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Shifting Views of Environmental NGOs in Spain and Romania

Abstract

Environmental issues are of growing importance in South and South-Eastern Europe. Democratisation has seen the emergence of non-governmental organisations (NGO) addressing a range of domestic and regional environmental considerations. This article compares the development of the environmental NGO sector in Spain and Romania, as this says much about state attitudes towards the environment. In spite of very different histories there are a number of similarities in the experiences of environmental NGOs in both countries. The article argues that environmental NGOs continue to be marginalised due to non-democratic legacies that suppressed participation and maintained closed administrative systems.

Keywords: Environment; Non-governmental Organisations; Democratisation; Administration; Spain; Romania

Introduction

Democratisation in South and South-Eastern Europe has been accompanied by growth in both the number and spread of non-governmental organisations (NGOs). The removal of restrictions on public organisation and participation, along with support from international and regional organisations, has encouraged growth of the sector. Environmental NGOs have benefited from the changes, using the increased openness to place pressure on administrative bodies to address issues that had long been ignored. The emerging NGOs have however faced competition, as the democratisation process opens a range of opportunities for formal political participation not available under the preceding political system, making such groups less attractive (Pickvance 1999: p. 367).[i] The changed political context also places competing pressures on the new political institutions, making NGO intervention difficult (Smolar 1996). As the democratising political system stabilises and establishes institutions and patterns of governance, it is expected that NGOs will be able to increase their influence.

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Environmental movements have grown in importance in recent years, with a subsequent expansion in the attention paid to them.[ii] Previous analysis has identified the features of environmental NGOs operating in a range of countries and the challenges they face in gaining access to decision-making procedures and establishing legitimacy. Much of the previous analysis has focussed on groups operating within one region with limited attention to the comparison of the experiences of groups within different regions. In order to understand the development and role of these groups it is useful to examine interregional experiences and to identify common patterns and possible future directions. This article undertakes a comparative analysis of the development of environmental NGOs in Spain and Romania, examining how their position has changed during the democratisation process.

Spain and Romania both democratised in the last quarter of the twentieth century but emerged from very different non-democratic regime types. Spain's democratisation followed the death of General Franco in November 1975 and saw a negotiated dismantling of the authoritarian regime. By contrast, the beginning of Romania's democratisation in 1989 was more sudden, involving the execution of Nicolae Ceauşescu and the domination of former Communist elites in positions of power. These different experiences set the background for a focused examination of the development of the environmental NGO sector in the two countries, seeking to identify areas of convergence. The focus of this article is on the activities of more formalised and structured NGOs, as they have the potential to act as a bridge between civil society and the state. This analysis also considers the policies and practices undertaken by the state with regard to public participation, and how this impacts NGO activities.

The article begins with an analysis of the potential clash between green and democratic ideals in the context of democratisation. This section also takes a closer look at the development of the NGO sector in relation to the state and civil society. The article then examines the structure and development of the environmental NGO sector in Spain and Romania, also considering the legal and institutional context in which it operates. These two sections draw on a number of semi-structured interviews with NGO representatives and administration officials interviewed in their professional capacity.[iii] Finally, the results of the two case studies are contrasted to identify similarities and broader underlying patterns.

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Civil Society, Environmental NGOs and the State

To understand the character of NGO activity it is necessary to examine civil society, as this is the sphere in which these groups operate. Jensen argues that the complexity of the civil society concept means that it needs to be explicitly located and defined to be useful (Jensen 2006: pp. 53-54). This article adopts a definition provided by Linz and Stepan, who argue that civil society is 'an area of the polity where self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests.' (1996: p. 7) Although civil society is distinct from the political and economic sphere, it is not 'emancipated or abstracted from the ethos that permeates these two spheres.' (Chandhoke 2001: p. 8) Rather the state plays an important role in shaping and directing civil society, from providing the legal and political setting within which civil society functions to supporting and directing the shape of civil society itself (Chandhoke 2001). The behaviour of civil society actors should therefore be viewed in connection with that of the formal state institutions.

Although the connection between democracy and civil society appears to be mutually reinforcing, there are complications. Under non-democratic political systems opportunities to express views that directly challenge the state are severely restricted, leading citizens to turn to other channels. This was illustrated in Eastern Europe before 1989 with the emergence of groups focused on environmental problems, such as the Danube Circle[iv] in Hungary and Ekoglasnost[v] in Bulgaria. Formation of groups around environmental issues was tolerated to a limited extent as they were viewed by the respective regimes as apolitical, taking attention away from more contentious social and political issues (Waller and Millard 1992: p. 161). Christoff argues that the character of 'ecological-ethical demands' is that they come to represent 'an extension of existing civil, political and social rights' (1996: p. 160). In contrast to this position it has been argued that the motivations of civil society actors may challenge democratic ideals, in cases where the desire for equality is greater than the desire for liberty, potentially leading to the acceptance of oppressive measures (Galston 2000: p. 66). The possibility of similar tension between environmental goals and democratic procedures has also been identified, with open discursive practices discarded to achieve a desired result (Dobson 2007: pp. 108-109). By focusing on the

outcome it is possible to argue that the means used to get there are less important, raising the prospect that groups may be willing to bypass democratic procedures. Challenging this interpretation is the argument that environmental objectives are discursively created, requiring open discussion and the involvement of stakeholders (Barry 1999: p. 117). Democratising political systems exist at an intermediate position, possessing the potential to move in either direction with regard to involvement, and therefore presenting further challenges to environmental NGOs.

The democratisation process presents both challenges and opportunities for NGOs, with regards to relations with the state and society. During the initial stages of the democratisation process (as the non-democratic regime is relinquishing power) the level of civil society activity will be high, but this cannot be sustained as 'normal' conditions begin to prevail (Pickvance 1999: pp. 367-368). The emergence of a new democratising political system provides opportunities for participation, leading the population to turn away from social movements and NGOs towards more direct engagement with the state institutions. From the perspective of the state this engagement is seen as an opportunity, but there are factors that limit full participation. The strength of the legacy of the non-democratic political system will shape the degree of incorporation and engagement permitted, with former elites securing positions in the new regime and the persistence of institutions and policies (see Hite and Morlino 2004). Continuity in this form can lead to mistrust within society if change is delayed, leading to a fall in levels of generalised trust that can undermine the functioning of the state and the NGO sector (Lagerspetz 2001: pp. 9-10). The fragile character of the democratising political system may also lead to attempts to exclude civil society actors that may challenge or weaken it (Kopecký and Mudde 2001: pp. 9-10). These factors may limit the ability of NGOs to operate but should be removed as the political system is consolidated, as administrative institutions are strengthened, and as new policies are introduced.

Civil society actors adopt a range of methods and organisational models when seeking to exercise influence. Mercer notes this distinction, arguing that NGOs:

> are officially established, run by employed staff (often urban professionals or expatriates), well-supported (by domestic or, as is more often the case, international funding), and that

> are often relatively large and well-resourced…[whereas] Grassroots Organizations…are usually understood to be smaller, often membership-based organizations, operating without a paid staff but often reliant upon donor or NGO support, which tend to be (but are not always) issue-based and therefore ephemeral. (2002: p. 6)

The distinction between the two types of organisation is important; each brings benefits and complications when dealing with the state. While grassroots organisations are able to raise awareness over specific issues, they lack the more regularised access to the state that NGOs are able to develop. The position of environmental NGOs has been increasingly associated with professionalism and cooperative activities. Increasing professionalism is important in allowing groups to gain institutional knowledge that enables them to form working relationships with administrative institutions. Closer engagement with the state does bring challenges, particularly to the independence of NGOs, with Atack arguing that they need to avoid becoming 'either a substitute for or a servant of the state…NGOs must be partners of and not merely contractors' (1999: p. 863). Professionalism of environmental NGOs has been associated with a move away from unconventional social activities, such as public demonstrations and civil disobedience, towards deradicalisation, oligarchisation, and institutionalisation (van der Heijden 1999: p. 201). Jancar-Webster notes the potential challenge of this change in Eastern Europe:

> If primary responsibility for problem solving remains with the experts, there needs to be a very good reason why the ordinary citizen in the street should get involved in NGO activity just to push a solution advocated by experts. There may be even less reason to get involved when the process of involvement is externally prescribed and directed. (1998: p. 87)

The challenge facing environmental NGOs is to develop effective mechanisms for influencing administrative policies and decisions, while at the same time maintaining connections with civil society groups operating at all levels.

The activities of environmental NGOs are shaped to a large degree by the behaviour of state institutions and the willingness to constructively engage. Clark argues that the relationship between the state and NGO sector is complicated by the motivations and objectives of each, and that 'a healthy relationship is conceivable only where both parties share common objectives.' (1995: p. 595) Where common objectives are not present, there may be pressure within the formal administration to limit access to pursue government objectives

and ensure the stability of the democratising regime. Parkins and Mitchell note that deliberative democracy has led to increased interest in broader reflexive methods of participation, while natural resource perspectives of participation tend to be more outcome focussed (2005: p. 530). This distinction is important when assessing the interaction between NGOs and the state on environmental issues. Where the administration adopts an instrumental view of participation (allowing enough to limit opposition) and relies on technical solutions, there is little opportunity for concerns that do not fit the predetermined frame (Todt 1999: pp. 203-206). To be effective, NGOs require access to timely and useful information, as well as guidelines outlining their ability to contribute to administrative decisions and procedures. Democratising states need to introduce institutional mechanisms and policies to facilitate these practices following their absence under the preceding non-democratic system. Examining changes to, and implementation of, these mechanisms can provide an indication of how NGOs are perceived and their ability to operate within the political system.

Domestic policies on the environment are also influenced by international organisations and agreements. The Aarhus Convention[vi] is a good example; it establishes minimum standards regarding the environmental democracy in three key areas: access to information, public participation and access to justice (Wates 2005: p. 2). This provides environmental NGOs with a powerful tool with which to challenge the actions of the state administration. The requirements of the European Union (EU) have provided a framework for the policy decisions of member (and accession) states. Directives introduced at the European level set down guidelines and minimum standards on a range of issues in the environmental sphere, including environmental impact assessments,[vii] access to information[viii] and pollution control.[ix] The degree of success in implementing EU Directives varies significantly across the states and issues concerned (Lynch 2000; Mastenbroek 2005). Goetz notes that regulations at the European level have a limited effect on domestic decisions, arguing that in Eastern Europe:

> 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. (2001: p. 1040)

While the EU and agreements such as the Aarhus Convention are important in influencing

and shaping domestic policies and behaviour, these changes continue to be channelled and interpreted through the lens of domestic political agenda and priorities. It is therefore necessary to focus on developments at the domestic level, within the broader standardising framework of the EU.

At the core of this article is the way in which the involvement of environmental NGOs changes and evolves during the democratisation process. The fluidity of this phase, combined with the legacy of non-democratic institutions and attitudes, will restrict the ability of these groups to operate. As the process continues however, it is expected that greater openness will allow a more substantive role in cooperation with the state. The decline of activist methods in favour of more direct engagement with administrative institutions can be a positive development. However, as Clark notes it is possible for a group to become too close to the state, losing independence, objectivity and becoming increasingly distant from the communities they seek to represent (1995: pp. 595-596). This is the issue facing the development of the environmental NGO sector: the necessity to develop an effective working relationship with the state, while continuing to maintain an autonomous stance.

Environmental NGOs in Spain

The democratisation process in Spain was dominated by political elites from the beginning, shaping the character of the regime change and subsequent interactions within the political system. Pérez-Diaz notes 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' (1999: pp. 174-175).[x] The influence of civil society actors was restricted by the negotiated character of the democratisation process, as this ensured that existing elite actors were dominant. Social concertation further restricted opportunities with a form of 'policy making [that was] based on the institutionalization of consultation and co-operation on macro-economic, labour and social policies involving representatives from organized labour, capital and the state.' (Royo 2005: 61) The result was a relatively closed administrative system, where decisions continue to be made largely free from the view (or input) of the general public (Jiménez 1999: p. 152).

Environmental NGOs in Spain have sought to break into this administrative system and exercise some influence over policy making by developing relations with the state. The 1964 Law of Associations (LA - *Ley de Asociaciones*) governed the rights and obligations of the NGO sector for much of the post-authoritarian period.[xi] In 2002 the Statutory Law regulating the Right of Association (LDA - *Ley Orgánica reguladora del Derecho Asociación*) replaced the LA. The LDA recognises the importance of 'associations, as an instrument of social integration and participation in public affairs'.[xii] When discussing the environmental NGO sector, a senior NGO representative argued that 'nowadays we are…in a golden period in terms of the government really, [the administration is] asking us for participation and for opinions, that's a completely new thing in Spain.' (NGO representative 2007a)

The environmental NGO sector in Spain has stabilised around four key organisations at the national level: Greenpeace, *Ecologistas en Acción* (Ecologists in Action), *WWF-ADENA* (World Wide Fund for Nature – Association for the Defence of Nature (*Asociación para la Defensa de la Naturaleza*)), and *SEO-Birdlife* (Spanish Ornithological Society (SEO - *Sociedad Española Ornitología*)) (Jiménez 2007). A representative of SEO-Birdlife described the operational practices of these groups in this way: 'our organisation is national [with centrally coordinated branches across the country]…*Ecologistas en Acción* is federal [with independent branches]…our difference with Greenpeace or WWF is that we are national, we are not a branch [of an international organisation]' (NGO representative 2007a).' The organisations also differ in the areas upon which they focus:

> there is some specialisation between us, not everybody is working in everything, but in general terms, well, *Ecologistas en Acción* try to do it…Greenpeace is very active in marine issues, pollution matters and things like that. And WWF is very specialised now on water resources and also biodiversity, perhaps climate change (NGO representative 2007a).

This specialisation has allowed the organisations to develop their area of focus and adopt differing methods of operation, illustrating the maturation and professionalism of the sector.

The professionalism of the environmental NGO sector in Spain has not had a negative effect on the level of grassroots organisations, but rather has led to a strengthening of local

activities. It has been argued that Spain does not have a tradition of participation in policy-making, due in part to the legacy of authoritarian rule, and that this reluctance to participate has resulted in a preference for external protest (Todt 1999: p. 203). The growth in stature and influence of environmental NGOs has led to a decline in the level of protest activity towards more symbolic actions, but it is still used as a means of expressing discontent (Jiménez 1999: pp. 161-162). As the environmental NGOs have strengthened their position at the national level by working with the administration, they have also strengthened their connections at the local level. This has been reflected in an increase in the level of cooperation between national and local organisations (Jiménez 2007: p. 369). A NGO representative confirmed this point, arguing that national groups without local representation faced opposition from local organisations who perceived them as a threat to their operations (NGO representative 2007a). Rather than weakening the environmental NGO sector professionalism has enabled groups to expand their activities, working with the administration and the local grassroots organisations.

An examination of the laws around access to information that these groups rely on provides an indication of the limitations of EU directives. From 1995 access to information was governed by the Law on the Right of Access to Information in the Matter of Environment (LAIMMA - *Ley sobre el derecho de Acceso a la Información en Materia de Medio Ambiente*).[xiii] The significance of the LAIMMA and the 2006 law that replaced it are that they were both introduced to implement EU Directives concerning public access to information, with the latter incorporating the measures in the Aarhus Convention. Although this signals guidelines regarding access to environmental information, the LAIMMA does not establish the mechanisms governing the provision of this information. The result is that 'there is no generic process for public participation as this is dealt with in detail in each one of the sectoral regulations.' (Moreno et al 1998: p. 154) With regard to responses to requests under the LAIMMA, Martinez-Usero notes that '30 percent [of requests filed] were answered correctly, while 20 percent were answered late and the remaining 50 percent were never answered.' (Martinez-Usero 2006: p. 8) The poor implementation of the LAIMMA reflects the difficulty of ensuring compliance with EU regulations at the national level when the domestic political will is lacking. Borrás et al argue that Spain has attempted to limit the extension of EU environmental policy (1998: pp. 31-32). In this way, Spain has

acted as more than a policy taker with regard to the EU and has been able to challenge reforms at the European level that may threaten its domestic agenda.

Faced with increased NGO activity and external pressure to address environmental issues, the government has sought to create institutions and to work more closely with environmental NGOs. An important step in this process was the creation of the Environmental Advisory Council (CAMA – *Consejo Asesor de Medio Ambiente*) in 1994. The CAMA acts as a consultative forum bringing together NGOs, trade unions, consumers, scientific and business representatives to comment on policies on the environment and sustainable development.[xiv] Activities involve issuing reports and making 'proposals regarding environmental issues following its own initiative or upon request of the different ministries.' (EEAC 2008)[xv] Recent opinions (2006-2007) issued have ranged from comment on the National Sustainable Development Strategy and the National Plan Allocating Emissions Rights though to laws on environmental liability and conservation (EEAC 2008). While the CAMA is not the only channel for NGOs to communicate with and provide feedback to the administration it is an important body for representing expert opinion at the peak level (NGO representative 2007b). Recognition of the importance of NGO participation was expressed by a Ministry of Environment (MMA - *Ministerio de Medio Ambiente*) official who noted that it was important to collaborate with NGOs when working on general environmental issues under the current administrative structure (MMA official 2007). Much of this change is the result of a change in government with the election of the Spanish Socialist Workers' Party (PSOE - *Partido Socialista Obrero Español*) in 2004 and the appointment of a proactive Environment Minister (NGO representative 2007a, 2007b).

Although the relationship between the NGOs and the public administration has improved, it continues to be hampered by the position of environmental issues, low on the political agenda. A NGO member described the experience of NGOs when dealing with the government administration as falling into three broad categories: 'close collaboration with the Ministry of Environment; position of the restriction of the Ministry of Infrastructure and Industry; and third, the situation of indifference' (NGO representative 2007a). Although administrative institutions are increasingly receptive to the views and concerns of environmental NGOs, there is a continued degree of marginalisation resulting from the

prioritisation of economic development over environmental concerns and the orientation of the party in power. There appears to remain a perception, outside the bodies specifically tasked with environmental mandates, that environmental NGOs are agitators rather than partners.

Environmental NGOs in Romania

Democratisation in Romania has been fraught with difficulties,[xvi] yet there has been forward movement. One of the key issues for much of the period was the continued presence of officials from the Ceauşescu regime and their influence over the democratisation process. The removal of Nicolae Ceauşescu in December 1989 and the emergence of the National Salvation Front (*Frontul Salvării Nationale*) led to a change in the political system, but also saw a significant degree of continuity. Former elites were able to make use of insider knowledge and networks to maintain control, determining the sphere in which opposition could operate (Gallagher 2005).[xvii] Linz and Stepan argue that the extreme levels of control under Ceauşescu left a flattened political and social landscape, where groups struggled to establish themselves (1996: p. 362). The absence of any substantive opposition within the society allowed the former elites to step forward into the vacuum and assume control. As the country democratised the political system began to stabilise, with participants accepting the move towards democracy and the creation of necessary institutions. However, it has recently been argued that continuing tension remains within the system, between the need for continued stability and the expectation of reform, especially to deal with corruption (Ciobanu 2007: pp. 1442-1444).

The NGO sector was quick to emerge following the removal of the Ceauşescu regime in 1989. Johnson and Young argue that during the initial democratisation period (up to the 1992 elections) there was confusion over the differences between for-profit enterprises and NGOs, as well as between NGOs and political parties, 'as NGOs were granted easier registration protocols and non-political status' (1997: p. 306). During the democratisation period the number of NGOs grew substantially, with groups 'representing many areas of public interest, including education, arts and culture, ecology, professions, youth, women, minorities, international exchange and humanitarian assistance' (Johnson and Young 1997: p. 304). The boom was brought to an end in the late 1990s, when increased competition for

funds and poor management practices led to the collapse of some large environmental groups (NGO representative 2007c). With time the NGO sector in Romania stabilised aided by the introduction of legislation and the development of a more professional workforce. The 2000 Government Ordinance on Associations and Foundations (OAS - *Ordonanţă cu privire la Asociaţii şi Fundaţii*) played a key role in the stabilisation.[xviii] The OAS introduced a framework for the establishment and registration of NGOs operating in the public interest and set out formal rights and responsibilities of such organisations. Pralong argues that the NGO sector in Romania can now be divided into three types of organisation (corresponding roughly with the distinction between NGOs and grassroots organisations discussed earlier): professionals, enthusiasts and profiteers. The professionals are Western-funded groups that are 'managerially well trained, versatile, and politically neutral.' (2004: 233) The enthusiasts are generally underfunded local groups, with a domestic focus and higher degree of political engagement. Finally, the profiteers are groups that were founded to take 'advantage of tax loopholes benefiting nonprofit organizations to disguise profit-making import-export businesses as NGOs.' (Pralong 2004: 233-234) The number of active environmental NGOs is difficult to define, but two experienced NGO members independently noted that there are approximately 10 NGOs that are seen as being regularly active on a national level (NGO representatives 2007d and 2007e).[xix]

There have been moves by the government to introduce policies regarding the right to participate and obtain information. The core regulation regarding access to environmental information is Article 5[c] of the 1995 framework Law on Environmental Protection (LPM - *Legea Protecţiei Mediului*), which guarantees:

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

This was supplemented by the 2005 Decision on Access to Public Information on Environment (*Hotărâre privind Accesul Publicului la Informaţia privind Mediului*), which introduced the provisions of the Aarhus Convention.[xxi] In spite of these developments participation remains low, due to the perception that it will not change anything. Sotiropoulos notes a lack of trust in the state administration with survey results showing that levels of trust at 25.9% for parliament and 49.9% for local government (2005: p. 248).

Pressure from the EU has been an important factor in encouraging the development of regulations dealing with environmental issues, but implementation and enforcement remain a problem. Inglis has argued that the funding structure for accession states leading up to 2004 enlargement showed that the adoption of EU standards was essential, while acknowledging full compliance was not possible on accession (2004: pp. 137-138). Discussing the implementation of the Aarhus Convention an NGO representative argued that, although Romania ratified the Convention, there is a lack of awareness within state institutions and the government has attempted to limit its application (NGO representative 2007d). The effectiveness of EU regulations was also questioned, as the volume of legislation has meant that it has been introduced with little thought given to capacity to implement it or the domestic implications (NGO representative 2007d).

Faced with a range of challenges, environmental NGOs have struggled to establish a foothold in Romanian society. When discussing the ability of NGOs to operate, representatives identified lack of funding, low public profile, public mistrust and high expectations as limiting factors (NGO representatives 2007c, 2007d and 2007e). It was estimated that approximately 2-3 percent of the population is actively involved with environmental NGOs (NGO representative 2007c).[xxii] The perception is that while the main NGOs play an important role, there is fluidity outside the core, preventing the formation of strong networks (NGO representative 2007f). There is recognition amongst the NGO representatives that broader public participation is the key to influencing government behaviour. However, it was also noted that change in this area is hindered by the perception that the state will provide the solution:

> mobilising communities could be a huge solution, but its very difficult to do, its more difficult than to change the government's perception, because the government is forced to understand that he needs you, the citizens aren't. No-one asks the population to become accountable for something, they are just beneficiaries and they continue to think as beneficiaries (NGO representative 2007e).

Greater openness resulting from democratisation has allowed for some growth in environmental concern, but this continues to be undermined by the legacy of non-democratic rule discouraging active participation.

Given these restrictions and lack of community support, the role of environmental NGOs has remained relatively low and their impact limited, although there are cases that may hint at change. The main focus of the environmental NGOs consulted was on education, access to information, transparency and working with the administration (NGO representatives 2007d, 2007e and 2007f), with one representative noting 'we generally do work on policies, communication, facilitation and discussion, studies…we are not really activists, but mainly working on written stuff.' (NGO representative 2007e) Parau contrasts the weakness of civil society with the strength of the executive, particularly the centralised character of the latter in limiting opportunities for contention (2009: pp. 121-122). In spite of the imbalance NGOs have strengthened their position, with a senior NGO campaigner noting:

> I think, speaking about the environment, that things were changed after two big scandals in Romania in 2001/2002. The case of Dracula Land in Sighişoara and the case of Roşia Montană…when the authorities saw that we really do have some force they became more concerned…to do something with NGOs. (NGO representative 2007f) [xxiii]

These cases were significant in the development of the environmental movement as they saw the emergence of opposition at the local level, which was able to generate domestic and international backing and eventually force the state to cease the projects. Examining the situation more closely provides a more complicated picture of NGO activity. Local organisers of opposition to the Dracula Land project appealed to national environmental NGOs but they received little more than private letters of support, being more successful generating support from international actors (Parau 2009: p. 125). In contrast, the opposition to the Roşia Montană gold mine saw the formation of a local association (*Alburnus Maior*) with support from domestic and international NGOs and has become the model to follow (Palmujoki 2006: p. 8; Parau 2009: p. 130). The weakness of the civil society and the reliance of environmental NGOs on project-based funding may explain the limited mobilisation in the Dracula Land case, while the organisation of *Alburnus* may point to the beginning of increased linkages between local and national organisations.

Relations with the state continue to be a factor restricting NGO activities, due to the closed nature of the administrative system. A NGO member described the relationship with the state in the following way:

> as a public institution, when you had an NGO in front of your door you lock the door, barricade the windows, shut off communications, anything just to keep him out. So it was obviously a position of conflict, open conflict sometimes, taken by both sides (NGO representative 2007e).

Cooperation has improved despite these difficulties, particularly with the Ministry of Waters, Forests and Environmental Protection (MAPPM - *Ministerul Apelor, Pădurilor şi Protecţiei Mediului*). These developments are tempered by the weak position of the MAPPM, with an NGO representative arguing '[m]y perception is that the Ministry of Environment was created just to please some people, so not as a policy statement.' (NGO representative 2007e) Support from the EU has increased the willingness of the administration to work with NGOs but there is a perception that this is a largely superficial development, as NGOs are not included as regular partners (NGO representative 2007c). It was noted that NGOs have been more successful establishing links with local authorities by providing support and expertise that are lacking, but the picture is complicated (NGO representatives 2007d and 2007f). Examining the Ramnicu Valcea municipality, Sofroniciu argues that NGO activity was constrained by a lack of appropriate legislation, experience of 'association exercise' and trust in civil society associations and that the administration misunderstood the role of NGOs in the decision-making process (2005: p. 158-159). A NGO representative also identified difficulties in this area, noting that the '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' (NGO representative 2007e). Examining the situation it appears that the environmental NGO sector has been able to exert some influence, but the perception is that their involvement is tolerated rather than genuinely welcomed.

Comparing Developments in Spain and Romania

The role of the environmental NGO sector has grown and developed during the democratisation process in both Spain and Romania. Democratisation presented both challenges and opportunities for the emerging NGOs, as they sought to generate support from within the community and at the same time engage the state administration in a meaningful manner. The preceding analysis has examined the development of environmental NGOs in both countries, outlining the core elements and how they have

sought to establish themselves. Despite very different histories and experiences of democratisation, the emergence and perception of environmental groups is similar in both countries. This section compares the developments and experiences to identify features that are common to both, exploring how views of environmental NGOs have shifted.

The legacy of the non-democratic regime was key in determining the ability of environmental NGOs to operate. In the formal sense, the continuation of laws regulating NGOs from the non-democratic period restricted actions and these were not replaced until well into the democratising period. NGOs were able to form and operate with a greater degree of freedom, but the lack of established processes for participation restricted their impact. When laws and regulations were introduced implementation was problematic and administrative structures have remained relatively closed to participation. In those cases where the state has facilitated and allowed participation the motivations have been questioned. Possible reasons for increasing involvement include a desire to draw on the expertise possessed by NGOs (NGO representative 2007d) and to satisfy broader demands for participation (Todt 1999: p. 203). Despite this, there has been progress in NGOs gaining access to administrative bodies, especially at the local level where resources and expertise are lacking. Environmental NGOs have also been able to establish connections with environmental ministries and agencies, but the peripheral role of these bodies combined with the closed nature of core institutions has restricted their ability to influence the state. There are also challenges associated with closer engagement with the state, such as the perception that NGOs are serving the state (McFall 2006: p. 115) or that they are to blame for government failings (NGO representative 2007e). Spain has made more progress integrating environmental NGOs (through CAMA) than Romania, but the latter is showing some improvements. In spite of the progress that has been made there remains a sense that, rather than being viewed as an important part of the democratic political system, NGOs are an impediment to the will of the government.

The legacy of non-democratic rule is also visible in the informal sense. Barry argues that, under non-democratic political systems, the lack of collective expression allows citizens to blame the state, relieving them of responsibility (1996: p. 127). The development of this attitude under the non-democratic political system carries though into the democratising

system until the introduction and acceptance of measures for effective participation and the development of generalised trust can address it. Evidence from Romania supports this where weak political institutions led to low levels of trust in the law and a perception of unfairness (Mungiu-Pippidi 2005: pp. 56-57). Lack of trust also translates to low levels of participation in voluntary associations, weakening the support base of environmental NGOs. In Spain the elite dominated administrative system has discouraged participation (Todt 1999: p. 203), which in turn has filtered through to low levels of support for NGOs. The growth in the prominence and visibility of key environmental NGOs has increased the level of support, but they continue to struggle in the face of low levels of public participation and engagement.

The environmental NGO sectors in both Spain and Romania have consolidated around a small group of active organisations at the national level. This stabilisation has been accompanied by increased professionalism in the organisational structures and the methods of operation. As noted above, professionalism can create problems as groups may lose touch with communities they seek to represent and get too close to the state (Atack 1999; Jancar-Webster 1998). In this way NGOs are required to walk a fine line, establishing connections with the state while retaining independence and legitimacy. Evidence from Romania indicates that the core group of national NGOs have started to establish connections with local groups, with support for the local opposition to Roşia Montană signalling a move towards greater connections. In Spain, increased professionalism has allowed for the main groups to consolidate their positions and operate effectively across the country, through connections with local groups and branch offices (NGO representative 2007a). Increased professionalism has allowed a move towards greater engagement with the state, yet this has not entailed losing touch with the grassroots. The strategy being adopted by these groups involves diversifying their activities and working with the formal administrative bodies, while attempting to support and strengthen activists and groups at the local level.

The pressure placed on states to conform to EU standards has an impact on the operation of environmental NGOs. In both Spain and Romania, EU membership and accession conditions respectively have opened new opportunities for NGOs to play a role. This is illustrated

through the adoption of directives and support for the Aarhus Convention, which set down minimum standards for environmental democracy that both countries were required to adopt. However, as Goetz argues pressure from above will not necessarily lead to substantial changes in domestic policy-making or institution building if domestic political will or capacity does not exist (2001: p. 1040). In the broader setting both countries have adopted differing approaches to EU regulations, befitting their respective positions. Spain has worked actively to shape regulations to suit its domestic interests, while Romania has been more accepting of regulations it has given less attention to implementation and enforcement. The result is that the EU has provided the overarching framework within which the states must operate, the impact is altered as it is channelled through domestic interests and priorities.

The final factor influencing the emergence of environmental NGOs has been the democratisation process itself. Spain has a longer experience of democratisation and this is reflected in the more established nature of mechanisms for participation and the stabilisation of the core NGO groups. Romania has made progress in this area, with the introduction of laws establishing rights of participation and access to information, but has a shorter history of openness. In spite of their very different histories, there is a degree of convergence in the position that environmental NGOs have been able to establish for themselves in Spain and Romania. Outside the formal mechanisms for participation the influence of these groups is restricted, as environmental issues remain low on the political agenda and participation is treated more as an obligation than a necessity. This is partially due to the legacy of non-democratic rule, but more to the maintenance of closed political structures and institutions. Environmental NGOs continue to be viewed as agitators, placing restrictions on the actions of the administration rather than as partners raising legitimate concerns that need to be addressed and debated.

Conclusion

This article has examined how the role of environmental NGOs has changed and evolved during the democratisation process in Spain and Romania. The emergence of environmental NGOs was facilitated by democratisation, as the respective regimes permitted participation in policy and decision-making procedures. At the same time, the legacy of non-democratic

political rule has continued to shape how extensive and far-reaching the change has been. Formal institutions and policies were reformed to allow environmental NGOs to emerge and play a role, but restrictions on access to information and practices within the administrative system continue to limit the extent of their involvement. Experience of non-democratic rule also suppressed the level of engagement within the population, and the desire to question the administration. This has restricted the ability of environmental NGOs to generate broader support base necessary to be seen as legitimate actors.

Spain has moved further in the direction of integration of environmental NGOs, establishing consultative bodies and including NGOs in administrative decision-making processes. Romania began the democratisation process after Spain and environmental NGOs have struggled, but there are signs that they are beginning to play a more active role in influencing policy and decision-making procedures. However, environmental concerns remain marginalised in favour of economic development, meaning that the decisions in which the environmental NGOs participate are themselves peripheral. A more successful strategy may be to work with local administrative bodies and support the actions of local activists and organisations, as indicated by NGO representatives consulted. Examining these two cases, it is clear that the legacy of non-democratic rule has influenced the activities of environmental NGOs and their ability to operate. Over time, these effects have come to play a less important role as the political systems are faced with demands for greater levels of participation.

[i] On democratisation see: Haggard and Kaufman 1995; Linz and Stepan 1996; O'Donnell and Schmitter 1986; Rustow 1970.

[ii] Interest in environmental NGOs has increased with the recognition of the importance of public participation in governance and policy formation, in line with the concept of deliberative democracy. See Keck and Sikkink 1998; Wapner 1996 on environmental movements and Dryzek 2000; Elster 1998; Smith 2003 on deliberative democracy. Previous studies of environmental movements include Jiménez 2007; Koutalakis 2004; Soromenho-Marques 2002 on Southern Europe and Carmin and Jehlicka 2005; Cellarius and Staddon 2002; Jancar-Webster 1998; and Rinkevicius 2000 on Eastern Europe.

[iii] The interviews were conducted between February and July 2007 (six interviews were conducted for each country); they were recorded and transcribed by the author. Interviews were structured to obtain a broad picture of environmental politics in each country; they covered environmental policy, effects of democratisation, public participation, environmental NGO sector, 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 writing of this article and material cited is representative.

[iv] The Danube Circle was formed in May 1984 to oppose the Nagymáros dam project mobilising officials and scientific research workers, in the absence of free expression of public opinion. As the communist regime began to liberalise it became increasingly active, peaking on 12 September 1988 when 10000 people marched to parliament. Following the regime change it lost influence as it struggled to find a role, although the dam project had been cancelled (Waller 1992: pp. 124-126).

[v] Ekoglasnost was a non-governmental organisation founded in March 1989. The organisation initially protested pollution in the town of Ruse, but expanded the focus after initial repression by the regime and 'expressed concern about the ecological situation and demanded openness, clarity and transparency, in all policies regarding the environment.' (Baumgartl 1992: p. 166) Following the regime change Ekoglasnost entered the political system, but it was unable to generate influence as factions joined different political groupings undermining its position (Waller and Millard 1992: pp. 168-169).

[vi] The full name of the convention being the UNECE (United Nations Economic Commission for Europe) Convention on Access to Information Public Participation in Decision-making and Access to Justice in Environmental Matters.

[vii] 2003/35/EC – Environmental Impact Assessment Directive

[viii] 2003/4/EC – Public Access to Environmental Information Directive

[ix] 96/61/EC – Integrated Pollution Prevention and Control Directive

[x] del Alcazar argues that civil society in Spain under Franco was weak and partially absorbed by the state (2002: p. 325).

[xi] Ley 191/1964 – Of Associations (*De Asociaciones*). http://noticias.juridicas.com/base_datos/Derogadas/r0-l191-1964.html

[xii] Ley Orgánica 1/2002 - Regulating the Right of Association (*Reguladora del Derecho Asociación*) http://boe.es/g/es/bases_datos/doc.php?coleccion=iberlex&id=2002/05852

[xiii] The LAIMMA was replaced in 2006 by Ley 27/2006 - Regulating the Right of Access to Information, Public Participation and Access to Justice in the Environment (*Regulan los Derechos de Acceso a la Información, de Participación Pública y de Acceso a la Justicia en Materia de Medio Ambiente*) http://boe.es/g/es/bases_datos/doc.php?coleccion=iberlex&id=2006/13010. Ley 28/1995 - LAIMMA http://boe.es/g/es/bases_datos/doc.php?coleccion=iberlex&id=1995/26838

[xiv] The law establishing the CAMA sought to establish the rights in the 1978 Constitution to a clean environment and the ability to challenge the authorities. It also notes the importance of the UN Conference on Environment and Development at Rio de Janeiro (1992) and the Fifth Environment Action Programme of the EU (1993) in shaping the formation of the CAMA. The main NGOs (mentioned above) have representatives. (Real Decreto 224/1994 - Establishment of the Advisory Council on the Environment (*Crea el Consejo Asesor de Medio Ambiente*) http://boe.es/g/es/bases_datos/doc.php?coleccion=iberlex&id=1994/05509)

[xv] Real Decreto 2355/2004 - Structure and Functions of the Advisory Council on the Environment (*Estructura y Funciones del Consejo Asesor de Medio Ambiente*) http://boe.es/g/es/bases_datos/doc.php?coleccion=iberlex&id=2005/00654. The role of the CAMA has been shaped by the political orientation of the government, with the *Partido Popular* government of José Maria Aznar (1996-2004) scaling back its activities and the PSOE government of José Luis Rodríguez-Zapatero reinstating it (NGO representative 2007a).

[xvi] For interpretations of the democratisation process in Romania see: Durán 2001; Gallagher 2005; Hall 1999; Hall 2000; Linz and Stepan 1996; Pridham 2000; Tismaneanu 1992; Vasi 2004.

[xvii] Opposition was also dealt with through indirect means, as illustrated by the miners' attacks on protestors at the request of President Iliescu in 1990 (Durán 2001: p. 20).

[xviii] The OAS replaced the 1924 Law for Legal Persons (Associations and Foundations). Ordonanţă 26/2000 - On Associations and Foundations (*Cu privire la Asociaţii şi Fundaţii*) http://www.cdep.ro/pls/legis/legis_pck.htp_act_text?idt=22060; Legea 21/1924 - For Legal Persons (Associations and Foundations) (*Pentru Persoanele Juridice (Asociaţii şi Fundaţii)*) http://www.cdep.ro/pls/legis/legis_pck.htp_act_text?idt=1518.

[xix] An experienced environmental campaigner provided the following list of environmental NGOs when asked: ALMA-RO; Asociaţia ARIN; Clubul de Ciclotourism Napoca (CCN - Bicycle Touring Club Napoca); Eco-Counselling Centre Galaţi; Greenpeace; Asociaţia Kogayon; Regional Environmental Center Romania; Terra Mileniul III; UNESCO Pro Natura; WWF (NGO representative personal communication June 25, 2007).

[xx] Legea 137/1995 – Environmental Protection (*Protecţiei Mediului*) http://faolex.fao.org/docs/texts/rom13258E.doc

[xxi] Hotărâre 195/2005 - On Access to Public Information on Environment (*Privind Accesul Publicului la*

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Informaţia privind Mediului) http://www.mmediu.ro/informatii/HG_878-2005.pdf

[xxii] A survey from 2003 noted that 4% of those surveyed belonged to an informal organisation, while 18% engaged in some form of community activity in the previous year. Mungiu-Pippidi 2005, pp. 57-58.

[xxiii] Dracula Land was a theme park planned for the UNESCO heritage listed town of Sighişoara. The Roşia Montană project was a planned gold mine, involving the destruction of a historic village in the Apuseni Mountains (see Parau 2009).

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