



Performing failure in conservation policy: The implementation of European Union directives in the Netherlands

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ARTICLE INFO

Article history:

Received 11 September 2011

Received in revised form 12 July 2012

Accepted 13 July 2012

Keywords:

Nature conservation

EU directives

Performativity

Implementation

Netherlands

ABSTRACT

We investigate the impact of performances of failure in nature conservation by means of a detailed reconstruction of the implementation of European Union conservation directives in the Netherlands. We distinguish performance and performativity, whereby the latter is the reality-effect of discourses affecting policy, and partly the result of deliberate performance. It is argued that the implementation history in the Netherlands reveals that even long-standing traditions of deliberation and spatial planning can be disrupted as an unintended consequence of international policy implementation. What was intended as a tool to promote long-term planning for nature conservation can in effect undermine both nature conservation and long-term planning. Only a high degree of reflexivity in the planning system can diminish the chances of misconceiving the spaces for negotiation and deliberation that are left open by the EU directives. Otherwise, a combination of unexpected events and unreflected routine responses will in all likelihood produce results highly diverging from the initial ambitions.

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Introduction

The European Union has had an increasing influence on the Member States' nature conservation policies since the nineteen seventies. The Birds directive (79/409/EEC) and the Habitats directive (92/43/EEC) have proved especially influential in changing many states' policies (Alphandéry and Fortier, 2001). Following these directives, Member States have to designate protected areas and adapt their legislative framework for biodiversity conservation. Together these protected sites form the Natura 2000 network, so the policy is often referred to as the Natura 2000 policy. In many Member States the implementation of the Natura 2000 policy requires additions to or adaptation of other institutions that have been developed to protect nature, like national parks and ecological corridors. The EU directives had the potential to enable both convergence and divergence of conservation policies (Beunen and Duineveld, 2010) and a wide variety of legal translations and scale-dependent implementations have been observed (Apostolopoulou and Pantis, 2009; Ferranti et al., 2010; Elliott and Udovč, 2005; Prazan et al., 2005; Paavola, 2004).

The implementation of Natura 2000 (and therefore the underlying EU directives) has created a lot of animosity and plenty of lively, sometimes even hostile, discussions in many Member States, including the Netherlands (Rauschmayer et al., 2009; Mehtälä and Vuorisalo, 2007; Coffey and Richartz, 2003; Stoll-Kleemann, 2001; Ledoux et al., 2000). Many actors involved in the implementation process do not consider Natura 2000 to be a success (Franx and Bouwmeester, 2010). The perceived effects of Natura 2000 not only include increased procedural complexity in spatial decision making and a brake on economic development, but also include a de facto undermining of the support for nature conservation in general (Bleker, 2011a,b).

Dutch nature conservation policy took a century to develop and bloom (Doevendans et al., 2007; Dekker, 2002; De Jong, 2000; Van Loon et al., 1996; Van der Windt, 1995) and, it seems now, only a decade to slip into a deep crisis (Dekker, 2011; Bredenoord et al., 2011). The aim of this article is to explain how the problematic implementation of the EU Birds and Habitats directives caused the negative attitude toward nature conservation and the crisis in Dutch nature conservation policy. We analyze the implementation of Natura 2000 as a performance of failure.

Prior to the implementation of Natura 2000, the main objective of Dutch nature conservation policy was the creation of a national ecological network (Doevendans et al., 2007; Grootte et al., 2006; Van der Heijden, 2005). At the national level, the growing

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importance of nature conservation culminated in a 1990 policy (Ministry of Agriculture Nature and Food Quality, 1990) that provided a framework to govern the designation of protected areas. The national government was spurred into action and critically monitored by conservation organizations that, as they grew, slowly came into the orbit of the government.

Meanwhile, pragmatic adaptation marked the Dutch spatial planning system, with unified technocratic (and supposedly science-based) discourse emanating from the national and regional bureaucracies and flexible interpretation at the local level (Rientjes, 2002). The conservation goals that entered the planning system through the national bureaucracies, the private and semi-governmental conservation lobbies, and, sometimes, local politics became part of a system of deliberate land use that was not determined by plans, but by a selective and often creative use, recombination and adaptation of them (Beunen and Hagens, 2009; Van Assche et al., 2012). A wide variety of actors could be involved in negotiations and deliberations at the local level, producing a semblance of conformity with higher level policies and a dose of local adaptation (Groote et al., 2006). This allowed for different plans and rules to prevail in different cases and it allowed for an institutionalized reflection on the relationship between protected areas and their environment.

Despite praise from many sides, there were also some problems. The perceived top-down approach, persistent conflicts with agricultural actors and problematic communication with other stakeholders were criticized (Doevendans et al., 2007; Notenboom et al., 2006; Van der Heijden, 2005; Aarts, 1998). With the implementation of the Birds and Habitats directives, the character and impact of this criticism changed dramatically. The directives, which governed the designation and delineation of Natura 2000 sites, seemingly forced a deliberation of land use at the national level, since the process forced early study and early decisions on the relationship between a protected site and its environment.

In the following section, we describe the method we applied. Then we introduce the theoretical framework that guided our analysis, a series of concepts derived from discourse theory, cultural studies and narrative theory. This is followed by a discussion of the most important findings and some concluding remarks.

Method

We drew upon a thorough reconstruction of the evolution of communication about and practical implementation of Natura 2000 in the Netherlands, combining an analysis of the discussion about its integration into national policies with a study of the designation of particular Natura 2000 sites. We reconstructed local debates about consequences for economic development and analyzed policy documents, proceedings of formal hearings, reports and scientific articles about Natura 2000. Furthermore, we analyzed the ways in which Natura 2000 was covered in various media, including national and regional newspapers, journals and internet sites. This material was combined with interviews and conversations with representatives of governmental organizations, NGOs, stakeholders' representatives, land owners, farmers and entrepreneurs that took place between 2003 and 2011.

The research was conducted in three campaigns. The first campaign ran from 2003 to 2005 (45 interviews) and focused on problems with the Birds and Habitats directives that were experienced during the planning and decision making processes (Beunen, 2006). The second campaign, from 2007 to 2008, paid more attention to debates about the selection of Natura 2000 sites and the ways in which Natura 2000 was integrated in other policies and plans. This included participating in debates about Natura 2000, visiting a public hearing about the designation of Natura 2000 sites

(Table 1) and studying the formal complaints that were addressed to the designation of sites (Veerman, 2003).

A third campaign began in 2009; we hoped to gain more insights into the formulation of management plans for the Natura 2000 sites. We conducted a case study (Beunen and De Vries, 2011) and enriched our understanding of the formulation processes by interviewing 15 government representatives who were responsible for the formulation of management plans (Table 1). Most of the interviews were semi-structured using a list of topics which included their general perspectives on the evolution of nature conservation policies and their experiences with the designation of specific sites in particular.

We also attended five public meetings (Table 1) that were organized by the responsible authorities (the Ministry and the provinces) as part of the designation process to explain the policy process, offer people the opportunity to ask questions and address concerns about Natura 2000. During these meetings, we made observations and sound recordings and we analyzed how specific issues were framed and which roles different actors played in the discussion.

This material was used to reconstruct the evolution of Dutch nature conservation practices as influenced by the implementation of the Birds and Habitats directives. The materials were coded for emerging narratives of failure and success, ascription criteria, problem topics and motivations. We mapped the evolution of the different discourses and their interactions over time and paid particular attention to the ways in which the different discourses were reflected in the debates at the different planning and decision making sites, and were in return affected by these debates.

Theoretical framework: performance and performativity of success and failure

Our theoretical perspective on success and failure in policy derives from narrative theory, discourse theory, rhetoric and cultural studies. Our basic assumption is that ascriptions of success or failure not only describe a certain state of affairs but are integral parts of performances that contribute to the construction of that state of affairs (cf. MacKenzie et al., 2007; Rap, 2006; Van Raaij, 2006; Mosse, 2004).

Our basic concept is *discourse* as a structured understanding of a part or aspect of reality, necessarily normative in nature (Foucault, 1982; Bal and Bryson, 1991). In the tradition of Michel Foucault, we understand discourses as networked concepts; one type of conceptual structure that has been particularly successful throughout history is *narrative*. Narrative structures are formal structures that can render discursive materials more real and more compelling by introducing temporal, spatial and emotional order (Bal, 1993, 2002). This is a generic semiotic understanding of narrative, inspired by Mieke Bal and Umberto Eco (Bal and Bryson, 1991; Bal, 1993, 2002; Eco, 1984; Tomaščíková, 2009).

By shaping our understanding of things and events, narratives can have reality effects. They contribute to the social construction of reality; in other words, they are *performative* (Bialasiewicz et al., 2007; MacKenzie et al., 2007). A certain narrative becomes performative when it is widespread in society, especially among elites (Foucault, 1994), and when it becomes institutionalized in administration and education (Ball, 2003). Performativity is an essential feature of the discursive construction of social worlds: things appear true because of prior discourse (Butler, 1997; MacKenzie et al., 2007). While the term *performativity* is often associated with the linguistic philosopher Austin and his theory of speech acts, it led its own life in the post-structuralist traditions inspired by Foucault, Lacan and Deleuze. We line up with the Foucaultian interpretation: our realities are continuously “blackboxed” in the sense

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