

DRAFT

**Governance dynamics in European regionalisation:
the environment case in the Mediterranean**

**Multilevel governance dynamics in the Western Mediterranean:
lessons learnt from the Natura 2000 network
and factors of regional positioning**

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Introduction

Over the past 60 years, the process of European integration has generated a significant change in the European governance, where competencies “have slipped away from the central state to the supranational level” (Marks et al., 1996). This shift of competencies has had a direct impact on the subnational level. On one hand, the European level has become the dominant player in policy areas lying in areas of supranational competence, such as for example agriculture, trade and economic development¹. On the other, what happened is not a simple shift of competencies but a re-distribution of authority among several tiers of government. Thus, the European integration process has opened spaces for the regional authorities and other sub-national actors to participate in the European Union (EU) policy making process.

These dynamics may be analysed through the lens of the multilevel governance (MLG). The main contribution of this approach relies in having stressed the need to analyse the European decision making process as a “set of overarching, multilevel policy networks”², involving not only governmental authorities but also sub-national governments and other sub-national actors. The European decision making process is then described by MLG theorists as being multilevel and multi-actors, where actors other than the central government deal with the supranational level and enter in the “EU Game” without the ‘permission’ of the State. “In a direct confrontation with intergovernmental state-centrism, even in its liberal version³, the proponents of the MLG challenged the contention that non-state interests could aspire to make their impression on EU policy making only by operating through state representatives, that is, that they could not successfully challenge the “gate-keeping” capacity of central state”⁴.

The check-list to analyse a multilevel governance framework is mainly composed by the following elements: “Different levels of governments are simultaneously involved in policy making [Vertical governance]; non governmental actors are also involved, at different governance levels [Horizontal governance]; the interrelationships created defy existing hierarchies and rather take the form of non hierarchical networks [Interactive governance]”. This latter point draws the attention to an important feature of the multilevel governance framework: the re-distribution of authority does not take place rigidly but in a dynamic and contested way, characterised by the interaction between the different kind of policy actors at the different levels.

For long time, MLG approach was applied quite exclusively into the realm of the cohesion policy, where the policy prescription of the ‘partnership principle’ – requiring the involvement of the most relevant stakeholders to all phases of the programming process – has opened new spaces of actions for subnational authorities. In particular, the adoption of the partnership principle in programming and management of Structural Funds established the right of regions to participate in the multi-level governance of the European regional development, shifting part (with significant differences between Member States) of the authority from the Member State to the lower level.

Although relevant, the case of the cohesion policy does not give an exhaustive explanation of the real participation of subnational entities in the European decision making process. The re-

1 Hopkins, John (2007), *The Future of Sub-National Government in a Supra-National World – Lessons From the European Union*, VUWLawRw 4; (2007) 38(1) Victoria University of Wellington Law Review 19

2 Marks, Gary et al. (1996), “Competences, Cracks and Conflicts: Regional Mobilization in the European Union”, *Comparative Political Studies*, 29(2):164-192

3 Moravcsik, Andrew (1994), “Preferences and Power in the European Community: A Liberal Inter-governmentalist Approach”, in S. Bulmer e A. Scott eds, *Economic and Political Integration in Europe. Internal Dynamics and Global Contexts*, Oxford, Blackwell Publishers, pp.29-85

4 Piattoni, Simona (2009), *Multilevel Governance in the EU. Does it work?*, Paper presented at the Conference “Globalization and Politics: A Conference in Honor of Susanne Berger”, MIT, May 8 and 9, pp. 5-6

distribution of authority between tiers of government is uneven across policy areas⁵; and can assume different aspects depending on the Member State. Thus, there is not a single but multiple types of multilevel governance systems.

Having said this, there is the need to “open-up a grass-root perspective to the literature on multilevel governance and policy networks in the European polity”⁶. Actually, other complementary – and sometimes conflicting - points of entry in the EU decision making policy are possible. The participation of the subnational level to the European decision making process is also due to their ability (policy entrepreneurship) “to take advantage of window of opportunity opened by other policy actors, for instance specific policy programmes”⁷. For example, “Regional players are increasingly making themselves heard and pushing for their interests to be taken into account through a wide range of direct contacts with the European Institutions. The large number of regional representations in Brussels bear witness to this, as do the numerous European regional and local associations and networks”⁸. Moreover, “the networked structure [such as for example, Euroregions or Interreg management committees] of EU policy making enables and encourages ‘grass root’ policy entrepreneurs to position themselves as policy addresses and implementation units”⁹.

The purpose of this paper is to contribute to better the understanding of the multilevel governance dynamics in the western Mediterranean and the regional positioning. At this aim, the paper will present the first results of the analysis conducted in the framework of the Medgovernance project¹⁰, financed by the Med transnational cooperation programme. Which are the main characteristics and issues of the regional involvement in the multilevel governance? Which are the perspectives of the regional role in western Mediterranean governance dynamics?

In particular, the first part of the paper will present the results of the analysis conducted on the Natura 2000 network. The interest in this case study relies in its being a top-down led initiative and an instance of multilevel governance, according to the points identified by Piattoni¹¹. The implementation of the network in the partner regions of the Medgovernance project can give interesting foresights to better the understanding of multilevel dynamics; its main characteristics, problematic and constraints. As underlined by the study on the “Follow-up of the Territorial Agenda and the Leipzig Charter: Towards a European Action Programme for spatial development and territorial cohesion” of the Policy Department of the European Parliament: “[...] there is no doubt that EU environmental policies do have an increasing influence by setting conditions for territorial developments and policies, also in urban areas. This is, for example, the case with the Natura 2000 network where the sites are formally designated at national level and imply the transposition of the Habitats Directive into national law (Article 23 of the Habitats Directive). The spatial implications of EU legislation will depend to a large extent on the implementation at national level, the local situation and the type and scale of the problem”¹².

The investigation followed a multilevel and multi-actor approach taking into account diverse entry points: vertical governance (multilevel linkages), horizontal governance (participation of diverse

5 Perkmann, Marcus (2002), Policy Entrepreneurs, Multilevel Governance and Policy Network in the European Polity: The case of EUREGIO.

6 Ibidem, pp.2

7 Ibidem, pp.6

8 Schneider, Michael (2009), “The increasing Importance of Territorial Governance to European Integration”, in Towards Multi-Level Governance in Europe?, The Cahier of the CoR, Volume I, pp. 37-40, pp. 38

9 Perkmann, Marcus, (2002), op.cit., pp. 6

10 For further information: www.medgov.net

11 Piattoni, Simona (2009), op.cit

12 European Parliament, Policy Department Structural and Cohesion Policies, (2007), “Follow-up of the Territorial Agenda and the Leipzig Charter: Towards a European Action Programme for spatial development and territorial cohesion”, Directorate General for Internal Policies of the Union Policy. Department B: Structural and Cohesion Policies, REGIONAL DEVELOPMENT, European Parliament, Brussels, December.

stakeholders) and interactive governance [interaction across the levels and between the different kind of actors) in the implementation of the network. The case study was carried out through desk and on the field analysis. Interviews (n.26) and focus groups with different stakeholders at European, National and Regional level were conducted by the Research Institutes partners in the Medgovernance project, in different regions (Andalusia and Catalunya in Spain, PACA in France and Latium and Piedmont in Italy).

In the second part of the paper some reflections on the regional positioning in the western Mediterranean multilevel governance dynamics are put forward. The analysis tacks stock of the Natura 2000 case adding other considerations coming from the research carried out on other themes of the Medgovernance project such as policies on migration and on innovation. A brief comparative analysis among these fields of action (environment, migration and innovation) allows to understand how regions are positioning themselves in the multilevel governance dynamics and which are the factors to take into consideration. A theoretical structure-agency framework is applied that analyses the processes framing the governance dynamics.

Finally the conclusions summarize the main issues and needs to improve the multilevel governance in the western Mediterranean.

Multilevel features of the Natura 2000 network

Natura 2000 is a top down led governance system, having been designed at European level with the intention of setting up an European ecological network¹³. Launched by the Habitats Directive in 1992¹⁴, Natura 2000 network is composed by *Specially Areas of Conservation* (SACs) and *Specially Protected Areas* (SPAs), already established by the Birds Directive¹⁵.

The governance of the network assumes a vertical dimension, involving different levels of government. Natura 2000 is one of that case in which the EU “has a considerable say over the substantial content of policies” (Perkmans, 2002). The priorities, organisational and implementing rules of the network are established by the Birds and Habitat directives. In this context, the European Commission (EC) maintains a role of guidance. In practice, the EC assures the harmonisation of the documents to be prepared by Member states (such as the Monitoring report) and gives support in evaluating the conservation status and in the monitoring of the Natura 2000 sites. At this aim, the EC takes part at the meeting of the Habitats and Ornis management committees and related working groups, involving representatives of the competent authorities of all the Member States. Moreover, the EC exerts a control over the implementation process, by opening the procedures of infringement against those Member States which do not respect the requirements of the Directives.

Nonetheless, as stressed by Perkmans¹⁶ “The Commission has no implementation agency and therefore relies on the Member States to implement its measures”. The implementation process of Natura 2000 sees an active participation of regional authorities. However, the multilevel features of Natura 2000 are uneven among the Member States, especially as far as the subdivision of competences between the national and the regional level is concerned. In the process of national transposition of the Directives, the implementation process may differ considerably from a Member State to another.

¹³ The establishment of these networks of protected areas also fulfils a Community obligation under the UN Convention on Biological Diversity (CBD), which commits participating parties to halt the loss of biodiversity by 2010

¹⁴ Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora

¹⁵ The Habitats Directive recognises 198 habitat types, 480 species of plants and 226 species of animals as being of Community interest and requiring special conservation areas to safeguard their future. These habitats and species complement the 181 bird species (and other migratory species) defined under the Birds Directive as being in need of special protection measures.

¹⁶ Perkmann, Marcus (2002), op. cit., pp. 3

The results of the analysis conducted in the framework of the Medgovernance project stressed that the decentralisation process represents a critical factor in explaining the involvement of the regional level in this policy field. In the case of a top-down led governance system as Natura 2000, in the absence of an explicit policy provision requiring regional authorities to acquire a prominent role in the implementation process, domestic legislation applies. Natura 2000 directives do not contain any requirement in this sense, but simply ask for a participatory approach to be put in place. Thus, in principle, from a community level point of view regional authorities are not very different from any other territorial actors (at vertical and horizontal level).

Nonetheless, in those domestic contexts where an advanced decentralization process is in place, Natura 2000 has shown that top-down led governance systems with strong territorial dimension can have a direct impact on the role of regional authorities, increasing their responsibilities and competences.

In Italy, for example, the deepening of the decentralization process have determined a change in the subdivision of competences between the central and the regional level, with the former assuming a role of coordination and harmonization and leaving to the regions the main responsibilities on the implementation of the network.

On the contrary, in more centralized countries such as France, Natura 2000 present different multilevel features, being the implementation process under the control of the central level or of its local representatives (de-concentrated authorities).

Box 1 – The decision making process in Natura 2000 network

Under the Bird Directive, Member States select the most suitable sites and designate them directly as Special Protected Areas (SPAs). Since 1994 all SPAs form an integral part of the NATURA 2000 ecological network.

On the contrary, Special Areas of Conservation are designated in three stages. Each Member State must draw up a list of sites hosting natural habitats and wild fauna and flora previously individuated by the Directive and listed in its annexes.

On the basis of the national lists and by agreement with the Member States, the Commission will then adopt a list of Sites of Community Importance (SCI), that means “a site which, in the bio-geographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favorable conservation status of a natural habitat type in Annex I or of a species in Annex II” (art. 1 (l)). No later than six years after the list of SCIs has been adopted, the Member State concerned must designate it as a Special Area Of Conservation.

Member States must take all necessary conservation measures to guarantee the maintenance or restoration, at a favorable conservation status, of habitats and/or the populations of species in Special Area Of Conservation. Member States may decide whether prepare appropriate management plans for the sites or eventually decide to integrate conservation measures into other development plans.

The implementation of Natura 2000 in France, Italy and Spain

In Italy and Spain, the implementation takes place above all at regional level. In both cases, regional authorities (Italy) and autonomous communities (Spain) are the main competent authorities of Natura 2000 network. In these countries, the Natura 2000 directives were first transposed into national legislation and then into regional ones (see table 1).

The regional level is the main responsible for the implementation of the network, and as such its tasks consist in: selecting and proposing the SCIs and SPAs; providing technical support to Natura 2000 Sites; contributing to the monitoring of the Natura 2000 on the entire regional territory and not only on the SCIs and SPAs; carrying out the environmental incidence evaluation; defining and

implementing the necessary conservation measures of habitats and species; managing the sites.

The Italian and Spanish ministries of environment ensure the relationships with Brussels and play a role of coordination and guide, as well as of harmonisation of the implementing process among the regions (Italy) and autonomous communities (Spain). At this aim, for example, the Italian Environment Ministry elaborated guidelines for the preparation of the management plans of SCIs and SPAs.

The cooperation between the Spanish state and the autonomous communities in terms of definitions of Natura 2000 Network sites forms part of the Spanish Forest Plan and the Natural Heritage and Biodiversity State Strategic Plan. Both these instruments commit the State Authorities and the Autonomous Communities to cooperate in order to: support actions proposed or being developed by the Communities in their corresponding strategic planning documents; coordinate such actions with those undertaken at central level; to assure the coherent implementation of the conservation and improvement of biological diversity in forest sites related policies.

Concerning Italy, the cooperation dialogue between the Ministry and the regional authorities takes formally place within the “Conferenza Stato- Regioni”. In practise, contacts and exchange of views and information between the central and the regional level take place also on an informal basis.

In France, instead, the implementation process is mainly driven by central administration and in particular, by the Ministry of Ecology, Sustainable Development, Energy and Sea (MEDEM) and the DREAL (Direction régionale de l’environnement, de l’aménagement et du logement), that is regional representative of MEDEM placed under the authority of the *préfet*.

As far as the PACA region is concerned, the regional council has no legal direct competences on environmental issues, except for those environmental issues which are likely to have a strong impact on territorial planning. However, the progressive disinvestment of the central government in many environmental issues and projects co-financed by the regional council (in the framework of the State-Region Contract) has led the PACA regional council to prioritize and select carefully its investment in the environmental field. In this perspective, the PACA regional council chose to be involved at the lowest level possible on the implementation of Natura 2000. Nevertheless, the regional council is a partner of several Natura 2000 processes and projects provided that these processes and projects have an impact on the priority defined by the regional council such as the management of protected natural areas or the constitution of a green corridor in the regional territory.

Table 1 – Natura 2000 National legal framework

Medgovernance partners	National legal framework
Italy	- <i>Decree of the republic President, 8 September 1997, n. 357</i> (modified by the D.P.R. 12 march 2003, n. 120). This represent the implementing regulation of the Habitats Directive 92/43/CEE. Furthermore, this regulation specifies the subdivision of competences among the main actors involved at national and regional level

Spain	<ul style="list-style-type: none"> - Royal Decree 1997/1995, of 7 December, on measures to contribute to guaranteeing biodiversity through the conservation of natural habitats and wild fauna and flora - Royal Decree 1193/1998, of 12 June, modifying Royal Decree 1997/1995, of 7 December, on measures to contribute to guaranteeing biodiversity through the conservation of natural habitats and wild fauna and flora - Act 42/2007, of 13 December, on Natural and Biodiversity Heritage
France	<ul style="list-style-type: none"> - The Birds and Habitat Directives have been transposed in French law and notably within the Environment code: 3 decrees and the 2005 law on the Rural Territories.

Table 2 – Natura 2000, Regional Legal Framework

Medgovernance partners	Regional legal framework
Latium region	<ul style="list-style-type: none"> - Decree of the Regional Council n. 2146, 19 march 1996, which approved the list of the SIC to be become part of the Natura 2000 network; - Decree of the Regional Council n. 1103, 2 august 2002, which approved the guiding lines for the preparation of the Management Plans and the sustainable regulation of the SIC and SPAs
Catalonia	<ul style="list-style-type: none"> - Act 12-1985 on natural sites in Catalonia - Act on the environmental assessment of programmes and plans A16820-16830
Andalusia	<ul style="list-style-type: none"> - Law 7/2007, of the 9th July, regarding the Integrated Management of Environmental Quality (GICA)
Provence Alpes et Cote d’Azur	None
Piedmont region	Regional Law n.19, June the 29 2009 “Testo Unico sulla tutela delle aree naturali e della biodiversità”Consolidated Law on Natural Areas and Biodiversity).

The involvement of horizontal actors

In all those Member States, the implementation process of Natura 2000 has stimulated interactions between the competent authorities (at national and regional level) and horizontal actors.

In France, for example, participation of relevant territorial actors (local and regional authorities, environmental NGOs as well as fishermen, hunters, farmers) was specifically sought by the French strategy on the implementation of the Habitats Directive both in the identification and in the planning of the DOCOB, strategic document defining the objectives and identifying the projects to be implemented for all the Natura 2000 areas. As for the DOCOB, they should be drafted within a dialogue process involving local actors, gathered, since 2005, within a Steering committee named COPIL, managed and coordinated by a local authority (chosen by the *préfet*). It is worth stressing the role of control exerted by the central level (for example, the DOCOB should be finalised by the local *Préfet*).

In Italy, although no formalized mechanisms have been put in place, horizontal actors (mainly, academics; NGOs; experts) have been actively involved. The Piedmont region, for example, has

been supported by experts and academics and by the IPLA (Istituto per le piante da legno e l'ambiente), an in-house institute of the Region Piedmont. Also the Latium region has made extending use of external expertise. In particular, the identification of the areas saw the involvement of different kind of actors, such as consultants and environmental NGOs, universities, and those organisms (Enti Parco) responsible for the management a national or regional protected area.

Environmental NGOs do play a role in the implementation of Natura 2000. They have been involved directly by the national or regional administrations. So, for example, in 2009 WWF Italia took the lead of 8 working groups on biodiversity with the aim to support the national level in the planning of the Italian strategy on biodiversity. In the 90s, these organisations were also involved in several LIFE projects aiming at paving the way for the setting up of the Natura 2000 network. They also contributed to the development of the National guidelines for the preparation of the Management Plans and in the preparation of the first 9 management plans. Beyond the activities directly linked with the implementation of Natura 2000, NGOs has played a considerable role in monitoring the implementation of the network, exerting a control at territorial level also by denouncing cases of non-fulfilment of the Directives requirements. In certain cases, these denunces were also at the origin of some of the infringement procedures opened against Italy by the European Commission.

However, the involvement of horizontal actors has not led to a real participatory process. Horizontal actors are more likely to be involved only when external expertise is required to integrate the competences of regional authorities. On the contrary, unless the involvement is justified by the strict formal requirements, participation remains weak. Although, consultation and participation should be integral part of the process of identification and of preparation of the management plans, their involvement was not systematically organised but rather sporadic.

It is worth noting that in the Piedmont region, the draft of the management plans are to be finalised through a participatory approach. In practice, some of these plans will be presented to the municipalities involved. Later consultation tables should be organised also with other local stakeholders. On the opinion of some of the stakeholder interviewed, implementing this participatory approach is not an easy task. In recent years, the Region already attempted to communicate the draft SCIs without any response from local authorities. Moreover, given the political sensitivity of this issue, the Regional authority has postponed the organisation of the meeting until after regional elections.

In France, due to delays in the launching of the process and to the need to avoid that a procedure of infringement to be opened against France, Natura 2000 areas were identified by the central government and more precisely by the Regional Directorate for Environment (former DIREN). In the PACA region, for example, this first step involved very little dialogue with local actors.

Actually, the weak involvement of local population and, in many cases, of local authorities represents one of the major problem in the implementation of Natura 2000 network either in decentralized (e. Italy) or centralized (ex. France) countries. Most of the time local population ignores the existence of Natura 2000 or does not understand the peculiarities of this kind of network. Other times, the implementation of Natura 2000 caused problems with local populations (e.g. Latium¹⁷, Piedmont and PACA regions).

¹⁷ See for example: <http://www.lavocedellago.it/n45/pag2.htm>

The Natura 2000 network: Lessons of multilevel governance

The case of Natura 2000 has shown that the supranational level can open spaces of action to the regional level, by redefining the powers and competences between the national and the sub-national (mainly regional) level. Nonetheless, this is not an automatic results, but rather linked to the domestic constitutional framework and more precisely to the degree of the decentralisation process in place. Nor has the involvement of the sub-national entities been promoted by the supranational level, as in the case of European cohesion policy. Natura 2000 legal basis do not foresee any explicit requirements in the sense of strengthening the role of the regions in the implementation process of the network. The central level represents, then, an important gatekeeper for the involvement of the region in the implementation process of Natura 2000, challenging the theorists of the MLG and supporting the claims of intergovernmentalism.

Similarly, when dealing with the implementation of Natura 2000 central governments are the sole legitimate representatives of the domestic interests. Notwithstanding the role played by regional authorities in the implementation of the network, the interactions between these actors and the supranational levels are weak. At community level, the Habitats and Ornithology committees and related expert groups organised in the framework of the respective Directives are the main venues for competent authorities to meet and discuss. The subnational level does not take directly part to these committees, which are reserved to representatives of Member States at Ministerial level. Moreover, structures putting together regional authorities and/or other territorial actors actively involved in the implementation of the Natura 2000 network do not exist. This does not mean that the instances of the regions are ignored but that they are mediated by the national government representative: the ascending process finds a first moment of negotiation through national coordination mechanisms among regions and central government (such as the Conferenza Stato-Regioni in Italy) and then between the central government and the supranational level. Nor does this mean that regional authorities can not establish direct contacts with the supranational level.

Interviews with the European Commission revealed that very little policy entrepreneurship from the part of regions authority in this field exists. Moreover, there are very few examples of trans-national or trans-regional cooperation in this area. Although, some of the territorial cooperation programmes did and still recognise the possibility to implement transnational or interregional cooperation projects in this field.

From a multi-actor governance point of view, the case study on Natura 2000 puts an emphasis on the mobilisation of environmental organisations and to their ability to move across levels and collaborate with the different tiers of government involved in the implementation process. In Italy for example, WWF –Italy and the LIPU, supported both the regions and the central government; maintaining at the same time a direct channel with the supranational level and exploit it to influence the implementation of Natura 2000 and then to exert an influence on the Italian central government.

Main issues at stake in the implementation of the Natura 2000 network

There are several open questions on the implementation of Natura 2000 network, directly linked with its multilevel features.

As seen in the previous paragraphs, in decentralised contexts, such as Italy and Spain, the regional level represent the competent authority in the management of the Natura 2000 areas, although they have not participated at the negotiations process that led to the definition of the policy. In the decision making process, their interests are mediated by the national government.

The implementation of the network suffers from the weak involvement of the subnational level. For example, regional authorities and subnational stakeholders, in general, lamented that at the early stage of the implementation process of the network, the lists of the sites individuated by the Natura

2000 directives reflected more the peculiarities of the species and habitats of the Northern member states than those of the Mediterranean area. In this case, one may assume that the central governments of the Northern Member States had been more successful in negotiating the lists of the species and habitats of community importance than the Mediterranean ones. And it was only at the later stage, with the enlargement to new Mediterranean countries (Greece and Spain), that the original lists could finally be modified. This issue caused many problem especially in the first steps of the implementation process where the identification of the sites had to followed the requirement of the directives.

The coordination role of the central government seems to be weak also at domestic level. In the case of Italy, for example the guidelines prepared by the Ministry of the environment have not ensured a sufficient degree of harmonisation of the management plans of the sites. Being their requirements quite broad and in the absence of a supervision from the national authority, the process of transposition of the national guidelines into regional ones was quite discretionary. This has created a great diversity in the way existing management plans were defined by the different Italian regions.

When it comes to the management of the sites, regional authorities would have, in principle, the ultimate responsibility. In practise, they do not dispose of the financial and human resources to manage the areas in an efficient and effective manner.

Actually, financing is one the main issue at stake in the implementation of Natura 2000 Network. The provisions of the Habitat Directive establish that the responsibility for the management of the Natura 2000 areas lies on Member States. At the same time, the Habitat Directive recognizes that due to the unequal distribution of species and Habitats among Member States, some of them could be exposed to a bigger financial burden than others. For this reason the possibility of a community co-financing has been foreseen by the Directive. In the absence of a specifically dedicated fund and considering the link between Natura 2000 and the others policies (in particular with the Regional and Rural Development policies), Member States have used the funds available in different Community financial instruments (see Box 2). This situation was reiterated also in the 2007-2013 programming period. A communication of the European Commission, and a related working document, has better specified the way the different European Financial Instruments could contribute to Natura 2000, giving particular emphasis to the management related issues¹⁸.

In a context where resources are scarce, many of the interviewees consider the European funding as the main financial mechanism for implementing Natura 2000. Interviews have not led to make an exact esteem of these resources. However, it is worth noting that many of these funding (see Box 2) come from the resources dedicated to regional and rural development, which are, at least in Spain and Italy, directly managed by the regional level.

Finally, the weak involvement of local authorities as well as local population and stakeholders is another issue at stake. Analysis shows that local authorities and populations are scarcely aware of the Natura 2000 network. Opponent stakeholders (farmers, hunters and real-estate agents) consider the SPAs and SCIs an imposition coming from external actors (the national government and European Union) that prevents them from having freedom of action. They support political parties that ask for very flexible implementation plans or for a real local ownership of the natural sites.

Possible supporting stakeholders (general public) have scarce knowledge of the programme and are less cohesive in exerting collective action and voice. Only environmental associations are strongly lobbying for the stricter implementation of conservation plans, but they are more representative at national than at regional and local level.

¹⁸ Communication From the Commission, to the Council and the European Parliament, Financing Natura 2000 Brussels, 15.07.2004, COM(2004)431 final (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2004:0431:FIN:EN:DOC>)

Furthermore the regions (elective institutions) are more sensible to local constituencies than to national and European obligations. In this sense the governance between local authorities and regional bodies is very mixed with horizontal governance or local power coalitions and corporations. The proximity factor of direct democracy is potent and it has an important impact on the effective or not effective implementation of European policies. Consequently, **a stronger horizontal governance is needed**. Top-down policies need democratic legitimization and solid roots in local territories, especially in the case of environmental policies that plan conservation measures.

Box 2 : Community Funds and Initiatives available for supporting Natura 2000¹⁹

EAGGF: Through Rural Development, the fund offers support for environmental farming (Articles 22-24 of Council Regulation (EC) 1257/99), for farming in areas under environmental restrictions (Article 16 of Council Regulation (EC) 1257/99, as amended by (EC) No 1783/2003 and forestry practices in rural areas all over the EU territory. These measures apply in Natura 2000 areas as well. Moreover, following the 2003 CAP reform, Article 16 applies only in Natura 2000 areas. All Member States provide some support for farmers within Natura 2000 sites, to a greater or lesser extent.

ERDF: The Fund offers possibility for co-financing investments in the framework of environment programmes, measures and schemes for nature conservation as long as they contribute to overall economic development of the region

ESF: The Fund offers possibility for co-financing types of actions like training, promotion of employment opportunities, etc.

LEADER+: This Structural Funds' Initiative allows for the implementation of integrated rural development programmes for selected areas. These programmes can include management planning and actions as well as promotion and information measures for the Natura 2000 sites.

INTERREG: This Structural Fund's Initiative allows for trans-boundary co-operation between Member States, as well as between Member States and non EU countries and has been used for the promotion of enhanced management of trans-boundary sites between Member States as well as with non EU countries. It has proved to be an important source of funds for trans-boundary projects.

Cohesion Fund: This fund is currently available only to three countries, Spain, Portugal and Greece and aims to assist these countries to make progress in environment and transeuropean transport networks. The Fund provides support to projects rather than programmes. Environmental support from the fund has been used so far to a lesser extent for facilitating some restoration and management projects for Natura 2000 in Ireland (which was eligible up to 2003) and could be as appropriate one possible source of funding.

LIFE: The LIFE instrument comprises three components - LIFE-Environment, LIFE-Nature and LIFE-Third countries. Although the resources available for LIFE are rather limited compared to ERDF and EAGGF, the instrument has been used by all Member States and facilitates projects for a great number of stakeholders. LIFE-Nature provided pump-priming investment activities related to site set-up and experiments in restoration and new management techniques. About 10% of all Natura 2000 sites have been supported. LIFE-Environment has been used by relatively few Member States for habitats management, particularly in cases where other environmental functions are also relevant (e.g. wetlands, coastal ecosystems), mainly for time-limited investment, but not for ongoing management.

¹⁹ Communication on Financing Natura 2000 - Working Document
(http://ec.europa.eu/environment/nature/natura2000/financing/docs/financing_workdoc_en.pdf)

Factors of regional positioning in the multilevel governance dynamics and new perspectives in the Western Mediterranean area

In this second part of the paper some reflections on the multilevel governance dynamics are put forward tacking stock of Natura 2000 case plus other considerations coming from the analysis carried out on other themes of the Medgovernance project such as policies on migration and on innovation. A brief comparative analysis among these fields of action (environment, migration and innovation) allows to understand how regions are positioning themselves in the multilevel governance dynamics and which are the factors to take into consideration. A theoretical structure-agency framework is applied.

The regional positioning in the multilevel governance dynamic depend on diverse factors.

The first factor concerns the issue at stake. It is relevant because it signals the distribution of exclusive or concurrent competences among the government levels and the combination between decentralisation and de-concentration functions and processes in the different Member States. As explained before, in the case of environment issues, and precisely of the Natura 2000 programme, there is a top-down process of multilevel governance. Competence is concurrent among the diverse levels and the position of the regions is at the implementation level.

On the contrary in immigration policies there is an exclusive competence of the Member States. They maintain the sovereignty on the national and territorial security controlling the borders and the inward and outward flows of persons. Regions have any power in the policy decision making and in the implementation of measures on the management of migration flows, but they are playing a strong role in the integration measures of foreigners in their territories. In innovation policies a partnership principle is applied through the European cohesion policy. European structural funds invest in innovation policies co-determined by the Commission, the Member States and the regions. Regions are well positioned in the decision-making process and in the implementation phase. The Regional Innovation Systems represent a concept that support a policy where regions play a leading role.

Second, the kind of issue at stake unveils the political sensitivities and the degree of availability of the central governments to share power with the other governance levels upwards and downwards. In environment and innovation policies central governments are more prone to concede and share power with the European Commission and the regions because the added value in terms of European, national and local benefits seems obvious. Central governments are aware of the micro-macro interdependencies in environment phenomena and of the increasing relevance of glocalisation²⁰ in social, economic and innovation processes, and they open the doors and ask for the multi-level governance. On the contrary the high political sensitivity on security issues, such as on immigration, slow down the process of power sharing among the diverse levels of governance.

Third, the time factor in the framework of the Europeanization²¹ process is pushing towards a more important regional positioning. Regions are already well positioned in the case of innovation policies. But also in environment and immigration policies they are gaining ground. The analysis of Natura 2000 demonstrates how after almost 20 years of experience there is the need to reframe the multi-level governance giving a co-decision power to the regions in building policies and strategies.

²⁰ Erick Swyngedouw (1992), "The Mammon Quest, Glocalisation, Interspatial Competition and the Monetary Order: the Construction of new Scales", in Mick Dunfor and Grigory Kafkalas (eds.), *Cities and Regions in the New Europe: the Global-Local Interplay and Spatial Development Strategies*, London, Belhaven Press.

²¹ Featherstone, Kevin and Radaelli, Claudio M. (eds.) (2003), *The Politics of Europeanization*, Oxford Scholarship Online: November.

In the case of immigration policies the evident connection and complementarity between the control on migrant flows and their integration in specific place-based social and economic fabrics requires a stricter coordination between central governments and regions. In Italy regions are more and more involved by the central government in negotiating quotas of migration flows according to the local demand of labour (but with scarce consideration on social absorption capacities). In the same time a communitarisation of immigration policies is occurring considering the European common border, the Shengen Agreement, and the need to share common policies towards third countries of origin and transit of migration flows and on inter-cultural or multi-cultural integration.

Fourth, the regional positioning in the multi-level governance dynamic is co-determined by stakeholder coalitions and horizontal governance. In environment policies is known the Not-In-My-Backyard (Nimby) syndrome: local population refuse the implementation of policies in their territories that may cause environment problems and reduce their well-being, even if some compensation measures could be applied. Various social and environment movements protest and say No to high invasive transportation infrastructures, nuclear plants, highly pollutant industrial establishments, toxic-waste dumps. But local stakeholders contest also environmental conservation programmes, as the analysis on Natura 2000 shows.

The same applies in the case of innovation and above all on immigration policies. Innovation means changes in the regional and local social and economic fabrics. This re-structuring process causes winners and losers. Diverse social and economic coalitions resist to the innovation processes and governance mechanisms must be put in place to find consensus and amortization measures.

In the immigration issue some regions and local coalitions support a more open stance towards migration requiring less restrictions on flows and more resources for integration measures, other local authorities and localistic movements ask for more circulation (in sense of returning flows) and limitation of migrant flows with poor and circumscribed integration measures.

Problems lies in ineffective or no-existent participative and communication polices, scarce multi-level and regional collaboration with local authorities and real clashes of interests. Top-down policies in democratic structures have to change in order to acquire legitimacy and consensus at local level. The real involvement of local population becomes a not avoidable element in multi-level governance. Regions and local authorities have a fundamental role to play in nurturing public discussion on top-down and bottom-up policy building. Descending process should go hand in hand with ascending governance processes, as well as vertical with horizontal governance.

Fifth, this increasing multi-level and horizontal governance in the diverse issues may go in two opposite political directions where the local and regional levels displays a determinant role. In environment policies, Nimby syndrome and local anti-conservationist stakeholders, as indicated in Natura 2000 case, illustrate the opposite directions. In some cases local coalitions defend their natural territories against top-down decisions (see for example the movements against High-Speed Rails), in other cases they contest conservation measures (such as in Natura 2000 network). In innovation and immigration policies, as indicated before, the territorial trajectories between open versus closed interaction with glocalisation and Europeanization dynamics may be different and divergent.

Thus multi-level governance does not correspond *per se* at more progressive democratic ideas, but it may sustain also defensive interests and a European fortress stance. The different political directions may cause a different positioning of some regions *versus* the central government and the European Union. Multilevel governance does not imply political coherence but it has to manage conflicts and balance different political directions with potential contradictory effects. For example, the literature stresses the incoherence of a rigid and restrictive immigration policy that increases the irregular migration and makes more difficult and ineffective the social and economic integration.

Sixth, The regional positioning in the governance dynamic requires the application of the solidarity principle, that is a balanced and fair burden sharing among territories and stakeholders. In Natura 2000 some territories may have more naturalistic sites to preserve than other territories. Local stakeholders living in territories with more naturalistic sites may consider they are supporting more costs (in terms of lost economic and social development due to the conservation and not exploitation of natural sites) than other people living in places with any or few naturalistic sites. The implementation of the solidarity principle should consider some compensation measures shifting funds from the second to the first territories.

In the case of immigration and asylum policy some regions, and isles particularly, are asking for more resources to implement facilities dedicated to migrant reception as well as the availability of other regions to receive asylum seekers. In the same way, in innovation policies peripheral regions ask for more resources and opportunities to connect their territories with knowledge centres located at national and supranational levels. The management of migration and innovation dynamics at local scale spills over national and European levels. Regions are part of these dynamics and more effective territorial and social cohesion policies are needed with new shared regulations for achieving consensus in the application of the solidarity principle.

Seventh, interdependencies have scale dimensions that require appropriated levels of governance. Regions have a clear determinant role to play in local and inter-local interdependencies such as micro-environmental systems. But they are acquiring a more important positioning also at national and trans-national levels due to the connections with meso and macro environmental systems. This is the case of Natura 2000 site's network where regions are responsible for the conservation of habitats and species with trans-national relevance.

The same applies also in terms of the increasing interactions between micro, meso and macro social and economic systems that are constituting the glocalisation processes. In the case of innovation policies, for example, there is an growing awareness on the need to connect the Regional Innovation Systems through trans-national but even global pipelines. Literature analyses the internationalisation of the innovation systems²²: "... innovative firms often consider the world for new knowledge, depend on global markets, technology and skilled workers elsewhere, and innovation processes increasingly surpass national borders as a result of enhanced cross-border technology transfers via technology-intensive trade, an increasing number of international strategic technology alliances, multinational companies pushing on the trans-national organisation of R&D, and the involvement of marketing, manufacturing and R&D units of firms in innovation process"²³. It comes out the opportunity to promote the building of Trans-Regional Innovation Systems²⁴. Regions may define and implement policies to promote trans-national linkages among innovation drivers operating in their territories, comprising Multinational companies as well as SMEs clusters. The linkages should sustain the creation and strengthening of value chains that insert local actors and territories in the global scenario through trans-national networks.

²² B. Carlsson (2006), "Internationalisation of innovation systems: A survey of the literature", *Research Policy Vol 35* (1).

²³ Kuhlman S. and J. Edler (2003), "Scenarios of technology and innovation policies in Europe: Investigating future governance", *Technological Forecasting & Social Change*, 70.

²⁴ It refers to the "... strategy of firms seeking and combining external, trans-local and international knowledge with their own. In these cases, firms construct global pipelines, making use of internet sources, seminars, research magazines, academic contacts, resource persons in research institutes, global inter-firm alliances, and discussions with suppliers, clients and competitors elsewhere. Global pipeline strategies thus comprise learning-by interacting with trading partners located elsewhere in the world ..., and learning-by cooperation in networks, with firms involved in the same branch, chain or a related industry, and with academics, consultants and other "strange ducks". (Visser E.J. and O. Atzema (2007), *Beyond clusters: Fostering innovation through a differentiated and combined network approach*, Utrecht University). Andrea Stocchiero (2007), *Towards a Convergence of Innovation and Internationalisation Regional Policies and Actions in the Mediterranean Basin*, CeSPI, <http://www.cespi.it/RIM/Rim-Convergence.pdf>.

A completely new field where more trans-national multilevel governance is needed concerns immigration flows and integration. The compartmentalisation between migration flows management of central governments and integration policies of regional and local authorities should be overcome at national as well as trans-national levels. Harmonization of rules and strategies should offer a coherent framework to migrants and citizens, otherwise contradictory and vicious effects appear. Migrants flow where the access is easier and where better social and economic opportunities exist. Thus, some territories suffer more pressures than others as well as some territories exploit better than others the benefits coming from the integration of the new brains, workers and cultures. Territorial cohesion needs a new trans-national cooperation on migration.

Finally, concerning this need, some regions are trying to produce a new positioning in the governance dynamics of the Mediterranean, framing Euroregions in the Adriatic basin and in alpine cross-borders, the setting up of European Groups on Territorial Cooperation and recently scouting the possibility to build macro-regions.

The macro-region represents a new governance level “*located between the nation state and the supranational community*”²⁵. It involves together local, regional, national and Community levels in a trans-national and interlinked geographic scale. It is something more than the traditional trans-national cooperation among regions, because it involves the central governments of the Member States while the European Commission performs a role of soft power and overall coordinator stimulating a widespread consultation process.

The Italian government launched a proposal to set up the Adriatic and Ionic macro-region, and some regions and provinces are discussing the possibility to create a macro-region in the western Mediterranean. These new trans-national governance modalities can have a positive impact if they manage to implement strategic projects that give stronger impetus, for example, to the conservation of biodiversity. But they should take into account the need to involve regions and key actors from the beginning and to articulate an effective coordination mechanisms with national and community levels. Otherwise, as we have just seen in the case of Natura 2000, the implementation will suffer important shortcoming and inconsistencies.

Conclusions

Glocalisation and Europeanization processes frame systemic interdependencies that require a complex and evolving governance architecture. Regions are positioning themselves in the multilevel governance and they are to develop responsibilities and capacities. The analysis on the Natura 2000 case shows as an initial environmental top-down policy should change its articulation after some time in order to take into consideration the decentralisation processes and the distribution of powers among actors who are shaping the territorial transformations (regions and local authorities, agriculture and industrial enterprises and real estate powers that operate and invest in territories linked to Natura 2000 sites, social organisations that contest the Natura 2000 sites such as farmers and hunters, as well as environmental organisations interested in defending and conserving the Natura 2000 sites).

In this framework some Mediterranean regions have increased their awareness on the need to intervene with more voice in the decision-making process, because of the top-down inability to elaborate a strategy appropriated at the different environmental, social and economical characteristics of their territories.

The descending process of the top-down policies from the EC to central governments and than to the regions and local authorities should be coupled by a stronger ascending process: local

²⁵ Schymik Carsten e Krumrey Peer, *EU Strategy for the Baltics Sea Region. Core Europe in the Northern Periphery?*, Working Paper FG1, Stiftung Wissenschaft und Politik, Berlin, 200

authorities and regions are the main responsible for the implementation of environment policies, they are to manage issues and disputes with the local stakeholders, they acquire direct knowledge on limits and opportunities of the Natura 2000 network and, for this reason, they are in the better position to indicate to central governments and to the EC improvements in the strategy.

Regions should acquire more voice in the multilevel governance, especially in the case of environment issues, where very little policy entrepreneurship has been observed. The financing for the conservation of biodiversity should be assured with a specific budget or a stricter obligation in Regional and Rural Development policies.

The ascending process should be strengthened also in other fields of action. On innovation and economic issues multilevel partnership framework are already in place, but on other issues bottom-up processes are needed. For example, immigration policies manifest the need for a better multilevel harmonization of rules and strategies between the management of migration flows exercised by central governments and integration measures applied by regions and local authorities.

It does exist the need for a more coordination between regions at national and trans-national level. The interaction between central governments and regions at domestic level should be improved, with more supervision and less discretions coming from regional and local inabilities or different political sensitivities. Also trans-national cooperation should be strengthened for a better territorial cohesion and environment safeguarding. Macro-regions may represent new multilevel governance modalities if they involve regions and key actors from the beginning and they manage to articulate an effective coordination mechanisms with national and community levels.

Coordination should be sustained by policy coherence. But different political directions may cause a different positioning of some regions between them and *versus* the central government and the European Union. Thus multi-level governance should establish new political devices to manage conflicts and balance different political directions with potential contradictory effects.

Finally, regions should improve substantially their capacity to promote horizontal governance, nurturing public discussion and managing social and economic conflicts in a stronger local democracy. They have to mix top-down policies with bottom-up processes in order to increase the local ownership and policy's legitimacy. Public debate should cover more and more the framing of regulations on the solidarity principle application. The consensus building at local and regional levels with a deeper awareness on interdependencies and trans-national cooperation is needed for sustaining the Europeanization process.