries, it is important to examine indicators that can determine whether the changes outlined have translated to improvements in environmental outcomes. To this end, this article now considers changes in carbon dioxide ($CO_2$) emissions (metric tons per capita) alongside changes in gross domestic product (GDP) per capita over the period leading up to and following democratisation.[23] The use of $CO_2$ in the analysis is justified by its ubiquity as an output of modern industrial processes and societies. As a climate gas, $CO_2$ emissions are also a frequent target for reduction or management at the national, regional and global level, as illustrated by efforts to develop carbon capture and storage technologies (Tjernshaugen, 2011) and the ongoing debate over nuclear energy (Duffy, 2011). This visibility and perceived importance implies that reductions of $CO_2$ emissions correspond to other efforts to limit environmental degradation. Considering GDP alongside changes in $CO_2$ emissions allows for an examination of

relative resource intensity[24] of economic development in each country, with divergence potentially signalling improved effectiveness of enforcement measures.

The figures below show variation in emissions patterns in relation to GDP across the two regions. Emissions in Portugal and Spain (Figure 1) have tracked GDP across the period under consideration. The exceptions to this pattern occurred from the initiation of the democratisation process in Spain, when there was a temporary and marked increase in $CO_2$ emissions despite a slowdown in GDP growth. This may have represented a drive to boost economic performance and break free from the legacy of the Franco regime. The drop in emissions at the end of the period would seem to reflect the initial impact of the global financial crisis and a related slow-down in manufacturing and construction. Portugal's pattern was similar to that of Spain, but moving in a more consistent manner. The overall pattern would appear to show that, with the exception of Spain's brief increase in emissions intensity, both countries were relatively unaffected by the democratisation process, maintaining a stable growth in emissions and GDP.

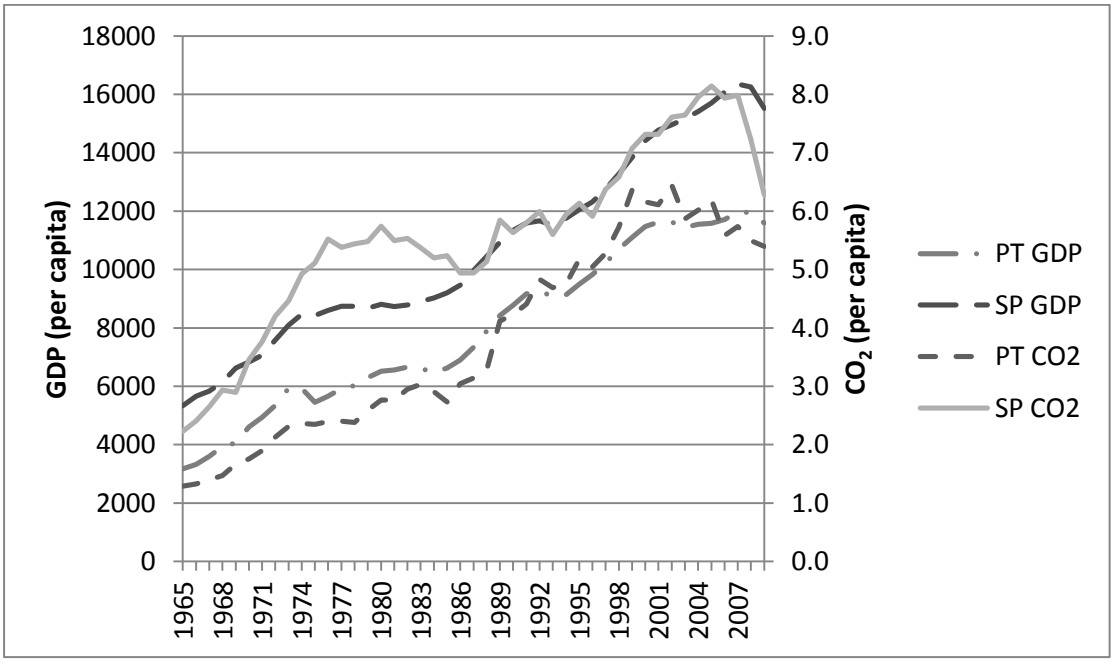


**Figure 2:** $CO_2$ (mt per capita) and GDP (per capita) Portugal and Spain (1965-2009)
*Source:* The World Bank DataBank - http://databank.worldbank.org/data/views/variableselection/selectvariables.aspx?source=world-development-indicators [Accessed 22 March 2013]

The situations in Bulgaria and Romania (Figure 2) were more complicated and varied. In each country, the onset of democratisation saw significant falls in $CO_2$ emissions and GDP. This can be linked to the closure or privatisation of large and inefficient state-owned enterprises favoured by the prior regimes (see Fidrmuc, 2003). During the early democratisation period, both indicators remained relatively low, with GDP growth beginning to return in a consistent manner only in 2000. By contrast, $CO_2$ emissions fell slightly from 1996 and remained low despite the onset of economic recovery in 2000. This pattern would appear to suggest the influence of the EU, as pressure to conform to conditionality (addressing environmental issues) was matched with increased opportunities in the economic sphere, resulting from the prospect of impending membership. Although foreign direct investment provided support in restructuring industries and supported efficiencies that would reduce emissions, the bulk of this investment came after 2003, when the divergence between $CO_2$ emissions and GDP was already established (see Kalotay, 2008).

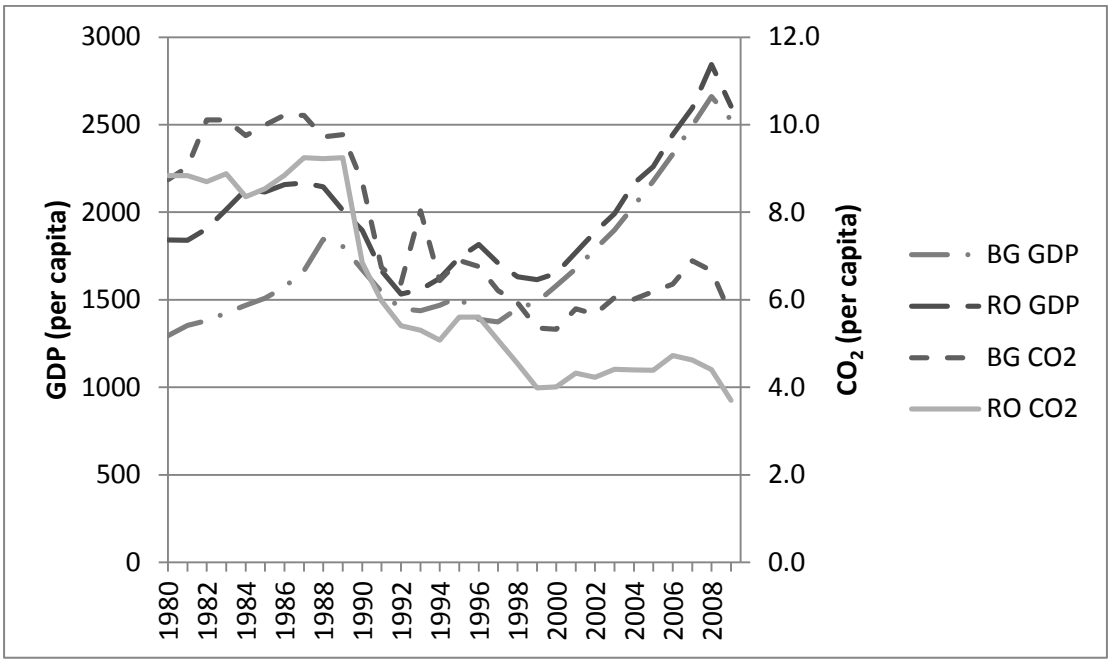



**Figure 3:** $CO_2$ (mt per capita) and GDP (per capita) Bulgaria and Romania (1980-2009)

*Source:* The World Bank DataBank - http://databank.worldbank.org/data/views/variableselection/selectvariables.aspx?source=world-development-indicators [Accessed 22 March 2013]

The case studies and figures present a mixed picture regarding the relationship between democratisation and environmental capacity. There have been improvements in environmental policy development and institutional creation in all of the countries during the democratisation period. In each case, this signified an improvement on performance of the preceding non-democratic regime. The cases also show a degree of consistency in the development of formal environmental capacity, with rights and responsibilities enshrined in new constitutional documents leading to environmental policies in the relevant areas. However, the implementation and enforcement of these new regulations was perceived to be undermined by a lack of political will to undermine economic performance. The lack of sustained improvement was apparent in the $CO_2$ emissions data in Portugal and Spain, although in Bulgaria and Romania

the picture would appear to be slightly more positive.

Turning to the effect of prior regime type and mode of transition on environmental performance during democratisation, the relationship is more evident. Within the regions it made little difference whether the regime change was initiated by a sudden shock (convulsive) or negotiated by regime elites. The greatest variation during the initial democratisation period was across the regions, with Bulgaria and Portugal seeing a significant fall in $CO_2$ emissions following the regime change, while in Spain and Portugal there was little change (with the exception of Spain's initial increase). Drawing on the case study analysis, this can be linked to the prior regime type, as the intense focus on rapid industrialisation and central control in the Southeast European states provided the conditions that enabled a more substantial fall following democratisation. In Southern Europe, the less intensive form of industrialisation and market economy meant that the break with the past was far less radical. This suggests that the prior regime type has a role to play in shaping environmental outcomes during democratisation.

Finally, the EU played a key role in the environmental politics of all four of the countries. Pressure to implement EU directives and meet conditionality led to improvements in formal policy structures. The difference between the two regions is that the earlier accession of Portugal and Spain allowed them to gain entry before environmental issues entered the EU's core political agenda. This provided some room for manoeuvre from within, as they were able to adapt and develop their environmental capacity as part of the wider EU effort to address environmental issues. Conditionality was more important for Bulgaria and Romania and exerted influence on their domestic policymaking.[25] This was reflected in the case studies, as well as in the data, as $CO_2$ emissions and GDP began to diverge from the late 1990s, when they

were seeking to "catch up" with the other Eastern European states in their drive for membership. Although implementation of environmental regulations has been lacking in all of the countries, the EU has been an important actor driving the development of these policies forward.

## Conclusion

Democratisation provides an opportunity for a state to strengthen its environmental capacity. Capacity in this regard refers to the extent to which the state is seen as a legitimate actor and also possesses the necessary intellectual and organisational resources to ensure that decisions taken are enacted. Moving towards democracy involves the creation of institutions and mechanisms that are more able to utilise feedback and adapt to changes in the external environment.

This article has assessed the effect of both prior regime type and mode of transition on environmental capacity, through consideration of the cases of Bulgaria, Portugal, Romania and Spain. The findings demonstrate that, although totalitarian regimes exercise a greater degree of control over social, political and economic spheres than authoritarian political systems, this does not appear to hinder the development of environmental capacity. The extent of reform and reconstruction is more extensive in totalitarian regimes, but the nature of the reforms required means that changes take time to embed, regardless of the prior regime type. Differences in the mode of transition (convulsive versus negotiated) in the cases examined also appeared to have had limited impact on subsequent development of environmental capacity. This is consistent with the argument made by Bäck and Hadenius (2008), that democratisation is a period of instability regardless of the mode of transition. Although there may be some limited gains in the short-term from the greater stability

associated with negotiated regime changes, these are mitigated by the slower pace at which the system can be restructured.

Similarities in the experiences of the four countries appear to derive from two key factors. The first is the length of time that the non-democratic regime was in power. In each case, the preceding non-democratic regime was in power for at least 40 years, sufficient to deeply embed norms and practices associated with the non-democratic regime. This has been illustrated in the difficulties faced by civil society actors in attempting to engage with the democratised states, as hierarchical and elitist patterns have continued. Experiences under the non-democratic regime left extensive legacies that continued to shape behaviours within the state and society, long after democratisation had been initiated. Secondly, the cases also indicate the importance of external actors in shaping the emerging democratic political system. In particular, support provided by the EU ensured that environmental policies and practices were introduced during the early democratisation and were maintained as the respective political systems consolidated. The priorities of the EU meant that the regimes also converged in how they dealt with environmental issues and management. It is also important to note that, although the EU has required the adoption of policies, institutions and practices to improve environmental capacity, there are areas of weakness. Problems of implementation are important in this regard, as the countries introduced change without enforcement mechanisms and popular support necessary to ensure effectiveness. As Goetz (2001) notes, policies and directives from the European level are filtered through the lens of domestic priorities, thereby limiting the extent to which European priorities can be embedded.

In conclusion, the findings indicate that there is a generally positive relationship between democratisation and environmental capacity. Support from the

EU was crucial in ensuring that environmental issues remained on the domestic political agenda during democratisation. The findings also suggest that without sufficient domestic political will to support the development of environmental capacity progress will be limited. Non-democratic legacies play an important role in this regard, shaping the manner in which policy is developed and participation by non-state actors is perceived.

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[1] While it has been argued that an eco-authoritarian regime could more effectively address issues of environmental degradation (see Orr and Hill, 1978) the abdication of citizen responsibility would undermine the aims over the long-term (see Barry, 1996; Paehlke, 1995)

[2] Ekoglasnost emerged in March 1989 to protest pollution in the town of Ruse, but expanded its focus following repression and was the most visible civil society organisation in the pre-democratisation period (Baumgartl, 1992).

[3] Constitution Constitution of the Republic of Bulgaria - http://www.online.bg/law/const/const0.htm [Accessed 13/02/2008]

[4] 326/1991 - Environmental Protection Law - http://archive.bild.net/legislation/docs/9/epa.html [Accessed 19/03/2013]

[5] 45/1996 - Law Purity of Atmospheric Air - http://faolex.fao.org/docs/texts/bul42717.doc [Accessed 19/03/2013]

[6] 67/1999 - Water Law - http://www.geology.bas.bg/admin/LW.pdf [Accessed 19/03/2013]

[7] 4/1998 - Decree on Environmental Impact Assessment - http://www.moew.government.bg/recent_doc/legislation/horisontal/en/EIA%20Ordinance%20(English%20translation).doc [Accessed 19/03/2013]

[8] 133/1998 - Law for the Protected Territories - http://www.moew.government.bg/recent_doc/legislation/natural_prot/en/Protected%20Areas%20Act.doc [19/03/2013]

[9] Constitution of the Republic of Portugal - http://app.parlamento.pt/site_antigo/ingles/cons_leg/Constitution_VII_revisao_definitive.pdf

[Accessed 20/03/2013]

[10] 11/87 - Environmental Basic Act (*Lei de Bases do Ambiente*) http://www.iapmei.pt/iapmei-leg-03.php?lei=162 [Accessed 6/02/2008]

[11] One exception was the 1977 strike by Jiu Valley miners, which saw Ceauşescu visit the region and agree to the demands. Vasi (2004) argues that this was a result of the strength of overlapping social networks in the region, that allowed the formation of strong bonds of trust that were absent in other industrial regions.

[12] Constitution of the Republic of Romania http://www.cdep.ro/pls/dic/site.page?id=339&idl=2 [Accessed 19/02/2008]

[13] 137/1995 - Law on Environmental Protection (*Legea Proteţiei Mediului*) - http://faolex.fao.org/docs/texts/rom13258E.doc [Accessed 19/02/2008]

[14] 26/1996 - Forest Code (*Legea Codul Silvic*) http://www.cdep.ro/pls/legis/legis_pck.htp_act_text?idt=4870 [Accessed 19/02/2008]

[15] 107/1996 - Water Law (*Legea Apelor*) – http://www.cdep.ro/pls/legis/legis_pck.htp_act_text?idt=9273 [Accessed 19/02/2008]

[16] 5/2000 - Law Approving Planning of Arrangement of National Territory – Protected Areas (*Legea privind Aprobarea Planului de Amenajare a Teritoriului Naţional – Zone Protejate*) http://www.cdep.ro/pls/legis/legis_pck.htp_act?ida=24158 [accessed 19/02/2008]

[17] Constitution of Spain - http://www.lamoncloa.gob.es/IDIOMAS/9/Espana/LeyFundamental/index.htm [Accessed 18/03/2013]

[18] 29/1985 - Water Law (*Ley de Aguas*) http://www.boe.es/buscar/doc.php?id=BOE-A-1985-16661 [Accessed 18/03/2013]

[19] 1302/1986 - Royal Decree on Environmental Impact Assessment (*Real Decreto Legislativo de Evaluación de Impacto Ambiental*) http://www.boe.es/buscar/doc.php?id=BOE-A-1986-17240 [Accessed 18/03/2013]

[20] 22/1988 – Coastal Law (*Ley de Costas*) http://www.boe.es/buscar/doc.php?id=BOE-A-1988-18762 [Accessed 30/01/2008]

[21] 4/1989 - Law of Conservation of Natural Spaces and Wild Flora and Fauna (*Ley de Conservación de los Espacios Naturales y de la Flora y Fauna Silvestre*) http://www.boe.es/buscar/doc.php?id=BOE-A-

1989-6881 [Accessed 18/03/2013]

[22] For much of the period participation was covered by the Constitution and 28/1995 - Law on the Right of Access to Information in the Matter of Environment (*Ley sobre el derecho de Acceso a la Información en Materia de Medio Ambiente*) http://www.boe.es/buscar/doc.php?id=BOE-A-1995-26838 [Accessed 18/03/2013]

[23] The figures present the two regions separately for two reasons. Portugal and Spain democratised earlier than Bulgaria and Romania, so a longer time series of emissions and GDP data is considered to capture the non-democratic period. Secondly, GDP per capita varies significantly between the two regions, with Bulgaria and Romania at a much lower level than Portugal and Spain. Emissions for the countries in the two regions were quite similar, with Bulgaria and Romania starting from a higher level before democratisation and coinciding with those of Portugal and Spain from the early 1990s.

[24] Using the Environmental Kuznets Curve, Dinda (2004) shows that environmental degradation increases until a certain level of economic development is reached, beyond which degradation begins to fall. Reasons for the fall can be attributed to the move away from reliance on material-energy intensive production towards less intensive, post-material production, in line with rising environmental consciousness.

[25] In addition to formal requirements, the EU introduced measures to provide support to civil society organisations to build capacity. The Regional Environmental Center for Central and Eastern Europe played an important role in this area by channelling grants until the mid-1990s and then supporting policymaking through its network of country offices (see O'Brien, 2010).

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