ENVIRONMENTAL NETWORK GOVERNANCE IN ROMANIA:
TRANSNATIONAL NORM ENTREPRENEURS IN THE SHADOW OF THE EU

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Introduction

The ascendant practices of governance in contemporary Europe are known collectively as the new modes of governance. Their diffusion to the post-Communist periphery of Europe might therefore seem unproblematic, given the EU’s strong presence in that region. This diffusion is expected to be particularly observable in those policy domains where adjustment to EU standards incurs high material costs that normally raise resistance. Environmental policy is an exemplary case of this. Implementing the EU environmental acquis is enormously costly, which is only compounded by the severe scarcities of domestic material resources that characterise Eastern Europe. Rational, self-interested candidates for accession to the EU are supposed to have incentives to participate in new modes of governance and share these burdens with private parties (Börzel, 2009).

Empirical evidence to the contrary has brought this supposition into question. The new modes of governance have encountered barren ground throughout Central and Eastern Europe (CEE), from putatively progressive member-States like Hungary and Poland, to the usual stragglers in Southeastern Europe (e.g. Romania), to the keenest EU candidates in the Western Balkans (Börzel and Buzogány, 2010; Dezseri and Vida, 2008; Fagan, 2012). The canons of rationality notwithstanding, it is rather the local social norms and political culture that have prevailed, positively inhibiting the diffusion of network-based environmental governance norms. Both the State and civil society lack all the prerequisites of voluntary
networking for public policy ends: social trust to facilitate mutual cooperation; the capacity and willingness to mobilise privately; knowledge and expertise enough to warrant reciprocal consultation between private and public actors (Carmin and Fagan, 2010; Howard Morje, 2003; Parau, 2007). A tradition of steeply hierarchical State domination is a shop closed to civil society, whilst the political culture belittles consensus-building and cost-sharing (Fagan, 2012; Parau, 2009). If that is not enough, the acuteness of the material scarcity privileges and prioritises economic development, pushing environmental concerns to the margins of public policy.

The net result is that in Southeastern Europe in particular, reception of the environmental values so normal in the West is at best chequered, scarcely having made an impression on peoples or governments. A tough contest will likely ensue between the domestic public’s insatiable demand for development and the alternative transnational demand for environmental protection. Given these considerable challenges, the following questions are posed:

- *In the exceptional cases in which environmental values prevail, what explains such an outcome?*
- *What causes are at work, and to what preconditions are they subject?*
- *And what causal nexus in particular makes possible the success of environmental values?*

These are the questions addressed in this article *via* qualitative case study research undertaken in Romania during its accession negotiations with the EU.

The article is structured as follows. Section one overviews the main theoretical insights in the literature pertinent to this inquiry. Section two presents the causal explanation that emerged from my empirical research. Section three lays out the research design. Sections four, five and six present the empirical findings. Section four exhibits the deplorable
condition of the civil society that emerged from the Communist era and its dejected subordination to State power even after the 1989 Revolution. Section five follows how ‘norm entrepreneurs’ exploited network resources to pursue their goals. Section six continues the analysis in section five to reveal how the same entrepreneurs strategically constructed and tactically deployed manifold discourses, which they brought to bear on the behaviour of the Romanian government. The Conclusion reviews the causes and preconditions that enabled environmental civil society to succeed and touches on the broader significance of the Romanian case.

**External agency and EU accession conditionality**

The evolution of environmental civil society in CEE has been the subject of plentiful scholarly attention (Carmin, 2010; Carmin and Fagan, 2010; Hicks, 2004). By contrast, the literature on the diffusion of the new modes of governance into the region, and civil society’s role therein, is still undeveloped. The modes in question are collaborative networks within which public policy is made jointly by public and private actors who, though interconnected, are usually not hierarchically interrelated, and who operate outside the classical channels of democratic representation (Eberlein and Kerwer, 2004; Héritier and Lehmkuhl, 2008).

The research questions addressed in this article pertain to two bodies of literature: environmental governance and Europeanization. The literature on *environmental governance* has to date offered no explanation of the success or failure of the new modes of governance in CEE. The question usually researched is not how or why, but just whether or not these modes of governance are emerging at all in the region (Börzel and Buzogány, 2010; Börzel, 2009; Fagan, 2012). A few exceptional contributions are to be noted. Inquiring into what conditions might determine the reception of the new modes in Bosnia-Herzegovina, Fagan (2012) finds that no such evolution can be explained by the formal consultation procedures.
transposed into domestic law from the EU *acquis* under accession conditionality. Mechanisms like the Environmental Impact Assessment (EIA) do not translate easily into the social and political context of Southeastern Europe, as the local human capital is insufficient to support domestic initiatives, absent external intervention. The ‘external agency’ of the European Bank for Reconstruction and Development (EBRD) is shown to have played a ‘critical didactic role’ in building up the ‘knowledge capacity’ of the state administration (Fagan 2012:643). All the worse is the dearth of independent civil society capacity and initiative, as research on environmental movements and the Europeanisation of State-civil society relations in CEE has brought to light (Parau, 2009; Parau, 2010). But this enabling role of external agency itself stands in need of closer examination, to unpack the exact nature of the causation. Attributing agency to institutional structures such as the EBRD is only metaphorical; the concrete reality of it remains unexamined.

The EU has been a strong presence in CEE since the fall of Communism. Theoretical insights from the literature on *Europeanism* fruitfully complement the literature on environmental governance. Europeanisation theory studies the causes and consequences of EU candidacy and eventual membership, and especially the continuing adaptation of national traditions to EU values and standards (Cowles *et al*., 2001; Featherstone and Radaelli, 2003; Olsen, 2002). It finds that ‘positive reinforcement’, in the form of accession to the EU being deployed as a reward for compliance with more or less clearly specified conditions, is the ubiquitous causal mechanism behind the phenomena observed in CEE (Schimmelfennig and Sedelmeier, 2005). This ‘behaviour modification’ mechanism, known in the literature as ‘accession conditionality’, obliges accession candidates to adopt the *acquis communautaire* – the quite substantial body of settled EU law – non-negotiably but for the timetable of implementation. Other, vaguer conditions promote important values and norms shared by the older member states, ranging from the ‘rule of law’ to ‘minority rights’. This other order of
conditionality has been enshrined in EU law by the European Councils of Copenhagen (1993) and Madrid (1995) – the so-called ‘Copenhagen Criteria’ on legal-political norms and the ‘Madrid Criteria’ on administrative capacity. The literature on the Europeanisation of Eastern Europe tends to focus on State actors to the neglect of non-State. In this chapter the causal role of non-State actors is given the prominence it deserves, after empirical research found it to be indispensable.

**The causal nexus of the success of environmental governance**

One capital distinction is necessary concerning the nature of causation, that between the *causes* themselves and the *preconditions* of their operation. I call ‘preconditions’ those contingent and often transient states of affairs which have the latent power to ‘make or break’ the causes effectually in play (which in contests over public policy are the principal political actors). Thus, preconditions can switch losers to winners and winners to losers. Such influences are often classified under the rubric of ‘structure’. I shall prefer the term ‘precondition’ as emphasising their contingency and transience, however (Shapiro and Bedi, 2007); whereas ‘structure’ typically applies to arrangements more durable than preconditions, such as political institutions, national characteristics (language, religion), party systems, *etc.*

The most significant preconditions found in this study are the following: (1) the prior existence of a transnational network of actors, and its ideological (or epistemic) consensus which knitted together like-minded persons and their diverse resources, and from which norm entrepreneurs sprang and drew sustenance; (2) the craving of practically all Romanians for acceptance by the West and for integration into the EU; (3) the manifold pressures of accession conditionality; and (4) the peaking of accession negotiations between the accession candidate and the EU.
The actual causes found in this study are just the *dramatis personae* of the narrative – all of them political actors, and classifiable under the rubric of ‘agency’. Excluded, however, is agency *qua* the prior acts, even if arguably influential, of agents who did not continue to make things happen throughout the chain of events leading to the outcomes observed in the cases studied. For example, norm entrepreneurs originating in the West seldom addressed the Romanian government directly. But for their continuing activism (and the Romanians’ relative passivity and ineptitude), which left little doubt of their being agent-causes, they might have been taken merely for ‘mentors’ of Romanian domestic civil society. By contrast, the network from which these entrepreneurs sprang, although it consisted of ‘agents’ as well – without whose acts and resources the entrepreneurs might have been becalmed – were yet too remote from the processes studied to count as ‘agent-causes’. The whole was a complex interaction between contingent preconditions and agent-causes that was more like a causal *nexus* than a linear causal mechanism.

A distinctive causal explanation thus emerges consisting of the diffusion of network governance into the domestic arena of a Southeast European country, to redirect its public policy. The process was driven by norm entrepreneurs who were ‘political actor[s] who might be able to exploit […] dissatisfaction with existing norms in order to bring about large-scale social change’ (Sunstein, 1996:929). If this happens in a voluntary process of transboundary interaction, whereby cultural, social, intellectual, and other influences cross over from one nation to another without being screened by a higher control or authorised by hierarchical power, it may be termed ‘transnational’ (Parau, 2013), in contrast to supranational or international.

The Western entrepreneurs ‘initiated’ Romanian civil society into their transnational environmental governance network. Their policy initiatives mobilised resources both
material\textsuperscript{1} and moral\textsuperscript{2} to empower the actors, both domestic and transnational, seeking change to contest public policy on a more equal footing with a starkly hierarchical State. Lacking the capacity and competence for network governance, especially, Romanian civil society depended almost entirely on the transnational network.

This network was far-flung and encompassed a vast array of State and non-State actors. Entrepreneurs were able to exploit their connexions with like-minded, networked-in actors inside the supranational organs of the EU and other international organisations as well as media corporations – \textit{viz.} European Commission functionaries, Members of the European Parliament, journalists scripting internationally consumed media output – and ‘recruit’ them into their contest with the Romanian government. Steered by the entrepreneurs, all of these actors brought their diverse talents and resources to bear on that contest, causing the Romanian government to yield in its single-minded pursuit of economic development.

Their chief causal activity was the construction of discourses serving multiple, serial purposes, all bearing potential to reshape power relations, and classifiable in more or less temporal or causal order. The first purpose was to \textit{mobilise} network actors, for whom the contest was not of proximate concern, to contribute to the effort. The second purpose was to \textit{motivate} the Romanian government to desist, \textit{e.g.} by using seemingly credible threats of Romania’s accession being set back or adjourned. The third purpose was \textit{teleological}: to construct the compliance of the Romanian government with the norms preferred by the governance network. The most effective discourses were the ones that pursued one or more of these purposes while simultaneously serving other ends. ‘Informant’ discourses, for example, alerted the Parliament and the Commission to plausible allegations of the candidate government’s non-compliance with EU norms, with the ulterior motive of mobilising

\textsuperscript{1} Allied actors, institutions, funding
\textsuperscript{2} Discourses, environmental values, ideological consensus
interested parties within either institution. Likewise, discourses ‘naming and shaming’ the Romanian government purported to alert interested international parties whilst really attempting to motivate domestic actors with negative publicity threatening international reputational loss. Discourses ‘legislating’ accession conditions for the domestic government were actually constructed by the entrepreneurs themselves, often with implicit collaboration by supranational officials – constituting in some cases an ‘extra-conditionality’ over and above what could plausibly be claimed had been legislated by the EU member-States even at the Copenhagen Council, let alone in the aquis (Parau, 2010). The participation of multiple actors in the same discourses lent a credibility otherwise unavailable if left to chance or to isolated individuals.

All of these causal acts would have risked failure before a determined adversary like the Romanian government, had not certain preconditions been in place. It goes without saying that a transnational network must already exist before its mobilisation is possible.\(^3\) The Romanian people’s strong preference for EU membership – surveys showed a consistent and near unanimous preference for timely accession (e.g. Grabbe and Hughes, 1999) – was another critical precondition. This neediness is what lent the supranational organs, especially the European Commission, their superior bargaining power (Grabbe, 2003). Commission-candidate power relations exhibit the asymmetry observed between sovereign states of unequal size in international relations. The European Council endowed the Commission with broad discretion to interpret the accession criteria (European Council, 1993, 1995); thus, as ‘gatekeeper’ it may bar accession on grounds that need not be specified in advance. This empowers the Commission to construct a ‘soft’, tacit quasi-hierarchy to which the candidate will transiently submit as the price of admission to the EU club (Parau, 2010, 2014). At the

\(^3\)This article will not inquire into its origin. The network came to light as an empirical fact during the research.
peak of accession negotiations, *i.e.* once bargaining over the *acquis* has begun, the stepped-up tempo excites the hopes of the candidate for accession (*cf.* Schimmelfennig and Sedelmeier, 2005). In this window of opportunity the power asymmetry spikes. Environmentalists waged the contest between economic and ecological values in the ‘shadow’ of this quasi-hierarchy, and must continue to do so if they are to prevail elsewhere in Southeastern Europe (*cf.* Börzel, 2009; Héritier and Lehmkuhl, 2010).

Accession conditionality is one of the Europeanisation literature’s most frequently treated topics; it needs little elaboration. The foregoing theorisation included accession conditionality for the sake of a well-rounded overview, but its causal role is here omitted, as it has been documented at length elsewhere (Parau, 2009; Parau, 2010). The empirical sections of this chapter will focus on entrepreneurial initiative and the transnational environmental governance network’s *modus operandi*.

**Research Design**

My empirical investigation of causes and preconditions was approached through case studies selected for conflict between an environmental governance network and the government of Romania. Case selection was foregone owing to the scarcity of any such cases, and the two selected were puzzlingly counterintuitive in featuring the victory of environmental values in a setting conducive to defeat. In the first case, the government were about to permit an open-cast gold mining project that would have used cyanide on a large scale, but transnational civil society, against all odds, forced them to adjourn the permitting indefinitely. In the second, a project to build a meretricious international theme park next to a special ecological habitat and 12th century World Heritage Site had already progressed to the point that bonds were being sold, yet civil society prevailed on the government to abandon it and its projected $25 million in annual revenue. Before this, environmental protestors had never been known to
prevail over the Romanian government. A diachronic comparative dimension is therefore implicit: the two lone instances of success may be compared to all the invariable failures of the past.

Examining ‘anomalies’ or outliers can be a fruitful strategy for revealing underlying causal mechanisms (Rogowski, 2004), especially when grappling with non-linear processes that are hard to analyse in terms of dependent and independent variables. Europeanisation is such a non-linear ‘ecology of mutual adaptation’, where institutions, actors and processes ‘co-evolve’ and mutually ‘interact’, governed by feedback and evolutionary adaptation over time (Dyson and Goetz, 2003; Featherstone, 2003:4). The causes were not specified a priori, as being what we know too little or nothing about. Empirical reality was approached with an open mind so as to capture the full spectrum of causation both within and beyond the EU.

Recurring patterns in the sequence of causation were revealed by process tracing, which made extensive use of interview data. The causal narrative constructed for this chapter is an abstraction from this data, and does not present the process tracing as it was actually carried out. This would have necessitated a case-by-case treatment that would have been unsuitable for present purposes. The full results of the process tracing can be read in other publications by the author (Parau, 2009; Parau, 2010).

The causal nexus that emerged could be treated as a hypothetical model to be tested, at a minimum, elsewhere in Southeastern Europe, a region with many similarities to Romania – the Communist legacy, environmental degradation, a dearth of social capital, shared history and cultural norms, and geo-political marginality to the West. Once EU accession negotiations gained momentum, significant changes took place in Romania. One may expect to see a similar pattern in future accession candidates and possibly even Associates; always taking account of local variation.
**Romanian civil society debilitation before transnational intervention**

The situation of Romanian civil society at the dawn of the 21st century mirrored the underdevelopment and incapacity documented virtually everywhere in Southeastern Europe (cf. Fagan, 2010; Petrović and Vukelić, 2013). Romania knew nothing like Solidarity in Poland; Ceausescu tolerated only the ‘civil society’ orchestrated by the Party itself (Linz and Stepan, 1996). She was almost unique in undergoing no mobilisation to oppose environmental ruin under Communism, and environmental activism played no role in the events that brought down the regime (Jancar-Webster, 1993). Romanian civil society emerged haltingly after 1989: non-governmental organisations (NGOs) were almost unknown and environmentalists were advocating values never heard-of in Romania before. The author was a Romanian environmental activist herself in the 1990s and was eyewitness to the high hopes on the ground and abroad that a ‘vibrant, new’ environmental movement would develop.

But the climate soon proved anything but receptive: civil society languished in a dismal state under manifold handicaps hardly unique to Romania (Howard Morje, 2003; Welch, 2004). As late as 2006, when Romania was verging on EU membership, a close observer of civil society noted:

> It is a rather sickly element of the Romanian economy populated by thousands of small non-governmental organisations (NGOs), the majority of which live on virtually no income whatsoever; unknown to their community and the local media. Of course there are some very strong NGOs in Romania …. Yet for each successful NGO, there are thousands of unsustainable entities, many of which exist in name only and would be closed down if they were business enterprises or if there were a charities commission. (Nicholson of Winterbourne, 2006:70)

The totalitarian legacy had bred a deep-seated mutual mistrust between Romanians, and a preference for informalism. In 2004 Romania had no less than 70,000 ‘civil society
organisations’, and growing at the strikingly high rate of ten percent annually. Only about 2000 were active, however (cf. Fagan and Jehlicka, 2003; Mungiu-Pipidi, 2004). The rest consisted of ‘entrepreneurs’ attempting to eke out a living on external funding opportunities. Nearly all went defunct as swiftly as they sprang up. Even bona fide civil society was incapable of operating anything more complex than local services like elder-care or orphanages (Epure et al., 2001). Mutual co-ordination to avoid duplication of effort or to lobby effectually for policy change was practically unknown. All were extremely poor in human resources as well – staffed by volunteers lacking the time, knowledge, skills or political acumen to engage in real policy making (The Trust for Civil Society in Eastern Europe, 2001). People volunteered less out of commitment to the cause than because it opened up opportunities like travel abroad, skills training, or just access to computers. Consequently, hardly anyone formulated or lobbied for strategic policy goals.

Civil society was also constrained by a State which brooked no input into the policy process. The Communist legacy conditioned the State to accept only the trade unions as ‘social partners’ (Olteanu et al., 2003). The authorities begrudged even so much as communicating with civil society, let alone allowing any participation. Nothing had changed by the time acquis negotiations were closed in 2004, and the State and civil society remained mutually suspicious and hostile. The domestic opportunity structure isolated civil society, whilst confronting the government with few institutional or social constraints (Parau, 2007).

The status quo first began to be unsettled because of accession and its reconfiguration of the opportunity structure. The EU provided funding for projects in aid of accession, which included initiatives to ‘develop’ Romanian civil society and to formalise its relationship with the State. Romania’s candidacy coincided with the watershed 2001 White Paper on European Governance which enjoined network governance principles like transparency, accountability and public participation. The European Commission and its Delegation in Bucharest exhorted
Romanian politicians to practise what the EU preached, backing this up with exemplary support of selected civil society campaigns.\(^4\) Transposition of the *acquis*, which contained kindred provisions, was to buttress this trend. The environmental *acquis*, for example, mandates EIAs. International conventions (compliance with which is an accession condition) also require consultations; *e.g.*, the Espoo and Aarhus Conventions. These normative influences from abroad enjoined new opportunities with potential to transform State-civil society relations.

It was a potential that remained largely unrealised for lack of proper implementation.\(^5\) Domestic statutes transposing EU Directives that mandated public access to information, for example, were riddled with multiple exemptions that the authorities exploited expansively.\(^6\) No matter who was in power, civil society requests for public information were routinely denied or ignored. The government classified public contracts ‘secret’ to circumvent public accountability.\(^7\) Ministries issued Orders (secondary legislation) charging prohibitively expensive fees for information in the Ministry’s possession, contravening express provisions of a domestic law, the Free Access to Information Act, mandating that public information is available free of charge. The Environment Ministry was particularly guilty of this.\(^8\) ‘Opportunities’ decreed from the top down in Brussels proved quite inadequate to insert even the rudiments of the new modes of governance.

\(^4\) Interview with Dolores Neagoe, Task Officer Civil Society, Delegation of the European Commission, Bucharest, 2 September 2004.

\(^5\) Interview with DG Environment, European Commission, Brussels, 6 July 2005.

\(^6\) Email communication with Romanian Academic Society, 18 March 2006.

\(^7\) Telephone interview with Radu Mititean, Executive Director, Cyclo-Tourism Club Napoca, 15 September 2004.

\(^8\) Discussion on *Lista Mediu* < Mediu@ngo.ro>, electronic forum of Romanian environmental NGOs, 4 June 2003.
The first-ever consultation of Romanian environmental civil society by the State took place in 2001 on the advice of the Commission, merely in order to fulfil the need to submit a Position Paper on the Environment to the Commission. Civil society were given an absurd 1-2 days to make comments, and when they arrived in Bucharest on the appointed day, ‘nobody in the [Environment] Ministry remembered anything about it’. (Yet by civil society this was perceived at the time as a milestone!) It proved a one-off event, as witness the scores of organisations complaining, a year later, of being ‘cut off’ by the Ministry. When an environmental NGO delegation did later meet with the Minister and with Romania’s Chief Negotiator, they reported that the officials were ‘threatening’ and insisted that they had ‘no obligation to consult NGOs’. 9

Some Ministerial meetings with environmental groups were eventually formalised, but most were mere updates, not authentic consultations. Civil society veterans complained that the Ministry consulted organisations ‘nobody ever heard of’, which turned out later to have been dummy NGOs set up by the government to give the impression of ‘consultations’. When anything like public consultation did take place, it was ‘unpredictable’, ‘irregular’, and ‘at short notice’. 10 Civil society complaints of exclusion from acquis negotiations prompted the European Commission Delegation in Bucharest to lean on the government to formalise State-civil society collaboration within the Ministry of European Integration, on purpose to assist the Romanian Negotiations Team. Only a single environmental organisation based in Bucharest was ever let into the charmed circle; all other ‘partners’ remained traditional corporatist ones like trade unions and industry associations.11

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9 Interview with Lavinia Andrei, Director, Terra Mileniul III, Bucharest, 11 July 2003.
10 Interview with Anca Tofan, Director, Regional Environmental Centre for Central and Eastern Europe, Bucharest, 14 July 2003.
11 Interview with Lavinia Andrei, Director, Terra Mileniul III, Bucharest, 11 July 2003.
The accession process did finally impact the State’s relations with environmental civil society, which glacially evolved from total neglect in the early 1990s to some communication after *acquis* negotiations began in 2000. Civil society is convinced that in law and in practice consultation would never have happened in Romania without accession conditionality.\(^\text{12}\) State actors did learn how to feign consultation, as by consulting dummy NGOs or cherry-picking ones they knew would rubberstamp their decisions; and they did temper their hectoring tone. State actors’ underlying values underwent no change, however. Yet, having grasped that abusing civil society in public was no longer ‘civil’, they conceded to dispense with openly scorning consultations. Thus, accession did constrain the State somewhat, and a twilight sort of relationship emerged between the State and environmental civil society. Unfortunately, Romanian environmental activists proved capable of exploiting the new opportunities only insofar as their Western partners chose to integrate them into transnational network governance structures.

**The transnationalisation of Romanian environmental governance**

The epoch of *acquis* negotiations (2000-2004) incited public policy contests between the government’s preference for economic development and alternative preferences determined by ‘new values’ like environmentalism, thitherto unheard-of in Romania. Transnational networking began in 2000, coinciding with the commencement of negotiations. The prospect of Romania’s accession inspired Western norm entrepreneurs springing from environmental networks in existence for decades, who began to filter into her domestic politics (Meyer, 2010; Parau, 2007). They fused with domestic civil society to produce outcomes unprecedented in Romanian history.

\(^\text{12}\)Telephone interview with Radu Mititean, Executive Director, Cyclo-Tourism Club Napoca, 15 September 2004; *Evenimentul Zilei*, 29 April 2004.
The two cases of this are now examined. One started in 1997 and culminated in 2002-2004, just when uncertainty over the timetable – accession in 2004 or indefinitely later? – was clouding Romania’s accession negotiations. The government was poised to permit a Canadian company to strip-mine gold using cyanide at Rosia Montana, an ancient Roman mining town in Transylvania. In 2004 domestic civil society actors and their transnational allies forced the adjournment *sine die* of this lucrative project by a government that had been determined to issue the requisite environmental permits as soon as possible. Ten years on, the strip-mining has yet to commence. The other case peaked between 2001 and 2002, just after *acquis* negotiations began, but when accession itself was still in doubt. The government were planning ‘Dracula Park’ in Transylvania on a plateau harbouring special ecological features, hard by a World Heritage Site. An environmental governance network of transnational and (informally) supranational actors prevailed on the government to give up a project estimated to be worth $25 million a year in tourism revenues, a considerable sum for a poverty-stricken country in Southeastern Europe.

*Networking with transnational civil society activists*

The gold-mining at Rosia Montana was one of the first environmental controversies ever to emerge in Romania. Soon after the mining contract was signed in 1997, a handful of local smallholders began to resist the mining company’s encroachment on their private property. They would have failed except that their plight, ignored for years by both local and national authorities, came to the attention of Stephanie Roth, a particularly resourceful transnational norm entrepreneur and Cambridge-educated Swiss journalist for the British magazine *The Ecologist*. She was able to transform a lost cause into a *cause célèbre*, supported by global NGOs like Greenpeace, Friends of the Earth, and CEE Bankwatch, through networking and reframing of discourses. By 2002 the once forlorn locals and their organisation *Alburnus*
Maior had been integrated into a vast transnational network within which they shared resources quite sufficient to contest environmental policy with the Romanian State. In doing so, they were in effect ‘accessing to Europe’ far ahead of most other social groups in Romania (Parau, 2009; Parau, 2010).

The same pattern was observed again in 2001, when a tiny band of local dissidents stood up against government plans to build ‘Dracula Park’ in the shadow of the medieval Saxon citadel of Sighișoara. They were hounded by the authorities, who threatened them with criminal prosecution and surveillance by the dread Securitate (the secret police). At length, German and British norm entrepreneurs, for reasons of their own, networked these locals in, and together they prevailed in the teeth of the authorities as well as the overwhelming popular majority of locals who strongly favoured the job-rich project.

In both cases, the transnational networks in play reached far beyond environmentalists to draw-in a gamut of private and public actors: journalists, supranational functionaries, members of the European Parliament (MEPs) and even Charles, Prince of Wales. Without any central, hierarchical coordination these actors interceded seriatim with the Romanian government at just the moment when it was the most anxious to make a good impression on Europe.

Networking with supranational officials

Typical of the new modes of governance is networking between State and non-State actors. A universal tactic of Western environmentalists is to engage the State: – ‘testifying before government commissions, and engaging in other lobbying activities’ (Dalton et al., 2003:751), and cultivating informal contacts with civil servants. In the supranational context, too, civil society have ‘privileged channels of access to decision makers’ in Brussels and in other fora like the Council of Europe or the UN (della Porta and Caiani, 2011; Marks and
McAdam, 1999; Parau, 2014). But in Romania in the relevant time-frame, domestic officials were hostile (Parau, 2009; Petrović and Vukelić, 2013). So long as this Southeast European exceptionalism lasts, network governance will be essentially impossible unless and until something extraordinary like peak accession negotiations forces an opening.

Into the ‘gap’ left by domestic State actors’ dereliction strode norm entrepreneurs from inside the supranational institutions. (It was observed that a ‘revolving door’ seemed to link these institutions with transnational civil society.) These actors were willing to throw their weight behind the transnational network, and were all the more persuasive clothed in the aura of supranational authority. Some of them made ‘official visits’ to the offending projects, deploying discourses calculated to pressurise the Romanian government. To take but one example, an MEP for the Austrian Green Party intervened in both cases: Mercedes Echerer, who had held a high-level post in Greenpeace before. She persuaded a Committee of the European Parliament to delegate her to ‘inspect’ Rosia Montana. The tour was meant to signal to all parties that environmental values mattered, and that Romanians who cared about it would be heard in Brussels. Such an official EU delegate was capable of giving ‘a hopeful signal’ to civil society, whilst worrying the State.¹³ Commission officials too proceeded, formally and informally, to make Rosia Montana a ‘permanent topic of discussion’ with Bucharest. Demanding that the government update them regularly, they signalled that the EU was watching,¹⁴ and an accession candidate government that felt ‘under the threat of surveillance’ ought to proceed with caution.¹⁵ This is what in fact happened. Fearing accession delays, the Romanian government adjourned the environmental permitting proceedings, leaving the gold-mining project in limbo. Meanwhile, norm entrepreneurs from

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¹³ Telephone interview with Mercedes Echerer, Green Party Member of the European Parliament, 4 June 2005.
¹⁴ Email communication with DG Enlargement, Brussels, 1 July 2005.
¹⁵ Interview with former Task Officer, DG Enlargement, Brussels, 5 July 2005.
the UK were networking with Prince Charles and UNESCO, and convinced both to intervene in the Dracula affair, which did contribute to constraining the government (Parau, 2010).

**Networking with the media**

The network whose depth of resources so empowered the transnational environmental norm entrepreneurs is far-flung, and its vast complex of members could hardly cohere without an efficient and sympathetic medium of communication to coordinate their joint activity. This medium is also known as the media. The collaboration of the media is the agent-cause *sine qua non* in environmental governance. Use of the media is a major resource of transnational environmental activists, who rely on it routinely both for coordinating with each other and for influencing other actors and the public (Dalton, Recchia *et al.*, 2003:751). For groups like Southeast European civil society poor in other resources, reliance on the media to disseminate their discourses is especially necessary and fruitful.

Political elites have proved responsive to media discourses, especially those that affect their public reputation. Politicians in democratic societies are intrinsically insecure and vulnerable to reputational loss. Their position depends on someone electing them to it; hence favourable public opinion is indispensable. Environmental network governance succeeded, even in Romania, *inter alia* because the media disseminated its governing discourses in ways that impacted elite reputations. The same discourses would have failed had they been mere private communications between activists and officials either of the Romanian government or of the supranational organisations – or had the media ‘spiked’ them or framed them in ways that undermined their legitimacy.

The agency is revealed to run both ways. The media are anything but a passive tool; they have proved time and again their ability and willingness to pursue their own ends amid mediating the conflicts of others (Jamieson, 1993; Patterson, 1994). Journalists in post-
Communist CEE are no different: they conceive their role not merely as middlemen making reports but as ‘shaping public policy and solving social problems’ (Curry, 1990). Perhaps the media’s subtlest, most powerful resource is something that has been called ‘nodality’ (Hood, 1983), that is, their being positioned ‘in the middle’ where they can pick and choose which of many issues to prioritise for dissemination across networks as salient and legitimate; and which to discredit and even wipe out of public consciousness (Lippmann, 1922). Some environmental activists are also journalists and use their influence inside the media with all the more subtlety and power to alter the public policy agenda.

The international media were actively engaged in both the Rosia Montana and the Dracula Park controversies. The opposition to Dracula Park first attracted media attention after a local journalist and ‘nature lover’ got involved. He was networked-in with foreign journalists who arranged coverage by transnational media like the German ZDF and ARD and the French Arte television networks, which reported both the Romanian State’s plans and the local opposition to it (Ziua de Ardeal, 2001). Aggressive pieces authored by the opposition appeared in Le Monde and on Deutsche Welle. This alerted British activists whose own networking drew in usually hostile coverage from publications like The Guardian, The Times, The Spectator, and The BBC’s Wildlife Magazine;16 and eventually The Financial Times and Business Week. These outlets projected the image of a non-viable ‘white elephant’17 onto the project such as would repel foreign investors (Adevarul, 16 January 2002); whilst juxtaposing the site’s medieval beauty with the government’s plans for ‘torture dungeons’ and blood-coloured cotton candy. Much of this coverage was relayed by the Romanian press, which before Western intervention had hardly mentioned it (but touted its economic benefits when

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16 Email communication with Mihai Eminescu Trust, 2 January 2006.
they did). The foreign coverage (especially in the UK) was a major contributing cause to constraining the government, which was striving to win the British government’s support for its accession candidacy. It was almost as anxious to enhance its ‘image’ before the international community (Parau, 2009).

Even more striking was how Stephanie Roth’s previous experience as a journalist enabled her to upend the Rosia Montana gold mining project. Her intervention precipitated extensive negative coverage by transnational media, which played a critical role in bringing the protest out of obscurity18 to transform both the State’s and the protestors’ attitudes.19 Had the news stayed inside Romania, the money-starved Romanian government would have taken the usual administrative shortcuts to permit the project regardless of environmental impact.20 It found itself monitored by too many watchdogs to get away with this. The contrast with the situation before network intervention is stark: the protesters, cramped in their local area,21 were powerless to rise above their own ‘internal monologue’, let alone advertise themselves successfully to the world.22

**Discourses victorious**

A discourse is ‘a set of ideas [and] a resource used by entrepreneurial actors to produce and legitimate those ideas’ (Schmidt and Radaelli, 2004:192). Through discourses, ‘a specific version of the world, or identity, or meaning is produced by … what is made available and what is excluded’ (Rapley, 2008:2). At its most powerful and subtle, ‘hegemonic’ discourses

18 Interview with Laszlo Potozky, Director, Environmental Partnership Foundation, 22 September 2005.
19 Email communication with former Environment Director, Rosia Montana Gold Corporation, 4 July 2005.
21 Interview with Stephanie Roth, Campaign Manager, Alburnus Maior, 7 July 2005.
22 Ibid.
actually control what most people think (Foucault, 2000; Herman and Chomsky, 2008). Discourses forge consensus within networks and mobilise their resources when needed. They may also be deployed to engage the larger public.

The discourses of environmental sustainability crafted by the norm entrepreneurs whom the author studied mobilised a transnational network. Common in the West, this tactic was a novelty in Romania in 2002. The Romanians protesting breakneck development had been constructing discourses disseminating values that mattered to no one but themselves; in the Rosia Montana case, the individual’s property rights *versus* the company’s expropriation tactics. Discourses like this were powerless to reset the agenda of the powerful, or mobilise anyone against them. Not until transnational actors intervened did sustainability discourses emerge. The protest agenda was reframed in the ‘language’ that network actors ‘spoke’ and recognised as legitimate.

Once mobilisation was effected, network entrepreneurs turned to other, teleological discourses that constructed the government’s compliance with environmental norms; as well as motivational ones that threatened delay to Romania’s accession over non-compliance. Discourses threatening accession, of course, only work in the exceptional circumstances of this context. Even ostensibly ‘informative’ discourses publicly addressed to the European Commission or Parliament operated simultaneously as ‘informant’ discourses and as a ‘sabre-rattling’ strategy to intimidate the government.²³ Protests organised just before the domestic elections saw transnational activists carrying slogans like ‘Stop cyanide exploitation at Rosia Montana. Don’t risk Romania’s integration into the EU’ (Greenpeace, 2002). The implicit threat of non-accession is of course the ‘bread and butter’ of EU conditionality, but what was special about *these* discourses was that their allegations of non-compliance with ‘accession

conditions’ had been constructed by the norm entrepreneurs themselves out of their own teleological commitment to environmentalism, but were in fact over and above anything that the European Council had ever legislated. It is a singular fact that neither of the offending projects, not even ‘cyanide exploitation’, actually violated a legally binding European norm. The discursive construction of such a phantom has been given the name ‘extra-conditionality’ (Parau, 2010).

The Romanian State’s international reputation was also threatened, by adverse publicity that ‘named and shamed’ it for its lack of commitment to European norms. ‘Censure from UNESCO carries no legal force. However the stigma it would carry should worry the Romanian government as it seeks to enter the EU, which sets much store on environmental issues’ (Douglas-Home, 2002). This is a common proceeding in international relations, and its significance lay in the circumstance that compliance with all of a candidate’s international obligations is an accession condition too.

All of these discourses were so many bluffs; the entrepreneurs who constructed them, even those within the Commission, had no power to deny or delay accession over either Dracula Park or Rosia Montana; and they were all aware of their lack of jurisdiction over the issues in controversy or the acts of the Romanian State. The network’s entire power to govern really consisted in nothing but discourses, yet they worked – a recalcitrant government, living in the shadow of accession conditionality and of the quasi-hierarchical, asymmetrical bargaining power of the Commission, conceded to abandon or adjourn environmentally destructive projects.

**Conclusions**

Empirical investigation revealed integration into a transnational environmental governance network to be a precondition potentiating the agency that led to success in a public policy
contest. The network operated outside and inside the domestic arena but made no part of the mechanisms of democratic representation in either realm; in effect, it constitutes a new mode of transnational governance.

Networks, of course, lack any agency of their own (Dowding, 1995). Bringing their resources to bear on policy change depends on norm entrepreneurs, and transnational ones at that. Western entrepreneurship stands revealed as a critical cause of civil society success in Southeastern Europe. This finding can be useful in future research if it supersedes blunter, less precise concepts like ‘external agency’.

In the periphery of Europe today, accession is a possibility too remote for anyone to have confidence in its eventuality. It should be no surprise that transnational environmental civil society have shown little interest in those shut out of the feast. The non-committalness of the EU to the accession of countries in places like the Western Balkans, for example, is likely to adjourn the intervention of transnational entrepreneurs and the influence of their networks indefinitely.

Nothing negotiated by any element of a network enforces itself. The precondition, therefore, of the success of the environmental governance network found to be at work in the Romanian domestic arena was the power asymmetry between the national government and the European Commission at the peak of accession negotiations; there is little else that might have constituted the ‘shadow of hierarchy’. It is an asymmetry ultimately dependent on the intensity with which EU membership is desired by both the governors and the governed in the accession candidate. In this light is to be understood the finding that mere discourses were the most potent ‘weapons’ actually deployed by transnational environmental governance networks that encompass the media. Empirical investigation has exposed the parasitic relation between network modes of governance and hierarchy. Both are necessary, but neither is sufficient on its own. Entrepreneurs by themselves are powerless unless backed by at least a
credible threat of hierarchical coercion, yet the hierarchical asymmetry of power enjoyed by the European Commission is in itself a mere inert thing as far as concerns environmental governance, given the weakness of the environmental acquis.

Contrary to the literature on network governance in the West, in the East it cannot be taken for granted that domestic government officials are networked-in. In both cases studied it was found that the ‘State actors’ in the network were not domestic politicians legitimated by elections, but activists inside the EU supranational organs – Commission functionaries and MEPs – as well as inside kindred international organisations like UNESCO. This is a feature that distinguishes the new modes of governance in the Southeast European setting.

Finally, although the Westerners were essential, it ought not to be concluded that local environmental civil society must forever depend on their leadership. As Buzogány has pointed out, the Natura 2000 Coalition in Romania was ‘reinforced by EU accession’ (Buzogány, 2013:11). This does not refute the probable inference that the Coalition was coached by Western transnational norm entrepreneurs, but it does imply that some real internal capacity has been built. Whether or not this has happened across the gamut of policy domains, or across all of Romanian civil society, is a question that merits further inquiry.

Bibliography

Börzel T A, 2009 Coping with Accession to the European Union: New Modes of Environmental Governance (Palgrave Macmillan, Basingstoke)

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della Porta D, Caiani M, 2011 *Social Movements and Europeanization* (Oxford University Press, Oxford)

Dezseri K, Vida K, 2008, "New Modes of Governance within Cohesion Policy at the European and new Member States' Level, Policy Brief #16", (European University Institute, Florence)


Dyson K, Goetz K H, 2003 *Germany, Europe and The Politics of Constraint* (Oxford University Press for the British Academy, Oxford)


Foucault M, 2000 *Power* (Allen Lane, London)


Greenpeace, 2002 *Greenpeace Protest a Canadian Gold mine project in Romania (Press release)* (Greenpeace, Bucharest)
Herman E S, Chomsky N, 2008 Manufacturing Consent (Bodley Head, London)
Jancar-Webster B, 1993 Environmental Action in Eastern Europe: Responses to Crisis (M.E. Sharpe, Armonk, NY)
Lippmann W, 1922 Public Opinion (Allen & Unwin, New York)
Olteanu I, Avadani I, Lisetchi M, 2003, "Letter of response to the Strategy for the Development of the Civil Society in Romania", The Role of NGOs in Romania’s Accession to the EU
Parau C E, 2007 The Interplay between Domestic Politics and Europe PhD thesis Government, London School of Economics
Parau C E, 2009, "Impaling Dracula: how EU accession empowered civil society in Romania" West European Politics 32 119-141
Parau C E, 2014, "Explaining judiciary governance in Central and Eastern Europe: external incentives, transnational elites and parliament inaction" Europe-Asia Studies forthcoming


Schimmelfennig F, Sedelmeier U, 2005 *The Europeanization of Central and Eastern Europe* (Cornell University Press, Ithaca and London)


Shapiro I, Bedi S, 2007 *Political contingency: studying the unexpected, the accidental, and the unforeseen* (New York University Press, New York)

