

Czech Environmental NGOs: Actors or Agents in EU Multilevel Governance?¹

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Abstract: *The article examines the integration of Czech environmental NGOs into EU multi-level governance. It argues that the EU Commission has promoted environmental NGOs in order to have an ally at national and regional levels, which pressures for the implementation of EU regulation. This relation can be attributed to common interests, as both want to strengthen environmental regulation. However, in cases of conflicting interests Czech environmental NGOs are not in a position to defend their position at the EU level. This questions the claim by the EU Commission that the integration of civil society organisations is the best way to increase democratic legitimacy of the EU decision-making process. Thus, NGOs provide not only, and in the case of Czech environmental NGOs not even primarily, a link between national societies and the EU Commission, but they offer a further control mechanism between the EU Commission and the national and regional governments.*

Keywords: *EU governance, interest groups, environmental NGOs, Czech Republic*

Introduction

The European Union (EU) is a unique case of independent states transferring considerable power to a supranational body in order to meet the challenges of changing societies and globalisation. As policy-making powers are transferred to the supranational level, groups representing societal interests have to become active at the supranational level. Recent research on the role of interest groups at the EU level has been focused on two topics. First, it has been broadly discussed whether the integration of interest groups (or 'civil society organisations' in EU parlance) can help compensate for the perceived deficit of democracy at the EU level,

attributed to the inefficacy of the EU parliament. Second, issues of multi-level governance, i.e., of the division of decision-making powers and implementation of directives between the still sovereign member states and the EU, have been widely examined.²

The eastern enlargement of the EU has posed new challenges in both areas. On the one hand, the number of member states has risen from 15 to 27, thus making unanimous agreements more difficult to reach. On the other hand, representatives of the new member states, including their interest groups, deserve equal representation in EU decision-making processes. Particularly with regard to the representation of interest groups, fears have been voiced that the newcomers will not be capable of meaningful participation in EU governance due to the weak state of civil society as well as a lack of experience in their post-socialist countries.

By definition, EU governance implies a specific form of multi-level governance. As the EU consists of sovereign nation states, the decision-making powers of EU bodies are necessarily limited. Based on the subsidiarity principle, decisions within EU governance should ideally be made at the lowest appropriate level. In addition, responsibility for the implementation of EU decisions rests foremost with national (and sub-national) executive bodies. As a result, most policy decisions involve several levels, and regulation for most policy fields includes the EU and national levels on a regular basis. Accordingly, civil society organisations dealing with specific policy issues have to be active at several levels simultaneously.

When the Czech Republic joined the European Union in 2004, considerable competencies in the field of environmental policy were transferred to the EU level.³ Accordingly Czech environmental NGOs, which are among the strongest civil society organisations in the Czech Republic,⁴ were also faced with the challenge of EU multi-level governance, namely to gain access to relevant decision-making processes at all levels. As their influence is likely to differ between the different levels, with influence at the EU level being weaker at least in the initial phase of EU membership, Czech environmental NGOs need powerful partners if they want to be heard. Here the question arises whether they remain independent actors or risk to become instrumentalized as agents of other actors. In this case study we will examine how Czech environmental NGOs have responded to this challenge.

Czech environmental NGOs at the national and regional level

In socialist Czechoslovakia environmental organisations were a vital part of the dissident opposition. Accordingly, the environmentalists played an important role in bringing down the regime in 1989 and influenced the new political leadership significantly. Their main success was the adoption of the law on the environment and environmental information in 1990.

However, in the now independent Czech Republic Prime Minister Vaclav Klaus soon insulated his government from the influence of environmental NGOs, as well as from most other independent politically active organisations. Since then environmental NGOs have focused on independent access to political decision-making processes. They have insisted on exercising their right to access environment-related information and participate in the environment-related political decision-making processes, including the right to prepare reports on state-financed projects having an environmental impact. Environmental NGOs have or-

ganised protest actions to support their positions and have gone to court in order to thwart specific projects or to protect their political rights. The adoption of the environmental part of the EU *acquis communautaire* in 2001 and the signing of the Aarhus Convention in 2004 at the EU's request fortified the legal rights of Czech environmental NGOs considerably.

As a result of these developments, the environmental NGOs have generally been able to make their way back into political circles since the late 1990s. This view is supported by NGO activists as well as by public opinion (Spiralis Foundation 2005: 1-12). In 2004, when the Czech Republic joined the EU, the national Ministry of the Environment already cooperated with environmental NGOs on a routine basis. Approximately 10% of the NGOs were formally involved in regional policy, namely through membership in committees of the regional administration or legislation (*Nadace Partnerství* 2004: 14). The political significance of environmental NGOs was strengthened by the media as well. Environmental NGOs featured in media reports, especially those of the Czech Public Broadcasting TV Company, and their representatives were also increasingly interviewed as experts on environmental issues (Spiralis Foundation 2005: 1-12).

Accordingly, environmental NGOs had enjoyed a number of political successes in the years preceding EU accession. In 2003 they were allowed to take part in the state-funded regional development programme Agenda 21. In 2004 their lobbying on the State Environmental Policy and Waste Management Programme as well as on the protection of *Natura* 2000 ecological sites had a visible impact on political decisions. In public opinion polls conducted in 2004, the year the country joined the EU, two thirds of the Czech population declared their trust in environmental NGOs, which is the second highest ranking among Czech civil society organisations. In the same poll environmental NGOs were also described as successful (Vajdová 2005: 58-60).

However, it is often maintained that these NGOs' political successes are solely dependent on their relations with specific political actors. As Adam Fagan argues:

From the perspective of the Czech environmental movement, although over a decade of foreign assistance and know-how transfer has resulted in a tier of professional NGOs that have obtained political influence at the elite level, these organizations have made little progress in rooting themselves in society at large. (Fagan 2005: 528)

This view is backed by empirical data. According to the European Social Survey 2004, only 1.8% of the Czech population claims membership in environmental NGOs and a mere 1.4% active support⁵. About 2.5% of the Czech population has made donations to environmental NGOs.⁶ Thus Czechs contributed 9% to the NGOs' coffers, while the share of EU support alone stood at 7%. Czech environmental NGOs are therefore dependent on institutional donors and commercial activities, with the latter contributing about 20% of their budget (*Nadace Partnerství* 2004: 12).

Accordingly, it can be argued that the environmental movement is one of the strongest elements of Czech civil society in terms of political influence. Nevertheless, their organisational capacity is limited, and in financial terms they are heavily dependent upon institutional and foreign support. Prior to EU accession they were also lacking in international experience. In the second half of the 1990s only 1.8% of Czech NGOs were working on the international level (Regional Environmental Centre for Central and Eastern Europe 1997: 43-44).

Integration into EU networks

In the years preceding accession, the EU strove to buttress NGOs in the candidate countries through a number of measures. For Czech environmental NGOs three aspects of EU support were of special relevance. First, the EU promoted their integration into an EU-wide NGO network. Second, the EU offered training to the NGOs' leading representatives. Third, the EU provided considerable financial support for the purpose of honing their organisational and managerial skills.⁷

(1) Integration of Czech environmental NGOs into an EU-wide NGO network

From 1999 to 2004 the Directorate General for the Environment (DG Environment) of the EU Commission organised an EU-NGO dialogue, in which 40 environmental NGOs from the Balkan and candidate countries (among them four from the Czech Republic⁸) took part. In addition nine major international environmental NGOs active at the EU level participated as observers.⁹ The dialogue meetings were held roughly twice a year either in Brussels or in one of the candidate or Balkan countries with selected NGOs representing their respective national civil societies. The final meeting took place on 18–19 April 2004.

Until 2002 the dialogue meetings were coordinated by the Regional Environmental Centre for Central and Eastern Europe (REC). Headquartered in Hungary, the REC set up country and field offices in 15 Central and Eastern European countries, including the Czech Republic. The German Institute for Biodiversity (IBN) arranged the final meeting in 2004.¹⁰

According to the DG Environment, the purpose of these meetings was to:

- Improve the transparency and relations between the NGOs and DG Environment,
- Inform the NGOs about ongoing issues on enlargement and environmental policy developments,
- Consult the civil society on new environmental policy developments in the EU, and their implications for the Candidate Countries,
- Explore, with the NGOs, ways in which they can play an active and constructive role in the enlargement process ('environmental watchdog'),
- Create a platform for NGOs to address their concerns to EU policy makers and to enhance cooperation among the NGOs themselves.¹¹

The participating environmental NGOs from the Czech Republic saw the dialogue as an important source of information, especially on regulatory issues and funding opportunities, and as a critical opportunity to forge international contacts. Through their Czech network, the Green Circle, NGOs participating in the dialogue disseminated information from the meetings in Brussels to the other Czech environmental NGOs. As most Czech environmental NGOs lacked the necessary funding to join a Brussels-based organisation, the EU-NGO dialogue was the only chance for them to establish regular direct contact with EU institutions prior to their country's accession.¹²

Then, in 2003, an educational mission to Brussels was organised for representatives of Czech NGOs. The Czech delegation, headed by Czech diplomat Pavel Telicka, was able to discuss the potential consequences of the country's accession face to face with representatives of the EU.

(2) Training for leading representatives of Czech environmental NGOs

The training of Czech environmental NGO representatives was supported by the EU, which tied many grants to the organisations' level of professionalism and further enabled many NGOs to meet professionals from the field during the EU-NGO dialogue. In addition, the EU funded training courses for Czech civil society organisations through its PHARE programme,¹³ in which altogether 200 NGOs took part.¹⁴

According to the training organisers the aims were to:

- Inform NGOs about directives and regulations that governed the allocation of resources from pre-accession programmes like PHARE and from the Structural Funds of the EU,
- Improve the knowledge of the IT technology and programs specifically designed for development and project management,
- Make sure that other agents in the society gain knowledge and access to the EU programmes and learn how to manage projects,
- Support and motivate NGOs to make contacts with the local and regional administrations,
- Positively influence the relationship of the Czech citizens to the EU (NROS 2003).

In addition, Czech environmental NGOs obtained EU funding for issue-specific training courses and seminars.

(3) Financial support

Prior to the EU accession of their country, Czech environmental NGOs could obtain EU funding from PHARE, ISPA, and SAPARD.¹⁵ Thus the EU provided about 7% of their income through direct payments (*Nadace Partnerství* 2004: 14).

Since its 2004 accession to the EU, the Czech Republic's environmental NGOs are now eligible to apply for EU funding for member states. The most important funding opportunities are the EU Environmental Programme, Structural Funds and the Rural Development Policy within the Common Agricultural Policy. In addition, since 2007 LIFE+ offers funding exclusively for environmental projects.¹⁶

However, for Czech environmental NGOs this means that they no longer receive funding for capacity building, but have to engage exclusively in environmental projects. Competition tends to be stiffer in this arena and Czech environmental NGOs now have to compete with environmental-related organisations from all member states (in the case of environment-related funds) or with fellow organisations from the Czech Republic (in the case of structural funds). In addition, the EU requires that funding be matched by contributions from the organisations themselves, which can range from 20% up to 80% of the project value. Accordingly, the weak financial position of Czech environmental NGOs may paradoxically restrict their eligibility to apply for EU funding.

Representation at the EU level

At the EU level decision-making procedures in the field of economic policy start with the European Commission putting forward a proposal, which is then passed on to the Council of

Ministers and the European Parliament. As the EU has acquired an important role in shaping environmental regulation of member countries, environmental NGOs, as well as representatives of industry having an environmental impact, are active at the EU level. Environmental NGOs participate in EU expert panels and in preparatory and implementation committees, contributing to the formulation of EU policies, programmes and initiatives. In addition, NGOs regularly form part of the EU delegation to international environment-related negotiations, such as the United Nations Conference on Environment and Development (UNCED) in Rio and most sessions of the UN Commission on Sustainable Development.¹⁷

In order to coordinate their engagement at the EU level and to increase their impact, environmental NGOs have signed on with a number of European associations with representative offices in Brussels.¹⁸ The biggest environmental NGOs and NGO associations active in Brussels have formed the Green 10, which consist of BirdLife International (European Community Office), Climate Action Network Europe (CAN Europe), CEE Bankwatch Network, European Environmental Bureau (EEB), European Federation of Transport and Environment (T&E), EPHA Environment Network (EEN), Friends of the Earth Europe (FoEE), Greenpeace Europe, International Friends of Nature (IFN), and the WWF European Policy Office.

According to its mission statement, the Green 10 ... work with the EU law-making institutions – the European Commission, the European Parliament and the Council of Ministers – to ensure that the environment is placed at the heart of policymaking. This includes working with our member organisations in the Member States to facilitate their input into the EU decision-making process.

While campaigning at EU level, Green 10 NGOs encourage the full implementation of EU environmental laws and policies in the Member States; lobby for new environmental proposals, as appropriate; work with the EU institutions to ensure that policies under consideration are as environmentally effective as possible; promote EU environmental leadership in the global political arena.

In terms of public awareness raising, Green 10 NGOs inform their members and the wider public of environmental developments at EU level, and encourage them to make their voice heard; give voice to thousands of locally-based associations, which would otherwise have no access to EU decision-makers; contribute to the strengthening of civil society across Europe through training in advocacy skills, policy analysis and the EU decision-making process.¹⁹

In summary, the role of environmental associations at the EU level is twofold. On the one hand they lobby EU bodies on environmental issues in order to influence related EU regulations. On the other hand they cooperate with EU bodies (and especially with the DG Environment of the European Commission) in order to compel their national governments to implement EU guidelines. Whereas the first task requires strong representation in Brussels, realisation of the second task demands political influence at the national, regional and local levels (Wörner 2004 and Greenwood 2003: 186-196).

Whereas Czech environmental NGOs can boast considerable experience in national politics (having joined the fray by the late 1980s), lobbying in Brussels is a newer task (with official contacts first starting in 1999). Two years after their country had joined the EU, 13 environmental NGOs from the Czech Republic had become full members of at least one

Green 10 partner; of these, four are national branches of international NGOs. As Table 1 demonstrates, the highest number of Czech environmental NGOs can be found in the European Environmental Bureau (EEB).

Table 1: Membership of Czech environmental NGOs in associations at the EU level

| Czech NGO | Website | Member of |
|---|---|--|
| Centrum pro dopravu a energetiku (Centre for Transport and Energy) | http://cde.ecn.cz | CAN Europe CEE Bankwatch Network T&E |
| Česká společnost ornitologická (Czech Society for Ornithology) | www.birdlife.cz | BirdLife International |
| Český a Slovenský Dopravní Klub (Czech and Slovak Traffic Club) | http://dopravniklub.ecn.cz/ | T&E |
| Ekologické Centrum Toulcův Dvůr | http://www.ecn.cz/yee | EEB |
| Ekologický právní servis (Environmental Law Service) | www.eps.org | EEB |
| EkoWatt | www.ekowatt.cz | CAN Europe |
| Greenpeace Czech Republic | www.greenpeace.cz | Greenpeace International |
| Hnutí DUHA (Rainbow Movement) | www.hnutiduha.cz | CEE Bankwatch Network Friends of the Earth Europe |
| Sdružení Duha (Friends of Nature) | www.duha.cz | International Friends of Nature |
| Společnost pro trvalé udržitelný život (Society for Sustainable Living) | http://www.czp.cuni.cz/stuz | EEB |
| Středisko pro Efektivní Využívání Energie – “SEVEN” (Energy Efficiency Center) | www.svn.cz | CAN Europe |
| Ústav Pro Ekopolitiku (Institute for Environmental Policy) | www.uep.ecn.cz | EEB |
| Zelený Kruh (Green Circle) | www.ecn.cz | EEB |

Source: Green 10 (<http://www.foeeurope.org/links/green10.htm>), May 2006.

Czech environmental NGOs can certainly be said to profit from their engagement at the EU level. First, they become integrated into an international network. This helps them to professionalize not only through direct training but also through the additional knowledge and experience they gain, including, among others, improved language and communication skills, acquaintance with different organisational models, access to additional expert knowledge abroad. Second, they receive information and advice about funding opportunities at the EU level. Third, they acquire first-hand information about EU environmental policies, which gives them an edge in negotiations with Czech state agencies. Fourth, they have the power to monitor the activities of Czech representatives at the EU level. However, as they participate

only indirectly in EU decision-making processes through their partnerships with Green 10 members, they do not have any visible impact on EU policy.²⁰

Measured by the accumulated number of member organisations in the Green 10, Czech environmental NGOs fall in the middle range. Of the post-socialist EU member states, only Hungary (with 19 NGOs) is better represented than the Czech Republic. However, as Table 2 demonstrates, the NGOs from the five most active countries account for 45% of Green 10 member organisations, whereas NGOs from the Czech Republic have a share of only 4%.

Table 2: Share of countries within the Green 10

| Country | Share of NGOs in Green 10 |
|-------------------------------------|----------------------------------|
| Czech Republic | 4% |
| Estonia | 2% |
| Hungary | 5% |
| Latvia | 1% |
| Lithuania | 1% |
| Poland | 2% |
| Slovakia | 2% |
| Slovenia | 2% |
| <i>Post-socialist member states</i> | <i>19%</i> |
| Belgium | 10% |
| France | 7% |
| Germany | 8% |
| Netherlands | 7% |
| United Kingdom | 13% |
| <i>Top 5</i> | <i>45%</i> |
| Austria | 3% |
| Cyprus | 1% |
| Denmark | 4% |
| Finland | 3% |
| Greece | 3% |
| Ireland | 2% |
| Italy | 4% |
| Luxemburg | 3% |
| Malta | 1% |
| Portugal | 2% |
| Spain | 4% |
| Sweden | 4% |
| Others | 34% |
| Total | 100% |

Note: The individual numbers do not add up to 100% due to rounding.

Source: own calculation based on Green 10 (<http://www.foeeurope.org/links/green10.htm>), May 2006.

In addition, it has to be noted that there is no shortage of tension among the Green 10 partners as they focus on different topics, exhibit varying degrees of willingness to compromise and pursue distinct lobbying strategies. WWF and Birdlife, for example, concentrate on nature preservation and are willing to join forces with businesses and politicians to reach compromises, thereby pursuing a cooperative strategy of lobbying based on voluntary support and negotiations. Greenpeace, on the other hand, zeroes in on industry-related issues such as emissions and nuclear policy and is much more confrontational. Accordingly, its lobbying strategy is often predicated on public pressure and showdowns with business and politics.

These tensions make it even harder for smaller environmental NGOs such as those from the Czech Republic to work in Brussels. One result of the divisions within the Green 10 is that much of the environmental NGOs' work at the EU level is still being done individually by the partners. Furthermore, the internal tensions limit the ability of the Green 10 to provide adequate support to smaller member NGOs. Last but not least, involvement in the infighting makes it harder for Czech NGOs with different Green 10 affiliations to cooperate and sometimes actually ends up alienating NGO members active in Brussels from their national organisations (Wörner 2004 and Greenwood 2003: 186-196).

Conclusion

The EU has promoted the internationalisation of Czech environmental NGOs and has contributed to their professionalisation. EU regulation has also strengthened the position of environmental NGOs within the Czech Republic. As a result, Czech environmental NGOs regularly support EU environmental policy at the national and regional levels. They promote and monitor the implementation of EU regulations. In this respect they cooperate with the European Commission, namely with the DG Environment. However, Czech environmental NGOs have thus far failed to gain momentum as a lobbying force capable of influencing EU decisions. They are too small to make a difference in the major international environmental associations they have joined at the EU level.

Accordingly, the impact of the engagement of Czech environmental NGOs at the EU level is felt primarily at the national and regional levels within the Czech Republic itself. The EU has a much bigger impact on Czech environmental organisations than the latter have on EU decision-making processes. In fact, pre-accession EU support has not so much helped to integrate Czech environmental NGOs into EU decision-making structures, but has considerably improved their capacity to influence domestic politics at home. In so doing the EU Commission has strengthened an ally for the implementation of EU environmental regulation in the Czech Republic.

This relation between the DG Environment and the environmental NGOs can be attributed to common interests, as both want to strengthen environmental regulation. However, in cases of conflicting interests Czech environmental NGOs are not in a position to defend their position at the EU level. In this respect they have not mastered the challenge of multi-level governance, yet. This assessment also questions the claim by the EU Commission that the

integration of civil society organisations is the best way to increase the democratic legitimacy of EU decision-making.

This situation has important implications for an analysis of multi-level governance. First, it shows that the integration into international umbrella organisations, which is favoured by the EU Commission, does not necessarily give individual members a voice in EU governance. Second, and more importantly, it demonstrates that the integration of NGOs can be in the direct political interest of the EU Commission, as it can at least in some policy fields use NGOs to monitor the implementation of EU policies at the national and regional level. Thus NGOs provide not only, and in the case of Czech environmental NGOs not even primarily, a link between national societies and the EU Commission, but they offer a further control mechanism between the EU Commission and the national and regional governments.

Notes

- ¹ This research has been conducted as part of project 24 within the Integrated Project „New Modes of Governance“ (www.eu-newgov.org), financially supported by the European Union under the 6th Framework programme (Contract No CIT1-CT-2004-506392).
- ² Reviews of the vast literature on the topics are provided e.g. by (Charrad and Eisele 2007) and (Woll 2006).
- ³ On the relation between EU decision-makers and NGOs in the environmental policy field see (Hallstrom 2004).
- ⁴ Academic analyses of their role are provided by: (Fagan 2005, 2004); (Jehlička, Sarre and Podoba 2005); (Carmin 2003a and 2003b); (Fagan and Jehlicka 2003); (Tickle and Vavroušek 1998).
- ⁵ In the original wording: unpaid voluntary work.
- ⁶ For a systematic, comparative interpretation of these data see (Lane 2006).
- ⁷ For an alternative summary see (Hicks 2004).
- ⁸ These were the Center for Community Organizing, the Rainbow Movement, the Society for Sustainable Living and ZO CSOP Veronica.
- ⁹ These were Birdlife International, the Climate Action Network, the European Environmental Bureau, the European Federation for Transport and Environment, Friends of the Earth, Greenpeace, Friends of Nature and the World Wide Fund for Nature.
- ¹⁰ For information on the dialogue see the websites of the DG Environment >http://europa.eu.int/comm/environment/enlarg/ngodialogue_en.htm<, and the REC >http://www.rec.org/REC/Publications/EC-NGO_Dialogue/Introduction.html<. Now that the dialogue is over, the IBN website (www.biodiv.de) no longer contains related information.
- ¹¹ DG Environment, >http://europa.eu.int/comm/environment/enlarg/ngodialogue_en.htm<
- ¹² Green Circle, >www.zelenykruh.cz<
- ¹³ Civil Society Development Programme 2001.
- ¹⁴ There is no information available on the share of environmental NGOs in this figure.
- ¹⁵ A comprehensive overview is given by: REC 2001.
- ¹⁶ Comprehensive overviews are given by: European Commission 2005 and WWF 2005.
- ¹⁷ >http://europa-eu-un.org/articles/sv/article_1004_sv.htm<

- ¹⁸ For portraits of the leading international associations of environmental NGOs see the Green Year Book 2004, ><http://www.greenyearbook.org/ngo/ngo-ind.htm><
- ¹⁹ ><http://www.foeeurope.org/links/green10.htm><
- ²⁰ This assessment is shared by the European Environmental Bureau as well as by the major association of Czech environmental NGOs, the Green Circle. See esp. European Environmental Bureau: How the EEB works, >www.eeb.org< and Zelený Kruh (Green Circle): EU a životní prostředí, >www.zelenykruh.cz<

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