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Central European University in part fulfilment of the
Degree of Doctor of Philosophy**

**Local environmental governance and environmental
rules on the ground in Bulgarian municipalities**

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ABSTRACT OF THESIS submitted by:

Plamen PEEV for the degree of Doctor of Philosophy and entitled: *Local environmental governance and environmental rules on the ground in Bulgarian municipalities.*

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The thesis is grounded in the research of local environmental governance (LEG) in Bulgaria. The concept of LEG has been explored in the theoretical context of the underlying theories of local governance, environmental governance, multi-level governance, Europeanization and rules. The intensive processes of governance reforms in Bulgaria have been fuelled by democratization, globalization and European Union (EU) accession and membership with impacts on all governance levels, including local level. The Europeanization of rules and practices has posed new powers and responsibilities on Bulgarian municipalities in environmental field (notably in waste and wastewater management).

Bulgarian municipalities have been in the focus of the research as local governance space and unit of analysis. The data for the dissertation has been collected from field research with three in-depth case studies (Teteven, Lukovit and Dobrich urban), from interviews at national level, and from document sources and direct observations. Case municipalities represent medium-sized and big municipalities both of urban and rural type. LEG has been explored through the lens of rules and rule-making processes at local level. Three components of governance have been applied to the rules' perspective: the subject of rules -actors (who), the object of rules (what) and rule-making process (how). Two main types of rules (legal and strategic) have been explored in detail as well as the informal rules related to these types.

Mayor and municipal administration have been identified as central actors and rule-makers within the municipality's realm. Other actors like local NGOs, businesses and even municipal councils have been found in far weaker position concerning capacity and interest in local environmental governance. The most sophisticated rules' system has been developed for waste management whereas areas like soil and biodiversity protection and even climate change are missing or are at initial stage on local agenda. The patterns of rule-making and governance in general are dominated by leadership and personalities' powers, closed rule-making system, traditionalism, local centralism (concentration of powers and resources at municipal administrations), weak civil society and still underdeveloped expert capacity. Rule enforcement is also rather weak and subjective.

The Europeanization has been driving force and symbol of new governance arrangements externalized in rules, new staff and large environmental investment funding. The national administration is keeping its central position in development, implementation of environmental policies, and in guiding, monitoring and sanctioning local administrations. The importance of local circumstances has been exemplified by local actors and their capacity and interests. In some cases local level is not the most suitable level for environmental governance – e.g. in biodiversity protection and climate change. Hierarchies have emerged as dominant governance structure that defines also the current mode of multi-level governance. Community, markets and networks have been found in many instances with potential to shape governance processes. The larger urban municipalities are in stronger governance position – with larger administration, budget and social capital - to deploy the full capacity of rules. Nevertheless, in rural municipalities environmental leaders and traditions with great value for community and with governance potential have been established.

Keywords: local environmental governance, municipalities, actors, rules, rule-making, Bulgaria.

DEDICATION

I dedicate this thesis to the dearest persons who have accompanied me throughout this emotional, intellectual and spiritual journey.

To my wife Kaidi who was the main reason and inspiration to begin this late studentship and supported me in all my ways and crises. She is my morning, my day, my evening and my night.

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List of Abbreviations

BGN – Bulgarian Leva

CPR – Common-Pool Resources

EIA – Environmental Impact Assessment

EPA – Environmental Protection Act

EPP – Environmental Protection Program

EU – European Union

LA – Local Authority

LW – Law on Water

LN – Law on Noise

LEG – Local Environmental Governance

LLSLA – Law on Local Self-government and Local Administration

MDP- Municipal Development Plan

MoEW – Ministry of Environment and Water

OP –Operational Program

PA – Protected Area

PPA – Protected Areas Act

RIEW – Regional Inspectorate for Environment and Water

SEA – Strategic Environmental Assessment

SNA – Sub-National Authorities

SPA – Soil Protection Act

WMA – Waste Management Act

WMP – Waste Management Program

I. Introduction to the research on local environmental governance

1.1. Introduction

Hardly could one imagine environmental problem not related in one way or another to a locality or to actions and activities that happen locally. People, resources and processes – life and society in general - have their local dimensions, sources and impacts. The challenges of urbanization and globalization for local communities to preserve their culture, nature and identity are enormous. Open borders, higher standard of living, new technologies contribute to a new social, economic and cultural mix that allows people, ideas, money and goods to move around the globe in an amazing but often unpredictable way. Even if the world has become a global village the real villages, towns and regions have not lost their vital importance for the livelihood of the nations, communities and individuals. Such reality has intensified the need to act locally and shifted the governing processes to local level, closer to their sources and causes. Environmental problems are among the most pressing ones because the times of industrial and post-industrial society have unleashed powers and processes that produce growing adverse environmental effects. Even new challenges such as climate change or biodiversity loss (Meadowcroft 2002) have their local implications and require economic, political and social responses from different governmental and governance institutions to this new environmental problematique.

The local scale and dimension of environmental policy making is often referred to by national and international environmental policy initiatives as the most appropriate site for

policy intervention (Gibbs and Jonas 2000, 299). Gibbs and Jonas (2000, 303) claim that policy and policy actions on a range of environmental issues are “increasingly evident at, and yet often confined to, the local scale”. The local implications of environmental problems engage accordingly local governments imposing new duties and calling for action. Page (1991, 1) maintains that “local government everywhere in Europe is responsible for a large proportion of public services.” The global and the local are interconnected if we look at the dependence of global agreements on participation and cooperation of actors in local communities (Rosenau 1997, 213). While discussing the environmental governance on a global scale Rosenau holds that “the implementation and success of such agreements falls largely to people and organizations at the national and *local* levels” (emphasis added). A research on local environmental governance has the potential to illuminate issues, actors and processes that emerge at local level beyond the big policy ideas and rhetoric.

Rosenau (1997, 198) argues that “the political processes of communities and states tend to be loaded against the long run” and that “the long-term outcomes are too uncertain and too distant to worry about when the current scene is so pervaded with immediate needs and difficulties, so that the impulse to avoid hard choices and postpone action is deeply embedded in the structure of environmental politics”. A good starting point for discussion of local environmental governance (LEG) in Bulgaria is to shed light on the processes, needs and difficulties that shape the choices of local actors vis-à-vis other actors in making environmental rules work.

This dissertation establishes a new analytical ground for conceptualising of local environmental governance in Bulgaria based on the existing theoretical discourses on local governance, environmental governance, Europeanization and multi-level governance and their correlation to rules and rule-making emerging at local level. Descending to the local level of environmental governance it examines institutional frameworks and structures, e.g. how different actors act and interact with each other to make and steer environmental rules. It shows in the course of theoretical and analytical discussion invoked by the case study findings and document analysis the distribution of decision-making powers in Bulgarian municipalities and the leading actors and rule-makers within municipality' realm. Rules' discourse provides original analytical lens to explore governance at local level - who is involved, what are the rules about and how rule-making happens and how other governance levels interact with local level.

1.2. Background

My scientific interest is focused on local environmental governance viewed through rules developed at local level¹, how they are structured, created and implemented, who is involved in these processes and how significant they are. Environmental governance is highly regulated by thresholds, limits of concentrations, permits, etc. and by strict administrative procedures. Rules provide a valuable prospective based on the premise that formal rules steer and regulate the positions and attitudes of the actors at local level. The

¹ When referring to local level I will refer to municipal level as municipalities in Bulgaria will be main locus of research institutionally and legally recognized by the Bulgarian Constitution and laws (e.g. the Environmental Protection Act, the Law on Municipal Self-governance and Municipal Administration) as "the basic administrative territorial unit at the level of which self-government shall be practiced" (Art.135, par.1 of the Bulgarian Constitution) and main economic, social and environmental processes at local level could be tracked down at municipal level.

rationale of the research is to examine the rules emerging on the ground starting from legal rules (municipal ordinances) and strategic rules (programs and strategies) and detecting the informal ones to understand the contemporary picture of local environmental governance.

Europeanization has already become a leading concept in academic literature on the impacts of European Union (EU) (Schimmelfennig and Sedelmeier 2005; Bache 2008). EU governance space has opened new possibilities and responsibilities for local level authorities and other actors. “The European institutions and EU rules are taken for granted more than previously, thus making an impact on national players” (Riishoj 2007, 504). The scope and intensity of governance processes in Bulgaria are also triggered in the last more than 10 years by the EU accession process and EU membership.

The choice of Bulgaria as a case country for the research has emerged for theoretical and practical reasons. The theoretical underpinning is the need of research of environmental governance at local level and the Bulgarian case could feed further research agendas and applications in broader regional or EU-wide context. In contrast to the elaborated and proliferating theories of local governance, environmental governance and multi-level governance collected in an extensive body of literature covering cases from USA and Western Europe and elsewhere the environmental governance at local level in Bulgaria and even in Central and Eastern Europe is relatively poorly researched and empirically represented. When turning to Central and Eastern Europe the scholars somehow prefer the front-runners of EU accession – Poland, Czech Republic, Hungary (Schimmelfennig

and Sedelmeier 2004, 669; Riishoj 2007), maybe also due to poor empirical accounts from other countries like Bulgaria. Only very recently one could read publications that refer to Bulgaria from EU rules perspective (Dimitrova 2010). Europeanization and multi-level governance have their voluminous contributions to the debate on governance (e.g. on Central and Eastern Europe in Schimmelfennig and Sedelmeier 2005). Still the case of local environmental governance with clear empirical accounts and analysis of its theoretical applications remains largely undiscovered.

Since the analysis of rules is important to understand “how things work in a particular context” (Mason 2002) the exploration of rules of local environmental governance in Bulgaria has the potential of a promising academic journey. The analysis of **governance through rules** at local level is focused on legal and institutional competence of municipalities but enlarged by the economic and democratic choices other actors make – from businesses in waste management services to NGOs participation in awareness raising and campaigning.

Another reason for my research interest is EU’s political emphasis on actions at local level as proclaimed in the subsidiarity principle in the Treaty on European Union (Art.5, par.3) according to which decisions are to be taken as closely as possible to the citizen and that EU “shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and *local level*” (emphasis added). On-going policy processes at EU level aim at strengthening of roles of regional and local governments in multi-level governance by involving sub-

national authorities in “development and implementation of Community policies, thereby strengthening European democracy” (CoR, 2009). The draft White Paper on Multilevel Governance by the Committee of the Regions (2009) sets forth that “Within the European Union nearly 95 000 *local* and regional authorities currently have significant powers in key sectors such as education, the *environment*, economic development, town and country planning, transport, public services and social policies”² (emphasis added).

The choice of the thesis topic rests on preliminary literature research and findings but also on my practical experience as a legal expert and consultant in law-drafting projects. I have witnessed intensive legal and institutional changes in Bulgaria fuelled by EU accession and later by EU membership obligations as well as by international environmental agreements. The EU legal approximation has left the mark of constant change and instability on the people („every month - new law“). In the last years a good number of new laws delegated powers to local level and encouraged participation of various actors in environmental procedures (see also Table 1). There are many completed and on-going projects focused on capacity building and implementation of EU environmental legislation and on other areas of policy transfer from international and EU levels. To mention only two – a EU project³ aimed at strengthening the administrative capacity of local governments to implement environmental legislation at local level and an UNDP project Conservation of

² Committee of the Regions. 2009. White Paper on Multilevel Governance.
<http://www.cor.europa.eu/pages/PresentationTemplate.aspx?view=detail&id=d25d670f-82ad-4d12-8590-f5f1a1e9bd73>.

³ <http://www.bamee.org/tasks.php>.

Globally Significant Biodiversity in the Landscape of Bulgaria's Rhodope Mountains⁴ aimed at strengthening the institutional capacity to integrate biodiversity and ecosystem management objectives into productive sector programs.

The better access to information in Bulgaria at all governmental levels and in all forms (documents – governmental and other reports, studies; personal communication) guided the research choice, too. My experience with local government authorities and associations has fed the research with valuable insights. A pilot study conducted in Estonia in 2008 to test the research methodology has shown that knowledge of local language and circumstances could be critical for in-depth qualitative analysis which entails direct observation, case studies and reading of documents in local language.

1.3. Overview of the research problem

The thesis has mostly explorative background, modes and ambitions. It generates theoretical and empirical prepositions about rules and rule-making explaining the nature of Bulgarian local environmental governance. These prepositions have been detected and abstracted in the course of data gathering and analysis, based on the large theoretical premises of governance (local, environmental and multi-level) and Europeanization schools of thought. From the level of grand notions of EU enlargement, EU rule transfer and domestic changes in institutional and legal framework (Knill and Lenschow 2001) the research finds its way to the ground – to the environmental policies, rules and practices at local level.

⁴ http://www.undp.bg/uploads/images/997_en.pdf.

English *et al.* (1999) argue that local-scale decisions are often limited to local governments, local citizen groups and major local businesses and they take place in the legal context of the state laws and local ordinances. This notion applies to the Bulgarian context, too, because many competences are delegated to local governments to pass ordinances and orders, to impose fines; to adopt environmental strategies, and to participate in administrative procedures (e.g. EIA, SEA); to initiate and coordinate initiatives for EU-funded projects and the like. On the other hand, environmental decision-making processes require participation of national authorities, of non-governmental actors and other participants.

The desktop research and fieldwork have brought together evidences about local environmental governance as part of the debate on environmental governance and Europeanization observed with the analytical magnifying lens of rules. These rules are grounded in the rights, obligations, working practices and perceptions of local actors. The legal scope, institutional capabilities and interests of these actors add to the multifaceted picture of multi-level governance a significant local dimension. EU rules directly applied or transposed through the national legislation shape the local policy agenda in an unprecedented way. It is hard to measure the institutional, financial and social implications but almost every day brings a new challenge so that if before Bulgarian municipalities were subject to slow and uneven changes now they operate within the large EU space undergoing dynamic processes.

Not surprisingly EU rules dominate local rule-making because of financial benefits and strong rhetorical and administrative pressure from national politicians and authorities. However, the Europeanization of environmental rules requires certainly leadership, capacity and involvement from municipalities. To take only two examples: waste management and biodiversity protection. The waste management investments, especially in new regional landfills, impose severe challenges to Bulgarian municipalities in terms of management of large investment projects, short deadlines and accountability before EU, national and regional authorities as well as before local communities. NATURA 2000 network aims at better protection of “Europe’s most valuable and threatened species and habitats”⁵ and Bulgaria has the second widest network of protected areas. As discussed elsewhere in the thesis, the designation and maintenance of these areas became another “not in my front/backyard” syndrome for municipalities because of fears of possible limitations to their investment policies. The failure of environmental authorities to communicate properly the rationale of the network and site management resulted in municipal authorities being caught by surprise without capacity and information to deal with the matter given that they are at the frontline facing objections of the landowners in NATURA 2000 sites and of the population in general (Interview N05⁶).

⁵ European Commission: http://ec.europa.eu/environment/nature/natura2000/index_en.htm.

⁶ The code attached to interview numbers means the following: The capital letter stands for the first letter of the case municipality and N stands for interviews at national level.

The thesis unveils the complex picture of local environmental governance grounding the research as much as possible both in national and local circumstances and in governance stances of array of actors inhabiting the action arenas (Ostrom 2007, 32) of LEG.

1.4. Research aim and questions

The main research problem discussed in the dissertation is the importance of local environmental rules to define and shape local environmental governance in Bulgaria.

Research question 1: How is Bulgarian local environmental governance defined by the legal and institutional framework?

Research question 2: How do local environmental rules represent local environmental governance in Bulgaria in terms of who is governing, what is governed and how it is governed?

Question 2.1. Who are the main local actors?

Question 2.2. What are the main types of rules – legal and strategic and in which areas, e.g. in waste management, biodiversity protection, water management?

Question 2.3. How are rules made – the rule-making process with its main features?

Research question 3: What are the main factors, structures and tendencies of local environmental governance that emerged from the empirical accounts on local environmental rules in Bulgarian municipalities?

Research question 4: What policy recommendations for improvement of legal and institutional arrangements of rule-making procedures and for effective local environmental governance in Bulgaria could be made?

1.5. Contribution of the research

The research is primarily focused on the local level of environmental governance: on actors, rules and rule-making. It contributes to conceptualization of local environmental governance. The concept of LEG is explored within rules' discourse as analytical framework. This approach to governance is innovative and could be applied to other policy areas and governance levels. The research feeds in the theoretical debates on LEG in general and on the effectiveness of governance at local level for implementing environmental policies and addressing environmental problems. It provides policy recommendations for actors within the multi-level governance framework to enhance their roles in decision-making and implementation of environmental policies.

The qualitative data collected from Bulgarian municipalities add empirical insights in the research of environmental governance in EU with special relevance for the new EU Member States in Eastern Europe which share similar recent history of rapid social, economic and environmental transition. The local perspective is particularly important to complete the picture of environmental governance. Detailed case studies in three Bulgarian municipalities provide rich evidence basis for understanding of local governance processes as they happen on the ground. The Europeanization of local environmental policies, practices, preferences and participants (Marchall 2005) at local level has not been considered widely in academic debates and the thesis takes a step in this direction. It proposes a grounded in-depth analysis of the wide transformation of organizations and institutions at all government levels to face the challenges of new EU rules.

The typology of rules applied in the thesis is also original and explores two strong sources of power and governance: legal rules and strategic rules. The former are standards of behaviour that could be enforced and the latter represent policy visions and goals of the municipal authorities and guide their institutional and financial decisions. The analysis of rules from the three perspectives of governance: object (what), subject (who) and process (how) is also valuable contribution to exploration of local environmental governance and its conceptualization.

The dissertation establishes a fruitful ground for further comparative analysis with other EU countries or at least with new EU Member States from Eastern Europe which have faced environmental and local governance reforms, EU accession process and hence adherence to EU governance rules.

1.6. Study focus

1.6.1. Bulgaria

What makes Bulgaria a case worth studying? It is a country from Eastern Europe - a new EU Member State since 2007 - and it has passed through revolutionary upgrading of its institutional and legal framework established on new principles within a very short timeframe to comply with the environmental standards of EU. The thesis explores these processes in the field of local governance, environmental governance, and environmental legislation that happened most recently before and after the accession of Bulgaria to the European Union. Even transposed into the national legislation most environmental rules are still on their way to local level with all stumbling stones of low administrative capacity,

slow reaction to sudden changes and traditionalism of governing at local level (Drumeva 2000).

The country underwent a historic transformation from planning economy and communist political regime to market economy and democratic values and institutions. However, the democratic model of cooperation between central and local administrations is not established as yet fully and the decentralization is an ongoing process with many results still to expect. The role of local actors in environmental governance has increased in recent years because municipalities became entitled to legislate in and manage the environmental field. In addition to this mandate they are beneficiaries of large shares of funds under the Operational Programs Environment and Regional Development.

I would shortly explain the Bulgarian case in the light of local governance and environmental governance concepts. “During the years of transition, the administrative and territorial structure in Bulgaria was characterized by relative stability of the lowest (decentralized) level of local government – the municipalities” (Ivanov *et al.* 2002). Local governance in Bulgaria is “realized on a single level: the municipality is the main administrative and territorial unit at which local self-governance is exercised” (Delcheva 2005). The local governance reforms in Bulgaria are characterized by delay followed by a gradual reform. The central state administration was very hesitant to decentralize with the argument that the new local governments are not ready to take on new responsibilities (Swianiewicz 2005, 104). The history of the post-communist Bulgaria is marked with ups and downs in putting of environmental issues on political agenda. Environmental

movements had been at the core and frontline of the opposition to communism (Andonova 2004). Later the environmental considerations and their supporters were marginalized and only “the environmental conditions for EU accession played a considerable role in reinvigoration the environmental reforms in Bulgaria, particularly in the late 1990s” (Andonova 2004, 159). In the next years Bulgaria transposed in a pressing fashion the EU acquis with very few transition periods negotiated and became a member of EU in 2007. In this regard the Europeanization of the environmental policy is a leading feature of environmental governance in Bulgaria as explained at length in chapter II.

1.6.2. Case municipalities

The choice of case municipalities rests on the divide between urban and rural municipalities, and between small, medium-sized and large municipalities. From the selected 3 cases two comply with the definition for rural municipalities and one for urban type. In addition I have investigated other urban municipalities through interviews and review of their ordinances and other rules in order to ensure equal representation of both types. The urban areas have their specific environmental conditions and problems, are exposed to internal and external economic tendencies and constrains that could not be simply compared to the pressures experienced by rural areas and small towns (Marshall 2005, 670).

By the method of exclusion of the “super municipalities” - the capital Sofia and the biggest cities - Plovdiv and Varna (with more elaborated local government structure of municipal wards within the large municipality), as well as of small municipalities I have focused on

medium-sized and large municipalities. Still the research findings concerning legal and strategic rules are applicable to small, medium-sized and large municipalities. When I have encountered specifics that could distinguish the municipalities according to their type I have pointed out these differences throughout the dissertation. As the Table 1 below shows the selected case municipalities between 10 000 and 30000 people (Lukovit and Teteven) and above 75 000 (Dobrich urban) represent more than a half of all Bulgarian municipalities and even more of the total country population if Sofia, Varna and Plovdiv from the Group 2 of large municipalities and the smallest municipalities are excluded. This conclusion about the relevance and representativeness of the case study municipalities does not preclude the main argument that they are selected by theoretical sampling of municipalities and provide insights in the main Bulgarian municipality types: rural and urban and are representative of the majority of municipalities considering the legal and institutional framework for rules and rule-making.

Groups	Population	Number of Municipalities	% of Municipalities	% of Population	Average Municipalities Population/Population per Municipality
Group 1	Sofia	1	0.38	14.79	1,211,531
Group 2	Above 75,000	20	7.63	33.21	136,011
Group 3	30,000– 75,000	39	14.89	21.42	44,990
Group 4	10,000– 30,000	110	41.98	23.40	17,426
Group 5	Below 10,000	92	35.11	7.17	6,387
Total		262	100.00	100.00	31,263

Table 1 Distribution of Municipalities by Groups Based on Population.

Source: Ivanov *et al.* 2002.

1.7. Overview of the chapters

The thesis is divided into eight chapters. The first chapter introduces the background, study focus, the underlying research problem and questions, and the contribution of the research. The second chapter focuses on the research domain of local environmental governance and on the theoretical framework of the research – the theories of governance, local governance, environmental governance, multi-level governance, Europeanization and rules. The third chapter clarifies the methodology applied in the research - the methods for data collection and analysis, the selection of the case studies and the process of field research.

The fourth chapter provides detailed insights into legal, institutional and financial framework of environmental governance at local level in Bulgaria that empowers local actors and defines their competences. The main sources of rules in legislation and planning are discussed. From fifth through seventh chapters the results from the field research in three case municipalities in Bulgaria are presented. Chapter V discusses the case of Teteven municipality, chapter VI - of Lukovit municipality and chapter VII - of Dobrich urban municipality. The case studies examine first the overall and environmental context of the case municipality, then the local actors, followed by discussion on their main environmental rules, rule-making processes, governance structures and factors and finally on Europeanization.

The final eighth chapter summarizes the results from the research both in case municipalities and on national level. It analyses the powers and importance of local actors, the main areas of environmental rules and the features of rule-making process. Europeanization, powers of central government and local circumstances are among the main factors of local environmental governance. The chapter concludes with findings about application of multi-level governance to Bulgarian local context and about prevailing governance structures, municipal scale, effectiveness and strength of rules. A list a policy recommendations is suggested to improve the status of local environmental governance in Bulgaria.

II. Theoretical travel from local environmental governance to local environmental rules

2.1. Main theoretical discourses related to local environmental governance

A number of schools of thought provide avenues for the research of local environmental governance in Bulgaria. I will review them systematically in this chapter by explaining their relevance for my research. Two main concepts – of local governance and environmental governance - are theoretical premises that contribute to the discussion and set the scene as analytical basis for exploration of the shift from local government to local governance and of the growing importance of environmental governance at local level in the recent years, both processes resulting in **new LEG rules** in Bulgaria. The links between EU and domestic institutions, including at local level, manifest new forms of local governance (Pierre and Peters 2000). The EU membership predisposes reference to Europeanization and multi-level governance within the European Union. Additionally the rules' theories related to governance need to be discussed.

2.2. Research domains of local environmental governance

The following sections shortly map the research of local environmental governance to place the dissertation in a theoretical context. The theoretical journey follows the theoretical signs of local governance (actors and democracy), the environmental governance and the linked concepts on governance, multi-level governance and Europeanization. In conclusion it reaches to the theoretical views on rules and rule-making.

Local environmental governance is one of these concepts “characterized more by their widespread use than their clarity or singularity of meaning” (Sampford 2002). Scholars have been applying some rather narrow approaches to LEG. The concept has been used without building a strong theory about it but rather by referring to its elements – environmental governance and processes that occur at and relate to local level.

The term has been used in various contexts, e.g. concerning nature resources management and local development (Bonfiglioli 2004). In one instance (Barrett and Isui 2002) LEG is employed in analysis of a broad policy process like Local Agenda 21 initiated at international level and based on Chapter 28 of Agenda 21 adopted in 1992 at the United Nations Conference of Environment and Development in Rio de Janeiro. The authors describe an internationally envisioned ideal-type of LEG with six goals that include promotion of: (1) flexible, open decision-making structures allowing for pluralistic inputs; (2) stakeholder dialogues; (3) consensual knowledge base-building for local environmental management; (4) comprehensive framing of the sustainability agenda; (5) joint implementation through multisectoral partnerships; and (6) cross-border networking (Barrett and Isui 2002, 50). Another context for application of LEG found in literature is the analysis of a policy process in specific policy area. Evans (2004) in a study on biodiversity action planning defines LEG as people-driven and geographically embedded. A third research perspective relates LEG to the challenges to effective and appropriate public participation as presented in the case of public involvement at Hunter River Basin management (Smiley *et al.* 2010). One of the significant authors’ conclusions about

importance of state actors in local environmental governance is highly relevant for this dissertation.

Throughout Europe and beyond local arenas, actors and policy processes are closely related to the debate on environmental governance in various sectors, environmental media and components – from nature conservation and management of national parks to climate change policy and to waste management. Local governments when assessed on their stance on conservation policy in biodiversity protection are rather weak players or even favour local development and local interests at the expense of stronger environmental protection even in a front-runner country like Norway (Falleth and Novik 2009). In another Nordic country, Finland, recognized as a leader in management of protected areas the management of a national park has shown antipathy by some local stakeholders. The public participation is almost non-existent because of the centralised management of the park and local inhabitants view it “as somewhat distant and, above all, not local” (Grönholm 2010, 242).

Bulkeley and Kern (2006) explore local climate protection policies in UK and Germany and the ability of local authorities of governing with climate change policies given their potential in areas with significant impact on emissions reduction like transport, planning and housing. The authors conclude that there is a need both to provide more political support and guidance to local authorities to enable them to use traditional forms of authority and to provide resources and incentives for working in partnership with other

actors so that local government can play a significant role in climate protection (Bulkeley and Kern 2006, 2255).

In discussion of the governance in waste management in UK and of the importance of political and institutional context for effective public engagement processes Bull *et al.* (2010, 992) observe tendencies in local waste management that have increased the involvement of private sector both in infrastructure provision and in delivery of collection, recycling and disposal services, supported by legislation. In their conclusions one important message provides parallels with the discussion on Bulgarian situation. “In a governance context where ‘localism is king’ there is urgent need for more responsive engagement with policy contexts, if the individual citizen as a potentially influential stakeholder is to take personal responsibility for decisions that affect them.” (Bull *et al.* 2010, 1008). Further insights in municipal waste management provide Watson and Bulkeley (2005) who reflect on the policies and processes underlying the transformation of UK municipal waste policy. One telling argument about the growing importance of local processes and engagement of local authorities reads as follows: “Local authority waste management teams which until recently had to concern themselves with little more than efficient vehicle movements and a relatively narrow range of regulations, today have a radically broadened agenda with progressive statutory performance targets for recycling and composting, as well as responsibilities for diversion of waste from landfill, recovery from waste and waste minimisation.” (Watson and Bulkeley 2005, 415).

Evidences about environmental governance in general from Portugal and Greece, a latitude closer to Bulgaria, (Fernandez *et al.* 2010, 572) show “irregular patterns of consultations and, more importantly, a culture of administrative distrust impairing public-private cooperation” (Greece) and “centralist administrative culture preventing the expansion of the opportunity structure to the regional and local levels” (Portugal). One important conclusion that bears importance for this dissertation is that national response to EU pressure matters because “while environmental policies in the three Southern countries were equally underdeveloped at the time of accession, their national responses to EU pressure have evolved in different ways” (Fernandez *et al.* 2010, 574).

Another relevant topic is implementation of environmental policy at local level. Banas (2008) examines the implementation of national environmental policy by Polish local governments by providing analysis of actors, processes and factors involved. His research is focused on the role of local governments and on implementation outputs like environmental protection programs and waste management plans. The delegation of powers to local level has shown implementation deficiency and need for assistance for local authorities in developing of policy documents.

In sum, LEG is a concept that have been adapted to various research agendas to discuss and explain local dimensions, characteristics and controversies of environmental governance in general or in specific areas. The approach of this thesis is different. LEG is not only arena and category for exploring environmental processes and policies occurring at local level but also a concept that needs to be scrutinized theoretically through

underpinning discourses of local governance and environmental governance and analytically by local environmental rules and rule-making. This approach allows focusing on the structure and dynamics of local environmental governance evolving in the context of a new EU Member State – Bulgaria. The research in Bulgaria is definitely a new case although all issues experienced in Northern and Southern Europe sound familiar and most of them could be transferred into the Bulgarian context and vice versa. Before going to the field and to the emerging actors and issues there, a theoretical map for the journey will be drawn.

2.3. Theoretical framework

2.3.1. Governance concepts

The literature on “governance” serves as point of departure in this theoretical journey. It provides the overarching insight in local governance and environmental governance and sets the theoretical framework for the thesis. Despite “the various uncertainties about its home the idea of governance has been absorbed into the discourses of a number of disciplines...” (Minnery 2007, 326). Beside its direct linguistic reference as “the act or process of governing” (Lafferty 2004) governance is associated with governmental steering by regulations and sanctions. Additionally, governance focuses on mechanisms and instruments designed to amend and channel the behaviour of the individual and collective actors. The definitions of governance further vary from “flexible pattern of public decision-making based on loose networks of individuals” (John 2001) to a “set of regulation mechanisms in a sphere of activity, which function effectively even though they are not endowed with formal authority” (Rosenau 1992, 5).

The ideal type of governance elaborated by John (2001) has four key elements: institutional reform, new networks, new policy initiatives and responses to dilemmas of co-ordination and accountability. Lafferty (2004) characterizes governance further as a “shift” from regulation to effective means of achieving change. Rhodes (1997) offers another definition for governance as “self-organizing, interorganizational networks characterized by interdependence, resource exchange, rules of the game and significant autonomy from the state”. He lists the uses of governance, as minimal state, corporate governance, new public management, “good governance”, socio-cybernetic system and self-organized networks. The term is used to capture the increasing fragmentation of the public decision-making and the increasing degree of interdependence between state and non-state actors in this field, specifically “governing with and through networks at the boundary of the state and civil society”(Bevir and Rhodes 2003, 3).

One well structured approach to frame the analysis of governance is offered by Pierre and Peters (2000) and adopted in this thesis through the case study analysis. The authors identify four common structural arrangements of governance: hierarchies, markets, networks and communities. The governance as **hierarchies** (also in Daly, 2003) is “essentially governance by law” conducted by vertical integrated state structures, where the subnational government “enjoyed some degree of autonomy but the state never surrendered its legal authority over these institutions” (Pierre and Peters 2000). Governance as **markets** essentially sees governance as a resource-allocating mechanism where various economic actors can cooperate to resolve common problems. Governance

as **networks** is where governance facilitates the coordination of public and private interests along with resources and enhances the efficiency in the implementation of public policy. There is a mutual dependence between the state and the networks where the networks “embody considerable expertise and interest representation and are valuable components in the policy process”. The underlying idea of “governance as **communities**” model is that communities can and should “resolve their common problems with a minimum state involvement”. Communitarianism is seen as an alternative to having government at different levels decide on matters which can be better resolved by members of community or as a means to introduce sense of collective responsibility into the community.

According to Daly (2003) government is synonymous with a particular mode of societal control (hierarchy) and governance which implies a “network form of control, to refer primarily to a process and to be associated with its diverse agents”. Moreover, governance consists of “the relationships among local, regional and national levels, the role of the state and its relationship to civil society, the (re) positioning of different interest groups and the framing, orientation and implementation of policy” (Daly 2003). Within these relationships, government agencies are more or less equal partners in the environmental management with other stakeholders such as NGOs and interest groups. These stakeholders are recognized and incorporated into the processes of policy making and implementation. In Daly’s view governance is an analytical framework consisting of four dimensions: public sphere, policy-making, policy implementation and societal incorporation (Daly 2003).

The EU governance could be characterized by two modes – “old governance” and “new governance”. The former refers to hierarchical and vertical processes of command, control, and steering by the state whereas the latter refers to “network governance” based on horizontal co-ordination and cooperation, negotiated in decentralized settings between public and private actors” (Schimmelfennig and Sedelmeier 2004, 674). A strategic document of European Commission “in the early 2000’s identified the reform of the European governance as one of its strategic objectives” (Bouwen 2007, 272). The EU White paper on European Governance (EC 2001) defines governance as “the rules, processes and behaviour that affect the way in which powers are exercised at European level” (EC 2001, 8). The main principles of good governance in EU are openness, participation, accountability, effectiveness, coherence. The White Paper recognizes the importance of application of these principles at all governance levels from the global to local level. EU and national administrations should involve regional and local levels in EU policy in a more sufficient way because “the expansion of the Union’s activities over the last fifteen years has brought it closer to regions, cities and localities, which are now responsible for implementing EU policies from agriculture and structural funding to environmental standards” (EC 2001, 12).

There are several reasons that have brought governance to the frontline of environmental agenda, but at least two of them are of vital importance for understanding of the processes at local level: globalization and democratization of society. Globalization became dominant on global scale through liberalization of trade and movement of capital, services

and people and by development of free economic spaces like EU and governance in the context of EU integration. Democratization has become a universal value to pursue because it empowers individuals and communities to participate in governance through sharing of experiences and thoughts in order to find solutions to intractable problems like the environmental at all scales (Chhotray and Stoker 2009, 9). One definition of governance which the authors suggests could be operationalized to approach the main research question of the thesis: “governance is about the *rules of collective decision-making* in settings where there is a plurality of actors or organizations and where no formal control system can dictate the terms of the relationship between these actors and organizations” (emphasis added) (Chhotray and Stoker 2009, 3).

The relationship between rules and actors in settings where collective decision-making happens explains the approach of the thesis to identifying most influential actors as part of the governance process at local level. It tackles the question about environmental rules which exist within the constructs of Bulgarian municipal governance structures. It attempts to discover, if possible, cases of collective decision-making processes both in strategic decisions and in everyday implementation, where neither a formal system nor a single actor dominates the processes and outcomes. If some governance elements are not in place or are weak we could conclude that local environmental governance has to be developed and furthered by new societal, legal, political or economic conditions and arrangements. Such conclusions are proposed in the final chapter of this dissertation.

2.3.2. Local governance

The local governance theories shed light on local actors, rules and processes in Bulgaria. They are important because local institutions and practically everyone faces the on-going and pressing challenges of environmental protection geared by EU accession and consequent membership. The new rules are changing the nature of Bulgarian local environmental governance by bringing in new requirements, actors, tasks and interests in the course of rapid policy developments.

The thesis charts the place and role of Bulgarian local environmental governance in a world of interdependence and processes of governance, and of strong national and EU regulations that sometimes do not leave legal, financial or administrative space for operation and large discretion of local actors especially in such a highly regulated area as environmental protection. The EU requirements and national environmental policy and administration determine the environmental agenda in Bulgaria but “the local” dimension – people, institutions, conditions- is still at the core of local environmental governance. This thesis provides arguments in this light based on three in-depth case studies and additional analysis of local institutions from national perspective.

The concept of “the local” is one of the main rationales behind the application of local governance framework in the thesis. “Space is fundamental to any exercise of power” (Foucault 1984, 252). Indeed “the local” becomes metaphor and discourse for this dissertation when delineating the administrative and legal boundaries between authority and power in local and outer world and at the same time a space transcended by the

bridges of multi-level governance and Europeanization. Goss (2001) discusses the emerging roles for local governance stating that local governments are too small for strategic decision-making and too large for local engagement. In her book on networks, relationships and management of change she defines physical proximity, identity, scale and power as the main elements of “the local”. The discussion on the contours of the local and local capacity for strategic decision-making feeds the analysis of LEG rule-making. The local dimension is important because of the question of jurisdiction over many environmental issues. For example, the protected areas do not follow the administrative boundaries of the municipalities and their management is not a municipal duty. So, it could be presumed that all problems that do not fall into the scope and authority of the municipality do not get high consideration for the local actors.

Denters and Rose (2005, 2-6) claim that there is a new era for local government – the age of local governance. They outline some main trends that predominate socio-economic and political environments within which local governments perform their functions: urbanization, globalization, Europeanization (macro-trends) and new substantive demands, and new participatory demands (micro- and meso-trends). They argue that the transformation of local government to local governance demands managerial and leadership reform (Denters and Rose 2005, 253-255). Local governance rather than “local government”, according to Rhodes (1997) is a phrase that “best captures the amalgam of organizations, drawn from the public, private and voluntary sectors, involved in delivering services”.

One definition of local governance is close to the heart of the debate on rules in LEG:

“[The] set of formal and informal *rules*, structures and processes by which local stakeholders collectively solve their problems and meet societal needs. This process is inclusive because each stakeholder brings important qualities, abilities and resources. In this process, it is critical to build and maintain trust, commitment and a system of *bargaining*” (emphasis added) (Boviard *et al.* 2002, 12).

The authors point out that “it is important to stress that (local) governance is not equivalent to networking” but there are “other governance mechanisms that remain significant in the public, private and voluntary sectors” (as mentioned above - hierarchies, markets and communities). Hence governance is not only about co-operation but about competition and conflict management (Boviard *et al.*, 2002).

In the following chapters the processes observed and analysed in the context of Bulgarian case studies clearly show that cooperation between the local authorities and other actors at local level and above has still not ripened and institutionalised and in reality closeness, localism, mistrust, conflicts and competition prevail. The transition from local government to local governance in Bulgaria requires a good understanding of literature on local institutions. Such a transition is an advance in terms of local democracy and the legitimacy of local institutions and supported by the emerging evidence that local partnerships enhance local democracy (Bulkeley and Betsill 2005). The next two sections provide a framework for debating of these two concepts exemplified in the following chapters with evidences from Bulgaria.

2.3.3. Local actors

Local environmental governance entails identification and explanation of the constellation of local actors which answers one of the big questions of the thesis and of the governance debate – who is out there and with what powers and interests. Gibbs and Jonas (2000) present actors at local level as “individuals, groups, institutions or social networks, who comprise the strategic agents in local environmental policy making”. Boviard *et al.* (2002) list six groups of stakeholders in the local governance – citizens, voluntary sector, business, media, higher levels of government, including international level and local authorities. Kousis and Eder (2001) elaborate on different types of actors in three modes: national actor, elite actors, and popular actors in the context of European Union. They summarize the links between the elite, national and popular publics set in “participatory institutions involving environmental policy actors such as environmental state agencies, national or regional environmental organizations, political parties, groups of experts/professionals, local environmental groups and organized economic interests” (Kousis and Eder 2001).

John (2000) sets forth that even the influence of the non-institutional factors, such as economic cooperation, cross-national networks and reform ideas in the public sector prove that the local governance is “intrinsically non-institutional in character”. Governance investigates the changed character of institutions and of the relations between the tiers that have become more complex. In this respect John (2000) relates the institutional reform to the tendency of regionalization and its implications in terms of finding the best means to deliver services and co-ordinate the various levels of activities. He introduces three factors

of “top-down” decentralization: the size and efficiency; regional planning legacy and regional functions-integrated planning; economic development and transport networks and three “bottom-up” factors – regional mobilization (re-awakening of regional/national/ethnic identities), democratization and the role of regional elites. According to him regionalization did not span throughout all of Southern Europe. Portugal and Spain have not developed strong regional structures, partly because of the elites, located in central bureaucracies. This perspective parallels with the Bulgarian case of a new EU Member State with totalitarian past and political culture that could be branded as Southern in other aspects, too.

2.3.4. Local democracy

The notion of local democracy is also fundamental for local environmental governance because of the short recent history of the democratic society in Bulgaria and the traditional command-and-control approach that still lives in the mentality and actions of many local leaders who were educated and worked in the mindset of the socialism. But as John (2001) also argues even in established democracies the transition from government to governance there are some faults in the representative democracy at local level and need for renewing local democracy, as “local governmental systems evolve toward governance”. The emphasis on local democracy in recent years is based on the renewed interest in the principles and procedures of democratic governance at the level closest to the people and it is in a way return to the foundations of democratic theory and practice. There are some key concepts that need to be considered in relation to local democracy:

citizenship and community, deliberation, political education, and good government and social welfare (International IDEA, 2001).

At least three elements are essential for good local governance: openness, deliberation and integrated action. The openness shall ensure that “the system is open, has low barrier to expression of dissent, and limits the disadvantages of the poorly organized and resourced” (Stoker 2001). The deliberation could involve civic leadership, public meetings, forums, neighbourhood’s assemblies, multi-choice referendums or jury system for considering of policy issues. Capacity to act requires effective bureaucracy and professional expertise in service delivery to overcome the classical faults of the organizational systems: insensitivity, rigidity and lack of responsiveness. The handling of the “great” issues of economic renewal, poverty and environmental decay can be achieved by blending the resources of the government with those of the non-governmental actors from civil society according to Stoker (2001). Such a type of governance shall recognize the limits to state actions and power and enhance the vibrancy in civil society domain which could lead to new legitimacy of the authority vested by the state and exercised through local governance.

Lowndes *et al.* (2006) point at three sets of factors that shape local participation and variations between regions and areas and namely the socio-economic status, social capital and institutional design. The authors suggest that the most important factor in determining the level of local participation is the resources that citizens have access to – money, education and civic skills, in other words the socio-economic status.

The theoretical discourses on local actors and democracy prepare the ground for a closer examination of local environmental governance across Europe, including Bulgaria in this dissertation, delimiting also the main domains of local environmental policy.

2.3.5. Environmental governance

The environmental governance is the next important theoretical premise applied to governance at local level in Bulgarian municipalities. There are two important perspectives to it – the institutional (Paavola 2006; Meadowcroft 2002) and the regime perspective (Gibbs and Jonas 2000).

Paavola (2006) holds that institutional research on environmental governance has been phenomenally successful in terms of its volume growth and policy impact. The governance of global environmental resources is increasingly based on multi-level solutions operating at local, national, international and intermediate levels simultaneously. He offers a definition of environmental governance as “establishment, reaffirmation or change of institutions to resolve conflicts over environmental resources”. The conceptualization of environmental problems as conflicts over environmental resources emphasizes that the choice of governance institutions is a matter of social justice rather than of efficiency. Paalova (2006) outlines recognition, participation and distribution of powers as foundations of distributive and procedural justice that influence plans and decisions, including their distributive implications.

Regarding governance institutions Paavola (2006) identifies three functional tiers governed by corresponding rules (Ostrom 1991). At the “operational level”, individuals make choices within the constraints of “operational” rules which define their choice sets. At the “collective choice” level, authorized actors make collective choices such as what constitutes acceptable gear or catch. These decisions are based on “institutional” rules. Finally, decisions regarding the authority of collective actors and the procedures they are supposed to follow from the “constitutional” level of action.

Meadowcroft (2002) studies some implications for environmental governance arguing that it is relatively common for analysts to emphasize the variable and cross-cutting temporal and spatial scales associated with environmental problems. He argues that “the political response to environmental dilemmas is inadequate (too small or too slow), particularly in relation to ‘third generation’ challenges such as climate change or biodiversity loss”. According to him the “regional and global environmental regimes have not replaced national regulation and initiatives, but rather have generated an elaborate, multi-tiered system of governance, which actors at all levels find difficult to navigate”. Meadowcroft (2002) notes that institutional adjustment and social learning require time and combination of structures and protocols for managing the environment.

Gibbs and Jonas (2000) focus on environmental governance through the utility of regime approach. They attempt an interpretation of rescaling of environmental policy, of new forms of local governance and local environmental discourses placing a particular emphasis on understanding the new forms of local economic and environmental

governance (Gibbs and Jonas 2000, 300). They elaborate several reasons for focusing on local environmental policy to broaden the understanding of local governance features in local politics. First reason is that the processes of rescaling and local governance transformation allow that in some contexts environmental policies are now viewed as compatible rather than in conflict with economic development locally. A second reason is that “environmental policy making has itself become more socially and politically inclusive of local organizations. Rather than state-imposed regulation and the expectation that local government is the principal delivery organization for the environment, local environmental initiatives these days involve a wide range of local organizations, including local governments, business organizations, environmental groups, community organizations, and other local “stakeholders”. A third reason explains that the “focus on the environment helps to elucidate competing ideologies and discourses associated with economic development” (Gibbs and Jonas 2000, 300).

In the thesis LEG entails examination of actors at local level, hence it would lend institutional perspective as more productive for exploration of the rules established and embedded in local and upper level institutions. The environmental policies are affected by institutional structures and their relative importance depends “on their embeddedness in the national state and legal traditions” (Knill and Lenschow 2001, 130).

2.3.6. Multi-level governance

The establishment and implementation of rules at local level is directly linked to the processes at higher levels because the constitutional subordination and top-down

delegation are prevailing and municipalities are vested with a range of competences by the national legislation which in turn transposes EU legislation, including in environmental field. On the other hand, other institutional actors abound at and above local level – municipal national and regional associations, leading municipalities and neighbour municipalities.

The theoretical discourse on “multi-level governance” has its important theoretical implications for the study of LEG in Bulgaria as an EU Member State. According to Eckerberg and Jaos (2004, 411) “multi-level governance as a concept is interpreted in several ways and remains a rather fluid theoretical basis for empirical research”. The emphasis can be on vertical or horizontal relationships and responsibilities of national, regional and local government, but also on public-private interaction and on broader issues of democracy and participation of different actors. The states still have a considerable level of control possibilities but local governments are gaining in power, including more political influence, within the nation-state and in international settings. It is maintained based on empirical studies of multi-level governance, especially from local level perspective, that the role of national governments, even if eroded, is still central to most policy-making processes. Likewise, the tensions between representative democracy, on one hand, and partnerships and deliberative forms of democracy, on the other, remain at the core of discussions (Eckelberg and Joas 2004).

Hooghe and Marks (2001) suggest two types of multi-level governance: Type I, a hierarchical approach which focuses on the ways in which competences and authority are

shared between different levels of government; and Type II, a polycentric model in which multiple overlapping and interconnected horizontal spheres of authority are involved in governing particular issues (see Table 2).

Type	TYPE I	TYPE II
<i>According to the tasks of the jurisdictions</i>	<i>multi-task jurisdictions</i>	<i>Task-specific jurisdictions</i>
<i>Compatibility of jurisdictions</i>	<i>mutually exclusive jurisdictions at any particular level</i>	<i>overlapping jurisdictions at all levels</i>
<i>Number of jurisdictions</i>	<i>limited number of jurisdictions</i>	<i>unlimited number of jurisdictions</i>
<i>Number of levels</i>	<i>jurisdictions organized in a limited number of levels</i>	<i>no limit to the number of jurisdictional levels</i>
<i>Durability</i>	<i>jurisdictions are intended to be permanent</i>	<i>jurisdictions are intended to be flexible</i>

Table 2 Types of multi-level governance.

Source: Adopted by Hooghe and Marks (2001).

In their further contribution to the debate on multi-level governance Hooghe and Marks (2003) clarify the distinctive features of Type I as general-purpose jurisdictions with its intellectual foundations of federalism, “which is concerned with power sharing among limited number of governments operating at just a few levels” (2003, 236). The authors provide as an example of Type II the international regimes and more specifically the

environmental treaties which scale “varies from global to regional” and “which functions often overlap” (2003, 239).

While discussing islands of theorizing of political science in response to the unravelling of central state control, Hooghe and Marks (2003, 234) claim that “one such island is European Union studies where the label multi-level (or multitiered) governance is common currency among scholars and decision-makers”. The concept studies decision-making within the European Union and the links between the EU institutions and the domestic ones, including at local level where new forms of local governance are manifested (Pierre and Peters 2000). Hooghe and Marks (2003, 235) observe that “the study of local government in the United States and Western Europe bears directly on multi-level, polycentric governance.” Eckerberg and Jaos (2004, 407) conclude that “multi-level governance features seems to be especially obvious in environmental policy sector.” In the EU context there are direct impacts on local governance that create opportunities and fields for action and cooperation between different levels of governance. Carmichael (2005, 138-139) outlines some EU policy impacts at local level – substantial, procedural and institutional/organizational impacts which encourage cooperation and partnerships across public policy levels and result in changing agendas through new administrative structures. He specifically underlines also impacts in the field of environment holding that the role of the cities at the core of environmentally-friendly policies is “legitimized by the fact that it is at level of urban space that citizens live and work”.

2.3.7. Europeanization

The term Europeanization has become “grand” concept in academic research to explain the relationships between EU and the Member States (Schimmelfennig and Sedelmeier 2005, Bache 2008). The research in the recent years has shifted the attention from Europeanization as institution- building at the European level to the effects of Europeanization at national level (Risse *et al.* 2001). Now Europeanization is perceived in the words of Risse *et al.* (2001) as “the emergence and development at the European level of distinct structures of governance”, that is of political, legal and social institutions and of policy networks specializing in the creation of authoritative European *rules*. The authors emphasize the interactions among several levels of governance (supranational, national, and sub-national). Although there is a consensus to explain the relationship between EU and member states as two-way (Risse *et al.* 2001 and Bache 2008), Bache (2008, 11) concludes after reviewing the literature on Europeanization that “the most influential model for conducting empirical research on domestic effects remains *essentially top-down*”(emphasis added).

Part of Europeanization literature is focused on the effects of EU on the sub-national authorities (SNA), including local governments (Fleurke and Willemse 2007, John 2000). Fleurke and Willemse (2007, 70) study these effects by stating that there are three different points of views: the EU has strengthened SNA’s; has weakened the SNAs or it does not make any difference. In this relation John (2000) discusses the effect of the European Union as a second influential factor dominating the international dimensions of local politics. He puts forward the Europeanization of the sub-national governance. His

“ladder of Europeanization” comprises four sets of activities – minimal (activities as response to regulations and directives), financially oriented, networking, and fully Europeanized (advising EU on implementation issues).

Another perspective on Europeanization is of “multi-level” governance – with three levels of political organization – the European, national and local. John (2000) sums up the stages of European partnerships, as follows: regional development plans, formal contracts, operational programs, and implementation and monitoring. Denters and Rose (2005, 4) point at the direct and indirect effects of EU on local governments: in the case when EU implies rules and regulations that impact upon the local government activities or when provides them with new sources of funding for local programs. The indirect effects encompass the changed balance of power between central and sub-national governments where partly stimulated by EU subsidies local governments have broaden their horizons and got more active in international networks and partnerships.

The impacts of EU on local policy-making and governance is discussed in detail below but here suffice it to say that rules imposed directly or indirectly by EU have their immediate and also long lasting effects and are critical for new initiatives and awareness at local level (in many instances fuelled directly by EU funds). The formal and informal partnerships between central and sub-national governments over the formulation and implementation of EU-funded programs and projects are regarded as key tests for Europeanization and multi-level governance according to John (2000, 885). John maintains further that Europeanization is one of core aspects of local governance. This thesis explores the

opening of local agenda to external influences mostly externalized by Europeanization which has changed the Bulgarian local polity landscape introducing new policies and rules in environmental field⁷.

For Marshall (2005) Europeanization at urban level consists of two modes fuelled mostly by EU-financed programs:

1. “*Download Europeanization*”: Changes in policies, practices, preferences and participants within local system of governance, arising from the negotiation and implementation of EU programs.
2. “*Upload Europeanization*”: – The transfer of innovative urban practices to the supranational arena, resulting in the incorporation of local initiatives in pan-European policies or programs.”

Marshall (2005) considers the varieties of Europeanization in cities which have significant involvement with EU Structural Funds and institutions. His classification is applicable for the thesis, too, since in Bulgaria all municipalities are eligible for projects financed under Operational Program Environment and Operational Programm Regional Development. Adapted to Bulgarian circumstances, priorities and terminology, it could be presented as follows:

- Europeanization of local government (*download*);

⁷ According to a statement of the Bulgarian minister of Environment and Water made in 2006 “For less than 10 years more than 90 major regulatory documents of the European Union have been introduced in Bulgarian environmental legislation, with the 8 framework acts in the sector and approximately 80 regulations.” (MoEW web site - http://www.moew.government.bg/ns/recent_news_e.php?action=fullnews&showcomments=1&id=158).

- Europeanization of not-statutory actors involved in the processes of infrastructural projects (landfills, water management) and governance (*download*);
- Europeanization of local partnerships and networks (like municipal associations for landfills) (*download*);
- Europeanization that engenders dissemination of local practices to the supranational level, and thus to other cities via transnational networks (upload and “crossload”).

Fernandez *et al.* (2010, 558) claim that “the literature on the Europeanization of environmental governance has hardly paid attention to Southern European countries”. Even less has the literature discussed the South-Eastern European context and Bulgaria as a new EU entrant. For that reason the thesis explores all governance levels but pinning down the local level to elucidate the effects of Europeanization on Bulgarian municipalities in the light of rules and beyond examining policies, practices, preferences and participants (Bache 2003), the last category accounting for unique political networks.

2.4. Analytical framework

2.4.1. Introduction

Why rules are important to explain governance? Semi-autonomous social fields (such as a municipality), as conceptualized by Moore (1978), could generate rules, customs and symbols internally, but are also vulnerable to rules, decisions and forces emanating from the larger world. Chhotray and Stoker (2009, 141) remind us that governance “is more a

description of social reality than an objective to be pursued”. By studying the rules one could acquire a better comprehension of governmental levels and non-governmental spheres of governing the environment since there is array of rules out there – legal rules imposed by national legislation, local legal and strategic rules adopted by local governments and not least subtle, informal rules that emerge in the semi-autonomous social and administrative field of a municipality. Chhotray and Stoker (2009) reflect on governance from socio-legal study perspective which has evolved “out of the tradition of empirical research conducted by anthropologists and sociologists that questioned the relationships between laws, as understood within the legal discipline, and wider social processes.” (120).

Why rules are important to analyze the LEG? In first place because environmental field is one of the most regulated EU policy fields (Schout *et al.* 2010, Knill and Lenschow 2003, Jordan *et al.* 2003, Barnes and Barnes 1999). “Regulation remains the main instrument of EU environmental policy” (Jordan *et al.* 2003, 214) and there is increasing pressure on Bulgaria to comply with these regulations usually defined in EU directives. How this pressure and process are mirrored at local level is a theme which needs serious investigation. Rules provide a good perspective to learn a lot about practical implementation and application of EU policies and on the other hand, about the roles, capacities and features of the local actors.

The rules of local environmental governance show the areas of environmental governance where local rules emerge, in which local actors are involved, what rule-making processes

are and what all this tells us about LEG dynamics. This analytical perspective could be instrumental to look beyond formal rules and conceptualize a more promising definition of rules as tools for governance so that the state or local law in its strict form is “only one amongst plural normative repertoires in society that govern the social conduct.” (Chhotray and Stoker 2009, 141).

2.4.2. Main concepts about rules

Environmental changes and problems often result in adoption of global, national and local rules. “Environmental turbulence produces new problems and makes old rules and competences with them partially or entirely obsolete” (March *et al.* 2000). Rules mean “routines, procedures, conventions, roles, strategies, organizational forms and technologies around which political activity is constructed” (March and Olsen 1989). Knight (1992, 67) provides a general definition of rules as “guides for future courses of action”, since given the vast list of possible effects of rules it is unwise to be more specific. Rules are “specific prescriptions or proscriptions for action” (Krasner 1983, 2). Ostrom (2007, 23) defines rules as prescriptions (must, must not, or may) understood and enforced in particular situations by agents responsible for monitoring conduct and for imposing sanctions. Further she maintains that “they are shared understandings among those involved that refer to enforced prescriptions about what actions (or states of the world) are required, prohibited or permitted” (Ostrom 2007, 36).

Giddens (1984) regards rules of social life “as techniques or generalizable procedures applied in the enactment/reproduction of social practices”. He further also provides

typology of rules. From his typology of rules I would apply the informal/formal types of rules that relate either to informal rules with the same influence as official codes of conduct and written constitutions on the opportunities and constraints for participation or to the formally codified rules as laws which are also the most strongly sanctioned. Written/formal rules are impersonal, explicit and public, can be anticipated and convey image of orderliness, authority structure, appropriate policies and practices according to March *et al.* (2000, 21). In contrast the habits, customs and practices that comprise informal rules have effectiveness limited to the size of the group and complexity of the task (March *et al.* 2000).

Rules create “positions” (for example, council leader, committee chair, community representative, voter, consultee, partnership member); they determine how participants enter or leave these positions (election, appointment, random selection, patronage, contract); what actions they are permitted to take, and what outcomes they are allowed to affect (Ostrom 1986). In his work on institutions and organizations Scott (2001) while analyzing the regulative pillar of the institutions and the related rule-setting, monitoring and sanctioning activities conceptualizes that regulatory processes involve capacity to establish rules, inspect others’ conformity to them and manipulate sanctions –rewards or punishments- in attempt to influence future behaviour. He concludes that “these processes may operate through diffuse informal mechanisms, involving folkways such as shaming and shunning, or may be highly formalized and assigned to specialized actors, such as the police and courts”.

Legal theorists also provide definitions of rules. Baldwin (1995) provides an overview of main characteristics of governing with rules, their dimensions, the rationale behind their use and inventory of types of rules. First he discusses the legal form of rules that is “...only of limited help as an indication of its legal effect or governmental role” (Baldwin 1995, 9). Further he maintains that rules “vary enormously according to legal form and effect, type of sanction or prescription and form of drafting.” On the opposite site are the informal rules that also could be given legal effect. According to Baldwin (1995) rules instruct officials on substantive matters, they could be commendatory or enabling rules to organize, enable, recommend a course of action, or to organize governmental activities that are driven by procedures to be followed by the officials and the public. Other rules could promote governmental aims or become basis for negotiation.

Particularly important for the analysis of local environmental governance from rules’ prospective is Baldwin’s debate on the rationales of using rules. He puts forward six advantages of rule-use. Rules accumulate experience and wisdom, so that each decision is placed in broader context; secondly, they encourage consistency, fairness and equality of treatment across people and organizations but also across time; thirdly – they set down criteria appropriate in deciding a particular issue and in outlining relevant policies. As next, rules contribute to the perceived legitimacy of decisions. Fifth, they limit the discretion of the officials. In the process of rule-drafting, Baldwin finds another advantage, of producing a better, more effective rule by allowing gathering many opinions and expertise.

Ostrom's concept of "rules-in-use" refers to specific combination of formal and informal institutions that influences participation in a locality, through shaping the behaviour of politicians, public managers, community leaders and citizens themselves (Lowndes *et al.* 2006). Ostrom (1991) elaborates three types of rules: operational, collective-choice and constitutional-choice rules. "Operational" rules affect the day-to-day decisions concerning resource units, monitoring of actions of others and how the information must be exchanged or withheld. "Collective-choice" rules affect operational choices and are used in making policies, how the resources must be managed. "Constitutional-choice" rules affect operational activities and results in determining who is eligible and what specific rules to be used. "The processes of appropriation, provision, monitoring, and enforcement occur at the operational level. The processes of policy-making, management, and adjudication of policy decisions occur at collective-choice level. Formulation, governance, adjudication, and modification of constitutional decision occur at the constitutional level" (Ostrom 1991). Rules could be related to arenas of decision-making. The relationships between arenas and rules "rarely involve a single arena related to a single set of rules" (Ostrom 1991). The analysis of rules of LEG in Bulgaria identifies the possible arenas at local level where rules appear and are implemented.

2.4.3. Formal rules

Laws create rules (March *et al.* 2000) and this obvious and constant development constitutes a point of departure to research local formal regulations – municipal ordinances, decisions, strategies or other rules originating from local decision-making powers - in order to identify the rules established, negotiated and changed at local level.

“In addition to the legislation and regulations of a formal central government, there are apt to be laws passed by regional, local and special governments.” (Ostrom 2007, 36). The research of formal rules is assisted by the fact that they leave traces; more accurate information about the time and extent of changes is available when the rules are written; their changes have records that could be collected, analysed and used as data. Theoretically, written rules “share enough similarities with unwritten rules to serve as possible lens through which to understand all rules” (March *et al.* 2000). The authors also claim that one of the primary concerns of modern decision-makers is “the making and changing of formal rules and people care about them, partly because of their coercive nature, partly because of their symbolic standing”. Dimitrova (2010, 138) treats formal rules as rules written down and subject to a third party resolution, while informal rules are neither written down nor subject to outside enforcement. When the process of creation of informal rules takes place “new institutions arise as a result of changes in informal rules that are later followed by changes in formal institutional rules” (Dimitrova 2010, 139). Heritier (2007, 46) argues that informal rules can emerge in the daily application of a formal rule and can be of an efficiency increasing or distributive nature.

2.4.4. Emergence of rules

Rules and institutions are interrelated in many ways – formal institutions create formal rules (e.g. the municipal councils passing municipal ordinances) and rules create positions for institutions and actors (e.g. public participation in EIA or SEA procedures). Ostrom (1991, 55) suggests that we should study institutions in field settings. She outlines a basic strategy which leads to identifying “the aspects of the physical, cultural and institutional

setting that are likely to affect the determination of who is to be involved in a situation” and then to look for actions and outcomes, available information, the control exercised and payoffs assigned to particular combinations of actions and outcomes.

Institutions create rules and rules comprise institutions. Formal institutions pass rules in form of written norms: the National Parliament – national laws, the Council of Ministers – national by-laws, the municipal councils – municipal ordinances and strategies, the mayors – orders. Lowndes (2005, 294) also explains the phenomenon of interdependence between rules and institutions of local governance. According to her rules are “nested” or “embedded within institutional wider frameworks that exist above, below and alongside local government itself”. And institutions are shaped by rules that “emanate from higher tiers of government (national legislation, EU directives), by “institutional templates” that circulate in the wider society and economy (media, business, education), and by locally specified cultures and conventions (“how things are done around here” (Lowndes 2005, 294)).

The EU rules already have gained primary significance on the agenda of local governments and other actors, and drive their interests in many areas like capacity building and strategic planning. Without the attractive funds behind the EU environmental policies local governments would not take the pains of producing environmental strategies or will do it in a formal manner (Interview N03). On the other hand, Bulgarian legislation has already transposed the main body of EU environmental *acquis communautaire* (561 pieces of binding legislation which the Member States are required to transpose, implement and

enforce⁸) and local governments should cope with various roles and responsibilities arising from these rules. Dimitrova (2010) claims that about new European rules that they could remain empty shells for the new Member States in the aftermath of enlargement. To avoid this phenomenon rules should be institutionalised. The institutionalization is a process whereby a new formal rule is supported by supplementary informal rules and both become the new rules-in-use. The real institutionalization of the new formal rules takes place “when formal and informal rules align together and are used by actors” (Dimitrova 2010, 138).

Any review of local authority actions and capacity for actions therefore needs to examine both the formal structures and competences and the actual tactics and achievements of municipalities in the environmental field (Wilson and Svihlova 2000, 257). Their competences reflect different functions of local authorities: as direct regulators, as owners of some local assets and some sources of pollution, as local employers, as representatives of the community in some consultation processes and as disseminators of information to the public (Wilson and Svihlova 2000, 260).

The institutional design of LEG can be derived from the formal administrative structures and institutional innovations, but also from institutional rules in the broader sense of rules-in-use, as opposed to rules-in-form. Institutions shape the behaviour of political actors – elected representatives, public officials, community leaders, pressure group activists and

⁸ Kremlis G. and Dusic J. THE CHALLENGE OF THE IMPLEMENTATION OF THE ENVIRONMENTAL ACQUIS COMMUNAUTAIRE IN THE NEW MEMBER STATES. Proceedings of the Seventh International Conference on Environmental compliance and enforcement. p.264, (<http://www.inece.org/conference/7/vol1/index.html>).

individual citizens – by making certain courses of action more or less possible and more or less to focus on rules underpinning the policy agenda at local level (Lowndes *et al.* 2006). The dissertation approaches the research of rules in LEG established at or influenced from all institutional levels within multi-level governance framework.

2.4.5. Types of rules in the thesis

Carmichael (2005, 138) proposes a categorization of rules related to the impacts of EU policy at local level - substantial, procedural and institutional/organizational. The first type relates to the rules mostly in form of legal norms and procedures emanating from EU and national level which should be implemented, specified and enforced at local level. The second type encompasses rules of networking, information dissemination and public participation and the third relates to changing the roles of local institutions which could be also constitutive – managing and leading local partnerships, changing in roles of local governments and other actors. Another approach to structuring of rules could be lent by De Rooij (2002, 452) who describes three dimensions of impacts of EU on the municipalities. The “absorption” of EU policy or EU funds like implementation of EU legislation comprises one type; the “proactive attempts” to influence EU policy and promote interests through bottom-up attempts to influence EU legislation – a second one and a third one – “the organizational adaptation” connected with first two like setting-up new departments and putting items on the municipal council agenda. These two approaches are informative in the wider context of multi-level governance reaching out to other international level of interaction and interdependence with international environmental regimes and initiatives.

The typology of rules applied in the dissertation relates to above approaches, but their final composition has emerged from the findings of the case studies and the field research in Bulgaria. It is claimed that governance is a practice (Chhotray and Stoker 2009, 6). In accordance to this claim the thesis reflects local practices observed and analysed during the case study visits and interviews at municipal and national levels. The thesis employs the analysis of rules grounded in a simple distinction: 1) formal legal, 2) formal strategic and 3) informal rules. The formal legal rules are legally binding rules in form of municipal ordinances that could be subject to a third-party resolution (e.g. court ruling) and thus enforceable. Legal rules could be substantial, procedural and institutional. The formal strategic rules in form of programs, plans and strategies are policy-oriented rules that represent the vision of the municipality. They are guides for actions for municipal administration on behalf of the municipality and are result of the environmental policy-making carried out in the ideal case together with other interested actors. They could act as channels to absorb EU funds or influence EU policies or trigger a better organizational adaptation (De Rooij 2002).

Both types of rules follow a formal drafting procedure directed by the mayor and implemented by municipal administration. In the case of legal rules the procedure is prescribed by the law on local self-governance and local administration and the municipal ordinances (e.g. statutes for organization and work of the municipal council, of its commissions and for its cooperation with the municipal administration) and monitored for lawfulness by the regional governor whereas strategic rules are developed following

internal administrative procedures. The endorsement of these rules is performed by the municipal council, an elected body representing the citizens of the municipality. The environmental strategic rules like environmental protection programs and waste management programs are controlled by the RIEW.

The informal rules are not binding and are totally at the discretion and implementation decisions of local actors. The informal rules are customs, routines and procedural rules (Bouwen 2007, 267). Like the informal governance in general they are not codified (written down) and could not be publicly enforced or sanctioned (Christiansen *et al.* 2003, 6-7).

For the purposes of the thesis the following working definition of local environmental rule is applied: the local environmental rule is *a guide for further courses of action (prescription or proscription for action) that is result of governance processes at local level and affects the environmental decisions and activities of the municipal authorities and local actors*. In this sense a local ordinance is rule about what is allowed or prohibited (e.g. in the field of waste management) and how it is sanctioned by local authorities. The rules of municipal ordinance could affect the lives of all people and organizations in the municipality - their decisions and activities - by defining appropriate behaviour and sanctions for nuisance. Legal rules possess prescriptive, preventive and sanctioning powers. Formal strategic rules like environmental strategies or plans affect the decisions and activities of local authorities as a minimum but could require other actors to be involved in their preparation, adoption and application.

III. Methodology

The approach to the research questions of the thesis is based on qualitative methods. The qualitative research has “an unrivalled capacity to constitute compelling arguments about *how things work in particular context*” (Mason 2002, 1). I have conducted a pilot study in Estonia in 2008 on environmental legal regulations and informal rules in Estonian local governance to test my methodology. It showed that such type of research would employ deductive and inductive models of inquiry. Since the theoretical framework of the research is based only broadly on several discourses and needs further conceptualization I apply the “grounded theory” as a guiding theory for many rules to be “discovered from data” (Glazer and Strauss 1967). Having identified the problem or topic in very general terms and the selected case sites where the problem could be studied, the researcher is then to allow the accumulated evidence to dictate the “emerging” theoretical agenda” (Dey 1999). “A discovered, grounded theory, then, will tend to combine mostly concepts and hypotheses that have emerged from the data with some existing ones that are clearly useful” (Glazer and Strauss 1967, 46). Following my research agenda emerging concepts of rules and rule-making have been accumulated and related to the existing ones of local governance, environmental governance, Europeanization, multi-level governance and rules.

3.1. Methods for data collection

The **archival research** has been used to explore the existing documents containing rules in the case municipalities and on national level. It is based on information from the Internet homepages of municipalities and the rules presented there - environmental ordinances and strategies, other regulations, projects and contracts. Within the case studies hard copies of the respective official documents were also checked, although the common case was consultation of the homepages. From the interviews, case studies and direct observation new sources of data for analysis have occurred. The archival research has detected the actors making the rules, where and how they are developed and what their main types are. Additional data was found in reports and other studies on implementation of environmental legislation at local level in Bulgarian municipalities. These documents are outputs from technical assistance projects for strengthening of Bulgarian national and local authorities (Ramboll 2007; COWI 2007 and COWI 2008; EPTISA 2009).

The semi-structured, open-ended **interviews** with mayors, environmental experts, municipal councillors, representatives of national and regional environmental authorities, of municipal associations and national and local NGOs, media and business has provided the thesis with data about local and upper levels' visions and understandings of rules and their importance for LEG. These interviews were main source of evidences collected from case studies. The interviews employed also "snowball effect" by getting recommendations and suggestions for follow-up with interviews with other knowledgeable respondents. The first interviews were conducted in August 2009 during the first case study in Dobrich Urban municipality. Later in late 2009 and 2010 other interviews and direct observations

at the two other case studies were held. During the same periods representatives of ministries, national associations and environmental consultancies were interviewed to add the national perspective on rules and rule-making processes in LEG. All together I conducted 56 (44 interviews for the case studies and 12 at national level) interviews. Most of them were recorded and transcribed and for the rest extensive notes were taken. With some respondents I had a second interview over a period of time. Access to information proved to be not so simple exercise in Bulgarian municipalities. The case study municipalities have homepages but some of them are new without archive to record the legal and institutional history of the municipality. In this sense some accounts about what had happened even few years ago are based on interviews with people going back ten and more years and recalling their personal story.

The interviews and document analysis were combined with **direct observation**. “An understanding of local government environmental work can only be gained by visiting, observing and discussing local environmental issues directly with local government officials” (Wild River 2006, 723). I spent almost two weeks at Dobrich urban municipality and about a week both in Lukovit and Teteven. My observations were mostly of formal nature (Yin 2003) since I have asked the approval of the three mayors to undertake the direct observation. In the case of Dobrich urban municipality my research desk was in the room of the municipal lawyers, whereas in Lukovit and Teteven I had my separate working place. This experience provided me with access to practices and internal routines of these administrations. As Yin (2003, 93) states “observations...of an organizational unit add new dimensions for understanding either the context or the phenomenon being

studied”. In this line of investigation I was able to follow processes of adoption of a new environmental protection program in Dobrich urban municipality which was in a drafting stage in August 2009 and in November 2009 it was already adopted by the municipal council.

3.2. Case study research

Case study has been selected as the decisive methodological approach to explore the processes on the ground and collect information on local environmental governance and rules from the municipalities. Since the municipality is unit of analysis the case study delineates the local context of environmental governance “to investigate a contemporary phenomenon within its real-life context, especially when the boundaries between the phenomenon and the context are not clearly evident” (Yin 2003, 13). The case study has the potential to inform the research with “detailed, in-depth data collection involving multiple sources of information rich in context” (Creswell 1998). Yin (2003) holds that “the case study method allows investigators to retain the holistic and meaningful characteristics of real-life events” among which could be organizational and managerial processes, and neighbourhood change. For example, case study has revealed important patterns in Australian local government environmental work. The author found out that it extends beyond its statutory requirements: it is novel and creative; endures by balancing ecological, social and economic values; demonstrates different patterns depending on its planning, management or protection focus (Wild River 2006, 719).

I have chosen three case studies (Dobrich urban, Lukovit and Teteven) that represent municipalities in Bulgaria according to two criteria - urban/rural, medium-sized/large. The thesis makes references also to institutional and governance set-up of smaller municipalities (under 10 000 inhabitants) when providing data from reports, personal communication and case studies. The biggest municipalities Sofia, Plovdiv and Varna are excluded from the theoretical sampling concerning population and institutional set-up (with local governments also in the city wards/quarters) which would require in addition to the main line of investigation of rules, exploration of governance issues arising at ward and municipal level, the internal interactions and taking into account their larger size and institutional structures.

My research cases were selected to represent medium and large municipalities and to have rural or urban characteristics. 231 out of total of 264 municipalities are rural in Bulgaria. As a result two of them (Lukovit, Teteven) are between 20 000 and 30 000 inhabitants and rural municipalities and only Dobrich urban is with about 100 000 inhabitants. It was expected from the beginning that the research design of multiple-case study should mostly bear on predicting similar results from all cases (with some exceptions related to included big city Dobrich), thus leading to literal replications. On the other hand, exactly because of the inclusion of one big municipality in the sample there were predicted also some contrasting results for predictable reasons (Yin 2003, 47) – bigger budget and staff, higher capacity and weight of the municipality at the national level (history of strong mayors – leading representatives at the national association of municipalities and at EU level, see also the discussion in Chapter VII on Dobrich urban municipality). However, the case

study findings about legal and strategic rules and rule-making apply to all Bulgarian municipalities because of the equal formal competences of all municipalities in these areas of LEG.

The theoretical sampling has the following arguments. Sofia and the biggest municipalities have human and financial capacity in times higher than any other municipality in Bulgaria. They are of urban type and are among biggest sources of pollution and pressure on environment to take only the waste accumulated. There the media and NGO society has strong voice and influence on the decision-making process. The big municipalities have large environmental units with environmental experts. Conversely, most of the natural resources are in the jurisdiction of smaller municipalities which are vested with the same formal powers but usually with no capacity to exercise them and also are exposed to pressures for economic development without civil society opposition. NGO expertise is usually “imported” or exerted by national NGOs in hot spots and hot cases whenever they have chance to intervene in formal procedures like EIA (see the discussion on EIA procedure in Lukovit about the golf course in Chapter VI) or in campaigns – for saving sea coast habitats or against ski resorts construction (Strandzha national park, Irakli beach). The big municipalities have bigger budgets, the most of the population lives and works there.

However, the municipal authorities in the largest municipalities and in municipalities with less than 10 000 people have the same competences and experience similar pressures to develop local environmental rules. Still the gap between them and the others is enormous

in economic and social capabilities, scope of local initiatives and activities, of rules and rule-making and environmental governance. Most of the municipalities are economically, socially and institutionally weak and need to face on the top of these discrepancies the pressure of Europeanization.

All case municipalities provided the thesis with common findings but also with unique discoveries enriching the overall map of LEG. They are highlighted and framed in case study chapters to be compared with the findings at national level. Dobrich urban municipality is relatively large municipality and administrative centre of Dobrich region. Since it is of urban type I have expanded the case with some interviews at Dobrich rural municipality to compare them and enlarge the case, when needed, to regional perspective. The next two cases- Lukovit and Teteven – are medium-sized municipalities, 50 km. from each other with administrative regional centre Pleven. Getting insights in practically 4 municipalities, made it possible to look beyond at neighbouring municipalities and to find out similarities and patterns at regional level.

This approach allowed a rigorous perspective at multi-level governance detecting crosscutting issues in case municipalities that emerged also at higher levels. Since some environmental activities of the neighbouring municipalities of Teteven and Lukovit overlap I have developed a comparative mode of presenting the cases to highlight common features of their rules and at the same time to point out the differences and specifics in administrative arrangements and rule-making priorities. By doing this rules created at regional level were also detected and verified, notably in the field of waste management

where the establishment of regional municipal landfill associations was in place in all case studies. Presenting two case municipalities in one administrative region allows double-checking and grounding better arguments about cooperation and communication of the municipalities with the regional governor, Regional Inspectorate for Environment and Water (RIEW), with the River Basin Directorates and with regional associations of municipalities.

The underlying questions for the case study are:

- *What are the basic environmental conditions and problems and what should be done, decided about them - the “what” governance question?*
- *Who are the leading actors that determine the processes of rule-making and governance? Is it only the municipal administration or there is civil society and strong NGOs or businesses that contribute to pluralistic or collective-choice processes – the “who” governance question?*
- *How is decided (the “how” governance question) on environmental issues in the rule-making process?*
- *Why are these rules made? Is it only the Europeanization of the rules that explains the process?*

The emerging themes about environmental governance were identified for every case and added into the pattern of local environmental governance in Bulgaria. A municipality is a complex universe of human, natural, administrative, legal and economic spheres of action, with subunits of case study analysis like municipal administration, municipal council, civil

society (represented by the NGOs), media (where existing) and economic enterprises. Most of the field research time was spent at municipal premises interviewing civil servants and municipal councillors. In addition representatives of local media, businesses and individuals with strong civil engagement were interviewed.

I proceeded first with Dobrich and Lukovit cases in September 2009 and in December 2009 I visited the third case municipality –Teteven. For more than a year until December 2010 I have monitored the homepages of case municipalities to detect main events and initiatives that mark the agenda-setting and priorities at the municipality. In March and April 2010 I visited again Dobrich and contacted key informants at the other two cases to update my data and compare it with the preliminary findings from the first rounds of interviews. Second field trips to all three municipalities were carried out in July 2010. Simultaneously throughout the field research period August 2009- July 2010 interviews at national level with key persons at Ministry of Environment and Water, National Association of Municipalities⁹ and the Association of municipal environmental experts¹⁰, with representatives of leading national NGOs and experts from consultancy companies were conducted.

As shown in Table 4 Bulgarian local governments are vested in many areas with specific competences. According to (Yin 2003, 53) “even with two case studies you have the possibility of direct replication” and the “analytical conclusions independently arising from

⁹ <http://www.namrb.org/?lang=2>.

¹⁰ <http://www.bamee.org/>.

two cases” could provide the researcher with more powerful arguments. Since the contexts of the cases differ to some extent and there are still similar conclusions from all of them, I could “have immediately expanded the external generalizability” of my findings (Yin 2003, 53).

3.3. Data analysis

Thematic analysis

The Thematic analysis is closely related to grounded theory mentioned above. Coding in both methods is a “process of identifying themes and concepts that are in the data” (Ezzy 2002, 86). Thematic analysis does not require sorting the themes into categories prior to coding the data, hence “the specific nature of the categories and themes are not predetermined” (Ezzy 2002). Glaser and Strauss (1967) propose a “constant comparative” method of generating and analyzing data. This method involves four “stages” characterized as (1) generating and (2) integrating categories and their properties, before (3) delimiting and then (4) writing the emerging theory. A “category” is considered to “stand by itself” as a conceptual element of the theory, whereas a property is ‘a conceptual aspect or element of a category’. The categories and their properties have two essential features – to be analytical – designating not the entities per se but their characteristics. Second, categories have to be “sensitizing” – providing a “meaningful picture” that “helps the reader to see and hear vividly the people in the area under study” (Glaser and Strauss 1967, 38). Most of the categories of rules and rule-making in LEG emerged within the process of data collection and analysis. I have relied on “initial observations and

“theoretical sensitivity” to develop categories” (Dey 1999, 4) about local environmental governance and environmental rules.

Content analysis

The data analysis includes “looking for patterns in the data (similarities and differences), comparing cases, building typologies and conducting a content analysis” (Esterberg 2002, 168). Part of data collection was based on reading and analyzing documents– legal texts, procedural accounts, reports - which are texts which should be systematically analysed (Esterberg 2002). Content analysis is the most deductive type of analysis presented here. It is a useful way of confirming or testing a pre-existing theory (Ezzy 2002, 83). Since the research is only loosely based on existing theories there are not many theoretical categories applied in the analysis. Nevertheless the formal rules – legal and strategic, and informal rules have underpinned the research. In this relation, the content analysis assisted the study of existing rules in LEG and their main types.

Narrative analysis

The narrative analysis reveals a lot about the process of rule-making because it could be understood as a story. In the course of case studies and direct observation I have come across narratives about what happens in reality. Some interviewees have told me their personal story or the story of the organization they represent (e.g. “Priroda”, Ribaritsa) or about their part in rule-making. In the narrative analysis one should be sensible to the social context (Esterberg 2002) of the stories since it reveals connections and meanings beyond the perspective of the narrator and plot. This approach has led me to other actors

and their interests and roles in rule-making. When evaluating narratives I had in mind that stories always presuppose a point of view or perspective and should be evaluated whether they correspond to the storytellers' understandings of events (Esterberg 2002, 195-196). The narrative analysis should be logical, coherent and useful to understand the particular process of rule-making. This analysis is connected to analysis of the processes of rule-making and how they are deployed.

Governance structure analysis

A very useful approach to analysis of governance is developed by Pierre and Peters (2000). Data about the four common structural arrangements of governance: hierarchies, markets, networks and communities have been collected in the case studies. This approach contributes to analysis of rules, actors and processes in the framework of governance by law, economic activities, partnerships, and cooperation and community involvement. As a result conclusions about the prevailing structures and tendencies in Bulgarian local environmental governance could be drawn.

3.4. Limitations

The research provides comprehensive analysis of local environmental governance in Bulgaria through analysis of rules and rule-making processes. Nevertheless the primarily explorative nature of the thesis provides an overall picture without going into the details of all environmental rules and processes and into specifics that depend on the size, economic and social conditions, political representation, and specific environmental problems of the municipalities. The variety of local circumstances determines stronger or

weaker capacity for rule-making of local and other actors to create specific rules in certain context. The methodology of case study approach combined with key national informants interviews and analysis of legal regulations and administrative practice of Bulgarian municipalities focuses on the main tendencies in local governance in environmental field as those identified in the chapters below (e.g. Europeanization of the waste management rules). As a result, the thesis provided a broad empirical ground for academic and policy debate.

The informal rules are not in spotlight of the research, since written rules are investigated in first place, however, as mentioned above, the informal rules provide lens to understanding of the nature of all rules (March *et al.* 2000). While building up the cases along with the formal legal and strategic rules many tacit or informal rules (even in the practice of municipal administration which is highly regulated by formal legal and administrative rules) were detected. There are informal rules that influence establishment of formal rules and they are indicated to the extent the time and scope of the evolving research allowed.

As mentioned above in the discussion of the methodology the theoretical sampling of the case studies does not include small municipalities under 10000 inhabitants with very reduced governance resources and the largest cities Sofia, Varna and Plovdiv which in addition to the local municipal administrations have one sub-level of ward mayors and administration, incomparably higher social and financial capital, a wider spectrum of actors

with higher budgets and capacity. However, most findings concerning rules and rule-making in LEG apply to all municipalities.

My main research desk was at the municipal administrations' offices and I reached out to other actors and observed the processes from there. Most of the information was collected there, hence less interviews and direct observations of the routine, activities and practices of NGOs or other actors at local level for which the research is not in greater detail.

3.5. Validity and reliability

The quality of a research should be ensured by proving its validity and reliability (Yin 2003). The case studies in this research rely on analytical generalization (Yin 2003) that relates their results to the broader theory of local environmental governance. In addition the validity of case study findings has been triangulated with results from other sources - data from documents and interviews at national level. To confirm the findings from the case study in only one large municipality I conducted interviews with key informant at another big city municipality (Kardzhali) and at national level where in addition some new patterns of governance in municipalities with high level of environmental deterioration have emerged due to large-scale industry concentration. The case study and interview data was triangulated with quantitative data from literature (e.g. mostly reports of international consultants). For instance the finding about low level of participation of NGOs, municipal councils and local businesses in rule-making at case municipalities was confirmed by a study of the participation of these actors in development of EPP in 24 municipalities (Ramboll 2007).

The constant comparative method (Silverman 2000) have been employed to compare accounts and findings from similar cases of rural municipalities – Teteven and Lukovit and also to compare the urban case of Dobrich with interviews and document analysis of other big municipalities (e.g. Kardzhali). In general, the findings about actors, rules and processes from one case study has been compared with and confirmed by those of the other two cases.

The reliability as a test of the quality of the research is important to achieve a high level of consistency of data collection procedures and of assigning data to categories (Silverman 2000, 188). During the field research I have followed a similar approach to selecting interviewees, collecting data and recording the interviews. I have kept a research journal for the interviews and direct observations. The interviews were conducted according to a main set of questions of an interview protocol. Most of the interviews were recorded and for the rest notes were taken. The recorded interviews were transcribed and coded. All transcriptions and other documents (ordinances, strategies) are stored in folders on my computer.

IV. Bulgarian municipalities - arena for LEG

4.1. Introduction to local environmental governance in Bulgaria

In this chapter I will analyse the main characteristics of Bulgarian local governance in environmental field. The municipality is the main unit of analysis of the research. Constitutionally it is a territorial and administrative unit of government and within its boundaries local authorities and other actors exert their powers. Municipal administration and municipal council as stable, legally established entities vested with decision-making powers are at the heart of exploration of governance and rules. They possess the main local resources – staff, budget and authority - to govern within many spheres – from education to environmental protection and to create rules within their jurisdiction.

The prevailing legal and institutional patterns emerged on the basis of document analysis of legislation, reports and interviews at national level but also from the findings about the rules and rule-making from the case studies. Against the background of this chapter will follow three case studies that investigate in detail the governance at local level to complete the data collection of environmental rules and rule-making processes in Bulgaria.

The discretion of municipalities to govern in environmental field is formally limited to functions prescribed by environmental law (e.g. in waste management) but in addition there are many options for active participation and leadership in procedures and policy making in domains like the biodiversity (e.g. the case of Natura 2000 areas designation

showed that local elites could accumulate power and efforts to affect policy choices at national level) where the regional and national environmental authorities are competent. This said one could argue that in every aspect of environmental policy local actors are able to act as strong, influential and active participants. The interests and positions defined at local level by local authorities, elites and other actors and in some instances by the general public shape the direction and intensity of their bottom-up interventions.

Art. 17, para.1 of the Law on Local Self-government and Local Administration states the principle of local governance: “Local self-government is expressed in the right and the real opportunity of the citizens and the authorities elected by them to decide independently on all issues of local importance that the law has given in their competence..”, including the area of environmental protection and rational use of the natural resources (Art.17, par.1, p.8). Beside the general discretion given by the law to act locally special environmental legislation provides for a host of other environmental powers for municipal authorities. Some of them are detailed in Table 4 and Box 1 on municipal formal competences in environmental field and on areas for strategic planning.

Against this background of overwhelming duties appears the harsh reality on the ground. Many shortages occur for the Bulgarian municipalities starting from ever shrinking human resources (young and educated people leaving the small, medium and even bigger towns), with legacy of centralized decision-making and control, shrinking economy, with slender

financial resources directly available to municipalities in the overall underdeveloped Bulgarian regions (out of the 10 least developed regions in EU – 5 are in Bulgaria¹¹).

4.2. Bulgarian local governance

The first Bulgarian constitution—the Turnovo Constitution of 1879—devoted a single provision to self-government. The two subsequent constitutions of Bulgaria of 1947 and 1971 contained a full chapter on local government. In them the traditional self-government principles “underwent substantial changes: administrative decentralization was effected within a system of soviet-type councils, established as “local bodies of state power” (Drumeva 2000). The constitution, in force from 1991, states in its second article that “The Republic of Bulgaria shall be a unitary state with local self-government”. Further chapter seven on local self-government and local administration provides for the constitutional principles of local government in Bulgaria. “The key feature of this framework is the stability of local self-government as (1) an autonomous democratic institution and (2) a tier of the national government.” (Drumeva 2000).

The administrative and territorial division of Bulgarian municipalities is explained in Ivanov *et al.* (2000, 177). “The municipality is comprised of one or more settlements and its territory comprises of the territories of the component settlements. The municipality is then named after the administrative centre. The municipality is a legal entity. It has own independent budget and property that it can use to serve its interests. The bodies of local government—the municipal council and mayor—are elected directly by the population

¹¹ http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/1-18022010-AP/EN/1-18022010-AP-EN.PDF.

within the whole municipality. The municipalities can still have their own structural units—districts and mayoralties.” Municipal council is the legislative branch of the municipality and the mayor the executive authority, both authorities directly elected for a term of four years (Kimura 2000).

The principal competences of Bulgarian local governmental authorities are provided in the Constitution of the Republic of Bulgaria, the Law on Local Self-government and Local Administration, the Law on Municipal Budgets, the Law on Local Taxes and Fees, and in part the Law on Territorial Planning, the Law on Municipal Property, the Law on State Property, the Law on System of State Budget and in the special legislation dealing with various subject areas like environment, social affairs, education, etc.

There is inherent conundrum originating in the constitutional set-up of Bulgarian local government concerning rules – there are many fields of legal competences for local governments to legislate and to decide on their own policies while developing strategies and plans. So, on one hand, there is a vast field of governance through rules for the municipalities. On the other hand, they do not have financial and human resources to measure up to the tasks even if in ideal case with political will in place and with leaders showing strategic thinking considering both local and national interests. The majority of Bulgarian municipalities suffer from limited experts’ capacity as a result of the economic and social decline. That was clearly observed in all studied municipalities where the municipality is a centre of power and one of the biggest employers in depopulated, and economically and socially degrading communities.

In Bulgaria there is a clear tendency for territorial consolidation and as a part of the general tendency in East-Central Europe the number of municipalities was reduced from 2178 in 1949 to 255 at the end of 1980s and 264 by now. None of local governments has less than 1000 citizens and only few less than 2000 (Swianiewicz 2002). The author provides the most essential arguments for territorial consolidation: economy at scale in many local services; small local governments produce costs related to spillovers; large local governments provide more functions, which may lead to higher public interest and participation in local politics; territorial consolidation provides more space for interest groups representing a pluralistic society and, respectively, there is a greater possibility of a strong civil society and promotion of local economic development.

The structure, size and functions of Bulgarian local governments differ substantially from most Eastern European countries, especially in size and population (Swianiewicz 2002, Ivanov *et al.* 2002). Bulgaria belongs to “the group of countries with relatively large local governments” with average population of 35000 inhabitants and average area of 432 sq.km (Swianiewicz 2002)¹². Most of the Bulgarian municipalities are categorized as rural according to the classification of Rural Development Program 2007-2013¹³. The program defines rural areas as municipalities (LAU1), in which no settlement has population over 30 000 people. According to this definition, 231 out of total 264 municipalities in Bulgaria are classified as rural. Most of the municipalities have a municipal centre and settlements

¹² The latest information on the web site of the National Association of Municipalities in Republic of Bulgaria is average population of 30000 inhabitants and average area of 442 sq.km. (<http://www.namrb.org/?act=cms&id=131>).

¹³ <http://www.mzh.government.bg/Articles/432/Files/BG-RDP-2007-2013-eng633834441195156250.pdf>.

around it. In this case we could say that outside this number there are 33 big municipalities around bigger cities. The rural areas (in blue) represent 81% of the Bulgarian territory (see Figure 1) and 42% of the population.

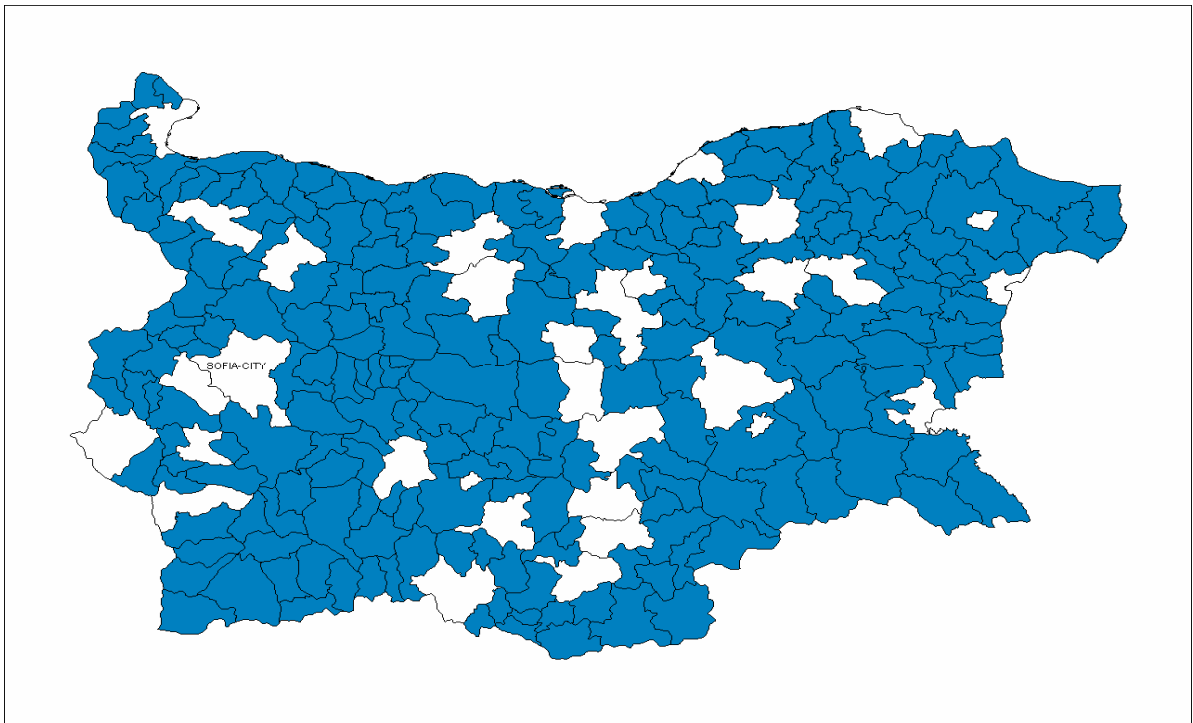


Figure 1 Map of Bulgarian rural municipalities.
Source: Ministry of Agriculture and Food, Bulgaria

4.3. Who are the local actors?

The municipality is a geographic and institutional space of power where actors exercise their powers according to constitutional, national and local rules. The actors who drive the process of local governance are usually established and authorized by virtue of their legal competences. Actors are important both for implementation and institutionalization of EU-driven formal rules as Dimitrova (2010, 145) defines them: “the former examines rules related to policies and the latter rules related to institutions” (p.140). In the next pages

follows a short review of important local actors in Bulgarian local environmental governance.

The Mayor

The local self-government is constituted by two public authorities – mayor and municipal council. The mayor is assisted by deputy-mayors and municipal administration according to a staff structure. The mayor is the head of the municipal administration and municipal executive authority (Art.38, par.1 of the Law on Local Self-government and Local Administration). He/she is “the municipal organ of executive power and is guided in the performance of his or her duties by law, municipal acts and decisions taken by the people. The mayor of a municipality has two roles: (1) a local self-government body in the municipality and (2) an administrative body whose rulings and actions fall under the supervision of the state administration, represented by the regional governor.” (Drumeva 2000, 57). He/she has some major prerogatives and his/her decisions are of vital importance for the implementing the local policy in every field of competence. The competences include:

- to head the executive activities of the municipality;
- to guide and coordinate the work of specialized executive bodies;
- to appoint and dismiss senior and junior staff of the municipal administration and to impose disciplinary penalties;
- to organize the preparation and execution of the municipal budget;
- to organize the implementation of long-term programs;
- to organize and report on the execution of the municipal council’s decisions;

- to organize the fulfilment of tasks as derived by law and by acts issued by the President of the Republic and by the Council of Ministers;
- to delegate functions to the mayors of mayoralties and districts and to coordinate and monitor their performance;
- to maintain contacts with political parties, public organizations, movements and other local governments nationally and abroad;
- to organize protection of the population against natural calamities and accidents;
- to sign urban development plans that have been approved by the municipal council and to organize their implementation and amendment;
- to represent the municipality before natural and legal persons and before the court;
- to provide organizational and technical support to the municipal council.

(Art.44 of LLSLA)

For instance in environmental field the mayor decides who will be in charge for investigating a signal for a breach of a municipal ordinance (Interview L01). He/she decides how many environmental experts or lawyers the municipal administration needs and whether external services will be employed like in case of Dobrich rural municipality and of Lukovit municipality where lawyers are hired on contractual basis with municipality and are not civil servants like in most other municipalities.

Municipal administration

One general characteristic of the municipal administration is its multifunctionality that covers various governmental activities – from environmental protection to social care, education, sport, tourism, health care, economy, etc. It enjoys uneven competences in environmental area – from legislating in waste management to providing with information on and support to administrative procedures like SEA and EIA (in the competence of RIEW or MoEW). Given the vast array of functions and resources that need to be managed, no wonder many municipalities are struggling with their legal duties and political pressure on them, given the disproportionate distribution of financial and human resources in the country. Big cities like Sofia, Plovdiv, Varna and Bourgas are preferred places to live and work if one has not emigrated. They offer not only employment and higher income but social and cultural life. One remark of one interview in Teteven has struck me: “They come one a year to show us a theatre performance. It is good that Sofia is near, so that we could get also the more important food there.” (Interview T01).

The municipal administration is a focal point of local decision-making and its structure and dynamics is of special interest for this research. The expertise and duties of the experts directly involved in environmental protection vary from municipality to municipality. Within the municipal administration there might be are various types of units tasked with environmental protection duties. According to a report which surveyed 38 municipalities in Bulgaria there were found 28 names of units performing environmental protection functions and 28 organizational and management structures, e.g. Environment, Territorial Spatial Planning, and Environmental Projects Directorate or Tourism, Environment,

Youth Activities and Sport Department (EPTISA, 2009). The primary professional responsibilities by the environmental experts and units should include:

- Monitoring and coordination of the implementation of the municipal environmental plans and programmes;
- Providing administrative services to the population;
- Project development – funding the program/or other environmental projects;
- Developing and updating of local legal acts and control on conformity with the law including control on the mayor's orders, decisions, etc.;
- Examinations on the spot – control functions;
- Involving of parties concerned, informing the public, organizing information campaigns” (adopted from Ramboll 2007, 10).

Beside formal constitution of responsibilities during the case studies it found out that there is also an internal agreement and nomination of one or two persons who are pointed at as “our environmental expert”. In very small municipalities (population up to 10 000) there could be one expert that is in charge of many functions including environment. In 7 small out of 38 studied municipalities with population of up to 10000 one specialist combines various functions, including environment protection (EPTISA 2009, 24). In municipalities with population of 20 000 to 50 000 (the case of Teteven and Lukovit - medium-sized) environmental protection activities are combined with "green systems" management, "cleanliness" or both, in other cases the departments are part of directorates with multi-functional duties, like sport, tourism, youth issues, etc. In municipalities with population of 50 000 to 150 000 (the case of Dobrich) there is a separate department and/or sector with the status of a directorate. Most often they are involved in spatial planning and half of

them have one of the following: "programmes/projects", "investments", "European programmes and projects" in the name of the directorate or the department/sector." (EPTISA 2009, 24).

Logically the variety of organization of environmental expertise is rooted first and foremost in population size, and in human and financial capacity of municipalities. Another factor is the fact that Bulgarian legislation does not require any formal environmental protection structure within municipal administration so that it is adjusted to the needs, capacity and traditions of the municipality. The administrative structure depends on the decision of the head of the administration – the mayor: how many experts and who is needed personally¹⁴. In the same vein National Environmental Strategy 2009-2018 (2009, 68) reflects on the unregulated status of environmental experts and of the units performing environmental protection activities at municipal level as one of the main challenges before the municipalities in environmental policy implementation, which illustrates the underrating of this activity or combining it with other conflicting activities. The strategy recommends improvement of organizational and management structures and terms of employment at municipal level of the units and environmental experts, so that they could measure up to the requirements to implement the national priorities at local level. The case studies of this research confirm the patchwork of administrative structures for environmental protection.

¹⁴ One interviewee at Teteven municipality has shared that when a new mayor comes in the office he/she prefers to work with people he/she trusts and could say to the old employees "You are not sympathetic to me and there is no way that we work with you".

Municipal environmental experts also rely in the performance of their duties on many informal professional networks of colleagues from neighbouring or similar size municipalities. In addition most of them are members of the association of municipal environmental experts (BAMEE) which was established in 1995. It represents environmental experts from 176 municipalities (67 %) and plays an important role in capacity building and networking among these experts. It has implemented some large EU projects in the recent years for implementation of environmental acquis at local level. References to the reports under these projects could be found elsewhere in the thesis.

Municipal council

The number of municipal councillors in municipal council according to the Law on Local Self-governance and Local Administration is calculated on basis of population and varies from 13 councillors in municipalities up to 10000 inhabitants to 51 councillors in municipalities above 160 000 inhabitants and in Sofia Municipality – 61 councillors. From case study municipalities only Dobrich has 41 councillors with population above 100 000 inhabitants, the other two municipalities are with 21 councillors with population up to 30 000 inhabitants.

The municipal council is formally vested with important role in local environmental rule-making. It considers and approves all formal legal and strategic rules: e.g. the municipal environmental protection program, the ordinance on waste management and green areas. The environment is one of the subject areas of council commissions although not with a special status but in combination with tourism, youth issues, transport, infrastructure,

urban planning, etc. Usually there are not environmental experts to the councils and in the commissions veterinarian doctors are the professionals whose expertise is closest to the environmental subject (e.g. in Dobrich urban, Lukovit and Teteven). The councillors have another job and little time to consider in details the acts the council adopts. Due to these reasons municipal council is not very active player in rule-making when it comes to formal rules – it only accepts and votes the new rules prepared by the administration. Only very acute environmental problems (like the extreme air pollution in Kardzhali), issues with high financial stake (the regional landfill projects) or political struggles when the mayor is not supported by the majority of the council could activate the interests and participation of the councillors. The mayor, on the other hand, has the administrative capacity but not the decision-making powers; he only could prepare the drafts to be passed by municipal council.

NGOs

Alongside with the official authorities directly charged with environmental duties there are many actors and institutions, including non-governmental organizations (NGOs), with stake in environmental governance in Bulgaria. One of the principles of environmental protection is the public participation and transparency of the environmental decision-making process (Art.3, para.4 of EPA). This principle is transferred into many detailed prescriptions of procedures regulating the involvement of other interested parties and non-governmental actors (e.g. in EIA – Art. 95, para.3 EPA, in SEA – in Art. 87, para.1 and para.2 EPA).

Bulgarian environmental NGOs have a good record of activism in recent democratic history of Bulgaria. Environmental movements like Ekoglasnost were at the frontline of the protests against communist regime and its environmentally damaging projects like the nuclear power plant in Belene. In the last years and particularly after Bulgaria joined EU the environmental coalitions and campaigns played critical role in influencing the national environmental policy. In one instance under public pressure the Parliament passed a special amendment to the Protected Areas Law that guaranteed the status and boundaries of Nature Park Strandja in South-Eastern Bulgaria. Some of the infringement procedures of the European Commission against Bulgaria for failure to fulfil its obligations under EU environmental law were based on information from environmental NGOs.

The role of NGOs in public life and democratic governance is constituted by institutional factors such as state policy and law, cultural roles and ideologies as much as by the elusive meaning of their “nonprofitness” (De Maggio and Anheir 1990, 141). In addition to these factors the salience of environmental NGOs roles in public life depends on the level of their operations - national or local. Their abilities to “offer coordination outside the market forces and state hierarchies” and “their potential for mobilizing and coordinating organizational resources necessary for governance tasks” (Clarke 2001, 129) are not equal. Local NGOs are less likely to offer coordination and mobilize resources. It is mainly due to low organizational eligibility for EU funds and their dependence on funds (Clarke 2001, 131 and 137). The case studies and other data sources clearly show that at local level the activities of the NGOs are limited for financial and human capacity reasons. In

the case study chapters instances of involvement of national NGOs with higher status, experiences and resources will be highlighted.

General public

The participation of general public is peripheral to environmental rule-making because people rarely relate to complex administrative environmental procedures unless these affect their welfare and private interests (e.g. EIA procedures). Generally there is lack of interest in environmental procedures in the form and scope they exist now. A report on development of Municipal Environmental Protection Programmes (MEEP) makes similar argument (COWI 2008, 8):

“During the development stage of the MEEP there is practically no public participation due to different reasons:

- the preparation of the MEPP is commonly outsourced due to lack of capacity at the municipality;
- there is no specific public interest in participating in the process of development of MEPPs”

In sum, local communities and NGOs in Bulgaria does not actively pronounce their interests in local environmental governance during the procedures related to rule-making leaving all the governance space in the hands of municipal bureaucrats and their consultants as it is exemplified in case studies chapters.

Local business

Business is represented at local level in two main roles: as actor running production and services delivery with environmental effects and as partner and contractor of local authorities in delivery of environmental services. In the former role local businesses have interest and powers to influence the decisions of local authorities, either in the role of employers important for local economy or as owners and managers who are members of municipal council. Municipal leaders are sensitive about being on good terms with local business also because during elections the employers could indirectly influence the preferences of their employees or otherwise support or not one or another candidate. In the latter role the local business provide services to municipality mostly under the implementation of projects (e.g. under Operational Programs) or in delivering waste and water management services. The consultancy services for drafting of environmental programmes and other policy documents are undertaken by companies from the bigger cities – Sofia, Varna, Plovdiv and Bourgas.

The cooperation of local authorities with the business as partner and representative of wider interests in community is relatively poor. This is especially true in interaction and exchange of information according to a report on municipal administrative capacity. “The cooperation with the business companies is the weakest one in relative terms, and is being regarded as such by the municipalities. Only four (*out of 26 – my remark*) of the municipalities refer to some business company as being a partner to cooperate in the handling of environmental issues” (Ramboll 2007, 116). The participation in rule-making procedures of business people is not common unless they act in the capacity of municipal councilors it is pointed out below.

4.4. Municipal competences in environmental field

Before going into the details of environmental competences at local level, we need to look at the Bulgarian legal system built on the Roman law principles. It is based on “deductive and substantive philosophy” and “characterised by the definition of abstract and general principles applied to individual cases” (Knill 2001, 64-65). Its basic function is “of an instrument of the state for intervening in society rather than serving as a means of conflict resolution between different societal actors” (Knill 2001, 65). As the case of Germany the Bulgarian administration is bound by the law and the scope and modes of administrative discretion specified by law.

In Page’s book (1991) on localism and centralism in Europe there is very relevant discussion on legal scale of the opportunities of local governments and their discretion to deliver public services. Legal localism is understood as a local government system that provides wide range of functions at the local level, and in which local political and administrative elites enjoy wide discretion in decision-making about these services (Page 1991, 13). It reflects the “freedom of local governments to deliver those services for which they are formally responsible.” (Page 1991, 20-21). In this respect discretion means “ability of the municipality as a collectivity to make decisions without the intervention of central government” (Page 1991, 21). In this sense the Bulgarian model of local governance in the field of environmental protection and service provision could be defined as a hybrid between legal localism and centralism. Examples of legal localism could be observed in waste management, air protection and noise, and of legal centralism in

biodiversity, soil protection, and climate change and water management. As an emerging recent tendency the state delegates more powers to municipalities and has loosened up the grip of administrative control and guidance (Interview N06). Still unlike Norway (Falleth and Hovik, 2009) decentralization in environmental policy is not as extensive (e.g. nature conservation is not in competence of municipalities).

According to the Bulgarian constitution “Republic of Bulgaria shall ensure the protection and reproduction of the environment, the conservation of living nature in all its variety, and the sensible utilization of the country's natural and other resources” (Art.15). In the chapter on Fundamental rights and duties of citizen there is only one article dedicated to environment. “Everyone shall have the right to a healthy and favourable environment corresponding to established standards and norms. They shall protect the environment.” (Art.55). Main actors in Bulgarian environmental governance could be defined into two categories: competent, legally authorized, authorities, and other actors. The competent environmental authorities according to the Environmental Protection Act are the *Minister of Environment and Water; the Executive Director of the Executive Environment Agency; the Regional Inspectorate of Environment and Water (RIEW) directors; the Basin Directorate directors; the National Park Directorate directors; the municipality mayors and, in the cities subdivided into wards, the ward mayors as well; the regional governors* (Art.10 of EPA).

The competences of Bulgarian local authorities in environmental field are broad. “[T]he municipal authorities have competences in almost all environmental protection areas.

However, the principle for local self-government as envisaged in Art. 17 of the LSLAA, is most effectively developed in waste management sector, where waste management policy for the waste generated on the territory of municipality is entirely subject to the decisions of the local authorities.” (Ramboll 2007, 51).

All acts of local importance and application, including in the field of environment (e.g. on waste management, cleanliness of public areas, maintenance of green systems) are prepared by municipal administration. Then the drafts are discussed in municipal council commissions and voted at municipal council’s sessions. The strategic documents – plans, programs and strategies - are also adopted by voting by the council. The council has in addition control functions – every year a report on implementation of municipal environmental programme is submitted to the council for approval.

A report of Ramboll (2007, 4-5) states that “the municipal authorities have numerous competences of various characters, which concern almost all the sectors of environmental legislation. At present the most important competences of municipal authorities are in the following sectors: horizontal legislation, waste management, air quality, nature protection.” Further the report summarizes and classifies types of the municipalities’ competences, sector-by-sector (see Box 1 below).

“Planning and policy development - the municipal EPP and its integral parts - municipal waste management programs, air quality management programs and medicinal plants section¹⁵.

Implementation of the municipal environmental protection programs and plans – the municipal authorities are obliged to undertake all the measures and actions, envisaged in the municipal programs. Their implementation should be reported to the municipal councils.

Regulating through adoption of local legislative acts – the municipal councils adopt regulations e.g. on the waste management and noise on the territory of the relevant municipality. **Regulating through implementation of permit (registration) regimes** – the municipal authorities have such duties only in nature protection sector.

Control and imposing of administrative sanctions and compulsive measures – the municipal authorities are obliged to carry out control and to impose administrative sanctions in the cases envisaged by the law, in all sectors.

Announcement, public information and public participation – the municipal authorities perform these duties in all environmental sectors and are obliged by the law to present a certain amount of environmental information on the public - on regular basis and in cases of accidents.

Participation in coordination procedures – the municipal authorities participate in different decision-making procedures of other competent authorities - by presentation of opinions in EIA procedures, and the procedures for adoption of management plans for protected areas, establishment of sanitary protected zones, bathing zones and others“.

Box 1 Types of municipal environmental competences. Adopted from Ramboll 2007.

¹⁵ According to the Law on Soils, municipalities adopt and implement municipal programs on protection, sustainable use and restoration of the soils protection, sustainable use and restoration of the soils.

4.5. Financial framework

The municipalities do not have special budgets on environment beside the budget account on waste management collected from waste management fees. In some cases like Dobrich the municipality could allocate small budget line for environmental activities – for awareness raising, campaigns, fees for consultants, etc. (e.g. from this account the drafting of the Municipal Environmental Protection Program was paid). The major financial source for municipal environmental investments is the funding under the Operational Programme Environment. Table 3 below shows the money allocated for Bulgaria within the planning period 2007-2013.

Priority	Total amount of the funds	Total amount in %	EU Financing	National co-financing	Average % of EU financing
			Amount	Amount	
Priority 1 - CF Improvement and development of water and wastewater infrastructure	1 284 207 841	71.3%	1 027 366 273	256 841 568	80%
Priority 2 - ERDF Improvement and development of waste treatment infrastructure	366 743 574	20.4%	311 732 038	55 011 536	85
Priority 3- ERDF Preservation and restoration of biodiversity	103 308 048	5.80%	87 811 841	15 496 207	85%
Priority 4 – ERDF Technical assistance	46 488 622	2.5%	39 515 329	6 973 293	85%

Table 3 Financial scheme of OP Environment 2007-2013.

Source: Adopted from MoEW home page¹⁶.

¹⁶ <http://ope.moew.government.bg/en/info>

The local actors - beneficiaries under the OP Environment get a decisive advantage to become strong governance players.

Beneficiaries under priority axis 1 (Improvement and development of water and wastewater infrastructure in settlements with over 2000 population equivalent PE and in settlements below 2000 PE within urban agglomeration areas): *municipal administrations, water supply and sewage companies, River Basin Management Directorates (emphasis added);*

Beneficiaries under priority axis 2 (Improvement and development of waste treatment infrastructure): *municipal administrations, regional associations of municipalities (emphasis added);*

Beneficiaries under priority axis 3 (Preservation and restoration of biodiversity): *municipal authorities, associations of municipalities, directorates within the Ministry of Environment and Water and within the Ministry of Agriculture and Food responsible for managing national and natural parks, respectively NATURA 2000 management administrations, non-governmental organizations, Regional Inspectorates of Environment and Water (emphasis added);*

Beneficiaries under priority axis 4 (Technical assistance): OPE Managing Authority, Intermediate Body, Monitoring Committee, Project Selection and Coordination Committee, Internal Audit Directorate within the Ministry of Environment and Water,

working groups established for the purposes of the OP, beneficiaries under priorities 1, 2 and 3.¹⁷

Municipal administrations are beneficiary with the lion's share whereas NGOs have a potential access only to a negligible share in the areas of biodiversity and technical assistance – respectively with 5.80 % and 2.5 % of the total funding for the whole period. In addition it could be pointed out as case studies also have demonstrated that biodiversity is not high on municipal agenda even for the simple reason that all resources – human and financial are employed to get as much as possible from the big money in water management (sewage systems and wastewater treatment) and waste management (regional landfills) where also the biggest immediate problems for the municipalities are.

Additional funding for environmental activities is provided under Operational Program Regional Development. Such investments are for example under Priority Axis 4 Local development and co-operation targeting the small municipalities threatened by permanent peripheral status – “peripheral mountain, rural, industrially declining, etc. municipalities fall into this category and require a higher intensity of support to development”¹⁸. Among the funded activities are flood prevention, purchase of equipment for organization of waste collection and disposal systems (Operation 4.1. small-scale local investments). Under Priority Axis 1 Sustainable and Integrated Urban Development are supported sustainable urban transport systems (Operation 1.5.) Again here the main beneficiaries are

¹⁷ <http://ope.moew.government.bg/en/beneficiary>.

¹⁸ <http://www.bgregion.eu/Content.aspx?menu=left&pid=29>

the municipalities. The Enterprise for Management of Environmental Protection Activities to the MoEW provides funding from the national budget for environmental projects and activities according to national and municipal strategies and programs. The last campaign in 2011 For Clean Environment (for 1.25 mil. BGN) funded projects of municipalities, mayoralities, schools, kindergartens and NGOs (with the smallest share – 20 projects up to 3000 BGN and less than 5 % of the funds).

4.6. Sources of rules

Table 4 shows by sectors some important competences of municipalities in the field of environment. In some procedures they are leading competent authority, in other cases they play supporting role with information dissemination and facilitating public participation in various administrative procedures of other authorities. These competences provide grounds for positioning of local actors and their activities and for developing of rules in addition to many projects, partnerships and networks that form another domain of sources and types of rules.

Area of competence/ Legal base	Main municipal competences	Supporting role of municipalities (e.g. participation in procedures of consultations)
Horizontal legislation/ Environmental Protection Act/SEA Ordinance	Municipalities are proponents of plans and programs subject to SEA in the field of spatial planning and waste management.	The municipalities could be consulted on plans and programs affecting them (Art.13, para.1 and Art.20, para.1 of the SEA Ordinance).
Strategic	Mayors of municipalities draft	

planning/ Environmental Protection Act	environmental protection programs passed by municipal councils. (In the drafting process is required the participation of non-governmental actors like NGOs') (Art.79).	
Biodiversity Protected Areas Act (PAA)	Could assign drafting of PA plans (Art.58, par.2 PAA).	Proposals for national and nature park designation could be made by municipalities (as well as by academic institutes, public organizations) (Art.36, par.1 PAA). Municipalities take part in the discussions for designation of protected areas (PA) (Art.37 PAA).
Soil protection Soil Protection Act (SPA)	Responsible for developing of policy at local level for protection, sustainable use and rehabilitation of soils (Art.4, para.3). Prepare programs for protection, sustainable use and rehabilitation of soils (Art.26 SPA).	Submit proposals for entering of contaminated soils in a register according to Art. 21 of SPA. (Art.11, para.2 SPA).
Water management Law on Water (LW)	Municipalities could be members of the Supreme Consultative Council on Water (Art.9, para.4 LW). The water supply and water sewage system policy is decided by the municipal councils and mayors at local level (Art.10a LW). The municipal council adopts a program for water supply and water sewage system in the municipality prepared by the mayor	Participation in the process of mineral waters concessions (Art.98 LW)

	(Art.10c, LW).	
Waste management Waste management Act (WMA)	The municipalities prepare waste management programs (Art.29 WMA).	Municipalities could associate in a municipal association for construction and exploitation of regional landfills (Art. 19a WMA).
Forest management Law on Forests (LF)	The use of forests and lands in the forest funds – municipal property - is decided by the municipal council (Art.53, para.4 LF). Exclusion of forests and lands from the forest funds is decided by the municipal council (Art.14a, para.2 LF).	
Climate change Energy Efficiency Act (EEA)	The municipalities could prepare plans for energy efficiency and implementation programs (Art.11, para.1 and 2 of EEA).	
Air quality Clean Air Act (CAA)	The municipalities could adopt programs for reduction of the pollutants levels (Art.27 CAA). Control and manage the activities related to the air quality in their territory (Art.19, par.2 CAA).	The municipalities could establish local systems for monitoring and control of the quality of the ambient air (Art.20 CAA).
Noise Law on Noise (LN)	The municipalities could assign drafting of strategic maps on noise (Art.5, par.1-6 LN).	

Table 4 Municipal competencies and participation in procedures on environmental issues

In many procedures the municipalities are not the leading authority but still instrumental for carrying out of procedures. A representative of RIEW claimed that: “we could not do anything without the municipalities and their environmental experts” (Interview T10). The municipal authorities are the ones closest to people and could make things work at local level – to announce, to mobilize, to invite participants, to host hearing, etc. The main sources of local rules are the legislation and strategic environmental planning and policy.

4.6.1. Legislation

The recent history of the local legislation tracks the path of the development of environmental policies in general and at local level. In the beginning there were mostly general ordinances which together with public order and keeping the cleanliness handled also other environmental issues. Later in the end of 1990's and beginning of 2000's ordinances on waste management were passed triggered by the new Law on waste management in September 2003 (State Gazette No.86/2003). Some later developments have codifying of local legislation in one ordinance on environmental protection like the new Ordinance of Plovdiv municipality, passed in 2009, which covers most of the environmental factors and components. Following the delegation of Territorial Planning Act, Art.62, par.10 new ordinances on development and maintenance of green systems have been passed in the Bulgarian municipalities.

Municipal councils have the authority to issue legal acts. „All municipal councils may issue ordinances to govern, in compliance with superior normative acts of higher level, social relations with local importance not settled thereby“(emphasis added) (Art.8 of the

Normative Acts Law). There are two paths for local rule-making – direct delegation of specific laws to municipalities to impose rules, and general competence of developing rules on other aspects of environmental protection of local importance – ranging from keeping the city clean to codified versions covering biodiversity protection, soils and air (Plovdiv).

The limited space of local legislation shows the ruling legal centralism in environmental rule-making according to the constitutional arrangements but also the fact that local governments still could not fill in even the space provided by law or formulate larger and more detailed rules to show capacity and leadership that could be a sign for national authorities to consider delegation of more powers. As a result of decentralization and EU funding of regional landfills and other investment projects waste management policy represents the highest degree of legal localism and most detailed current picture of Bulgarian local environmental governance. This is one of the red threads in most of the stories and cases in the thesis.

4.6.2. Environmental planning and policy

The competences of Bulgarian municipalities in local planning are also a broad source for rule-making of formal strategic environmental rules. “The municipal council adopts strategies, prognoses, programs and plans for development of the municipality, which reflect also the European policies for development of local communities.” (Art.21, para.12 of the Law on Local Self-government and Local Administration). The local planning documents define certain policy goals to be achieved by the municipal leadership and

administration. Bulgarian municipalities have many opportunities in the field of environmental planning which pose challenges to create rules as “guides for future courses of action” (Knight 1992, 67). In the Box 2 16 strategic documents related closely to environmental protection are listed. At national level the National Environmental Strategy sets the main strategic objectives and a framework for the sectoral and local planning documents.

Municipal Environment Protection Programme (according to Environmental Protection Act);

1. **Plan for elimination of the effects from of accidents and burst pollution within the territory of the municipality** (according to Environmental Protection Act);
2. **Municipal Waste Management Program** (according to Waste Management Act);
3. **Protected Areas Management Plan** (according to Biodiversity Act; Protected Areas Act; Ordinance for development of plans for management of protected areas);
4. **Action plan for priority plant and animal species** (according to Biodiversity Act; Ordinance № 5 on the conditions and procedure for drafting of action plans for priority plant and animal species);
5. **Action plan for prevention and reduction of noise in the environment** (according to the Act on Protection from Noise in the Environment);
6. **Municipal soil protection, sustainable use and rehabilitation program** (according to Soils Act);
7. **Program for reduction of the pollutants level in ambient air and achievement of established norms according to Art. 6 of the Act on quality of ambient air** (according to Act on quality of the ambient air; Ordinance № 7 for assessment and management of the quality of ambient air);
8. **Operational action plan for reduction of the risk of exceeding of the established norms for ambient air quality** (according to Act on quality of the ambient air; Ordinance № 7 for assessment and management of the Ambient Air);
9. **Program for achievement of compliance of the bathing zones in the territory of the municipality with the requirements of Ordinance № 11 on the quality of the bathing waters** (according to Ordinance on the quality of the bathing waters);
10. **Energy Efficiency Program** (according to Energy Efficiency Act);
11. **Municipal Development Plan** (according to Regional Development Act);
12. **Municipal Master Plan** (according to Territory Planning Act);
13. **Municipal urban transport development plan;**
14. **Municipal road repair/reconstruction plan;**
15. **Municipal tourism development strategy.**

Box 2 Programs and plans on municipal level.

Source: COWI and MoEW list of plans and programs in the environmental field which could be prepared by the municipalities.

Out of these 16 strategic documents indicating the planning spheres for municipalities only few are adopted in practice because of their high importance for overall planning of the municipality: municipal development plan, municipal master plan, environmental

protection programme, waste management programme and for the bigger cities – ambient air quality programme. The whole range requires a broader vision from municipalities and capacity to manage them which are still lacking.

Environmental Protection Programme (EPP)

The process of drafting of EPP is highly indicative for environmental planning and it lies at the core of environmental governance as a planning tool in the field of environmental protection. It describes in detail the environmental conditions at the municipality, analyses the socio-economic development, the environmental components and draws general and specific goals and measures. Adopting of EPP is a legal obligation but also a strategic incentive for Bulgarian municipalities. Art. 80 of the EPA reads as follows: “Projects proposed by municipalities for financing from the national budget or from national funds may be financed solely if the said projects are justified as priority projects in the respective municipal environmental programme”. Especially in times of funding from the Operational Programs the relevance of a good program becomes critical and the municipal leaders are acting accordingly by tailoring the program to environmental investments needs.

EPP should be prepared according to the guidelines¹⁹ of MoEW but in practice this happens in a most narrow manner because some recommendations are not followed at all especially at the stage of implementation. Under the heading “Organization of Implementation of the Program” of the Guidelines (MoEW 2009, 9) the following requirements to the program implementation are listed: “the responsible unit and the official for coordination of the programme implementation; the

Commission/Committee/Council, which will summon periodically to report on the progress and take decisions on emerged problems; scheme for monitoring of the progress of the programme implementation; periodicity for updating of the programme and the reporting of its implementation before the Municipal council; informing the RIEW and the public for programme implementation.” These general requirements are not followed in the programs reviewed during the research with exception of appointing a responsible unit and reporting to RIEW. EPPs are updated according to the changes in legislation and the need to justify new environmental investments. One problem with updating is that “most of the programmes have been designed by external consultants. Now the programs have to be updated, but the consultants are gone and we have to become experts in all areas.” (Ramboll 2007, 120).

In addition to legal and planning grounds for creating of new environmental rules there are other real life situations and interactions at local level and between municipalities that might shape the process and outcomes of the rule-making. These particularities are explored in the next three case study chapters presenting the municipalities of Teteven, Lukovit and Dobrich urban.

¹⁹ The full name – Environmental Protection Programmes: Guidelines for Structure and Content of EPPs.

V. Case study of Teteven municipality

5.1. Introduction to the case

The main goals of the case study of Teteven municipality are derived from the main research question of the thesis about environmental governance and the environmental rules in Bulgarian municipalities – who is involved (who), what are the rules (what), how are they developed – rule-making (how).

Teteven municipality is a rural medium-size municipality according to the Bulgarian standards. In Bulgaria it is famous with the resort Ribaritsa. The municipality is situated in an area of beautiful landscapes – mountains, rivers, valleys, deep forests and high peaks. "Teteven – the green town of Bulgaria" reads the slogan of the town Teteven. It is not accidental that it had been connected with a twinning Swiss municipality. Teteven could measure up to a Swiss resort if only nature beauty is compared. The patriarch of the Bulgarian literature Ivan VasoV exclaimed 'If I had not come to Teteven, I would also have remained a foreigner to mother Bulgaria.' Even during winter time when the mountain peaks around Teteven were hidden in clouds and fogs my personal impressions were similar. In July beauty of nature is overwhelming. The town received in 2008 an award for the greenest city in Bulgaria in a contest with 40 cities according to 44 criteria. On the other hand, Teteven represents a typical case of the overall decline that hit Bulgarian municipalities after the fall of communism and centralised planning economy – with big factories closed down, high unemployment, shrinking population and social

capital and limited administrative capacity of local authorities and other actors. Such is the case for most of the small and medium-sized municipalities in Bulgaria, and, with few exceptions, of the bigger ones, too.

In the following chapter I will sketch the municipality and its environmental resources and problems, and then I will examine the actors in local environmental governance and main environmental rules that emerged during the field research. As a next I will discuss the rule-making processes with their main tendencies and practices. As a concluding part of the chapter I will discuss the factors contributing to emergence and dynamics of environmental rules and environmental governance at local level.

5.2. Teteven as a case of Bulgarian municipality

5.2.1. Overall description

Teteven is a mountainous rural municipality situated in Central Stara Planina Mountain, the mountain (called also Balkan) dividing Bulgaria into Northern and Southern parts. It is part of Lovech region (oblast). It spreads along Vit river valley and the altitude of its territory varies from 340 m to almost 2200 m with the highest peak Vezen – 2198 m. The relief is mostly mountainous and semi-mountainous²⁰. The area of the municipality is 697 sq. km. It has population of 23919 inhabitants (11799 for Teteven as administrative centre). This is less than the average for a Bulgarian municipality – 31000 inhabitants (but if excluding the biggest cities, the median will fall well below 31000). It is comparatively sparsely populated - about two times less than country average. The municipality is well

²⁰ The Municipal Development Plan 2007-2013, available at the official homepage of the Teteven municipality in Bulgarian - <http://teteven.bg/index.php?mod=category&id=12>.

located near the capital Sofia and the Hemus highway from Sofia to Varna at about 124 km. from Sofia.

The history of Teteven dates back to middle of 15th. Century. 16th and 17th centuries were marked by development in the handicrafts supported by granting of a special statute of town in the Ottoman Empire. The city was burned down in 1801 but soon revived and became one of the strongholds of the national revival and revolutionary movements. The town was industrialised in the socialist times – with few big factories, two of them with over 1000 workers (e.g. Elprom with 1300 workers, now employed 80 - Interview T06). After the collapse of socialist planning economy and under pressure of international competition local industry went into decline leaving behind skeletons of factory buildings and industrial plots like ugly shadows of past glory. One could see this devastated past while driving into the town of Teteven which stretches along the river. What comes first in sight is the industrial quarter with its unpleasant scenery. On one hand, clearly the turmoil of recent economic and social changes left negative mark and hit hard the people of Teteven (the population declined by more than 6000 people, the unemployment increased), on the other hand, it opened new opportunities for development – mostly tourism in a much cleaner environment.

The municipality has 13 settlements – the town of Teteven as administrative, industrial and cultural centre of the municipality and 12 villages that are relatively poorly populated (5 of the villages with less than 500 people). One of them - Ribaritsa is a resort of national importance (estimated 80 000 night's lodgings for 2009, Interview T02) The favourable

geographic location of the municipality (see the map in Figure 2) and good transport links are among the important strategic advantages especially in regard to tourism development (MDP Teteven, 4). The budget of the municipality for 2010 is over 11 mil. BGN (around 5.6 mil. Euro). The local public investments – mostly in waste and water management are funded under Operational Programs (OP) - Environment and Regional Development - projects and contribute to improving of the financial situation and investment policy in times of crisis and stagnation of the municipality.

I visited the municipality twice for a few days each time. The first field trip was in December 2009 and the second one in July 2010. I had interviews with key informants at municipal administration, municipal council, with local NGOs and with local activists. In some cases I had follow-up correspondence with key interviewees (e.g. with the head of the environmental unit and the head of EU integration and projects). Later I duplicated some interviews to test and confirm some preliminary findings, to collect additional data or to fine-tune the research questions about the environmental rules for this case. Taken as a whole the respondents were open-minded and willing to spend time with me discussing at length from their point of view the problematique of environmental governance. I was directed by the first interviewees to new people (from the NGOs, active citizens) (the snowball effect). In total I had 16 interviews. I have also reviewed the main strategic documents – municipal development plan, environmental protection programme (EPP); the municipal ordinances and other municipal acts as cases of environmental rules. The access to documents was through the homepage of the municipality and with support of the respondents who handed me in paper copies of documents.



Figure 2 Map of Bulgaria with the location of Teteven highlighted.
Source: The Environmental Protection Program of Teteven municipality

5.2.2. Environmental resources and problems

In Teteven municipality forests, rivers, clean air and high mountains abound. They are among its most precious natural resources and have been recognized for their potential for development of tourism. The vision about the municipality expressed in Environmental Protection Program of Teteven is that “Teteven has to become European touristic and cultural centre, combining the marvellous nature of the mountain, rich historical heritage and traditions with high living standard”.

The forests offer pleasant environment for tourism and recreation where one could take a walk, pick berries, herbs and mushrooms. There are two natural reserves “Boatin” and

“Tsaritchina”, three protected areas under NATURA 2000 (Central Balkan, Central Balkan – buffer and Vasiliovska planina) designated to protect the biodiversity. Boatin and Tsaritchina were declared natural reserves respectively in 1948 and 1949, and in 1989 were included in the list of Birdlife International for ornithological important areas according to EPP. Both reserves are included in the UNESCO programme “Human and Biosphere”. The Boatin reserve is created because of the presence of venerable beech (average age 160 years) and spruce (average age 100 years) forests. Tsaritchina reserve is established because it is the only habitat of white fir in Stara Planina Mountain and in the northernmost of Bulgaria. In Teteven municipality also spreads the largest section of the National Park “Central Balkan”²¹ The information centre of the park for Teteven region is in Ribaritsa, the touristic centre of the municipality. The biodiversity is rich in the municipality but the decentralization, privatization of the land and forests, new agriculture practices have become threats to it. Its protection requires policy which integrates forestry, agriculture and economy (MDP Teteven, 47).

In Teteven municipality there is no heavy industry. The main polluters are situated in the town of Teteven - households and farming and only to some extent the industry because it is in decline in the last years (EPP Teteven, 12). The main industrial activities are wood logging and processing, production of furniture and office equipment, of micro engines and of tooth brushes. The interviews and the municipal documents confirm the decline of

²¹ “The Central Balkan National Park was established in 1991 to conserve the unique natural scenery and heritage of this area and protect the customs and livelihood of the local population. It lies in the heart of Bulgaria, nestled in the central and higher portions of the Balkan Range. The Park contains rare and endangered wildlife species and communities, self-regulating ecosystems of biological diversity, as well as historical sites of global cultural and scientific significance.” (<http://www.centralbalkannationalpark.org/en/index.phtml>).

economy as a threat and as an opportunity for new businesses and cleaner environment. The real environmental problems of municipality are access to clean potable water, the sewage system, waste management, forest and water protection, protection against wood fires. The municipality leadership is aware of these problems and the governance programme²² of the mayor has addressed them (Interview T01) because most of the problems need to be solved locally. One of them is the underdeveloped infrastructure of the water management - the sewage system in Teteven covers only 11 % of the projected length (MDP Teteven, 60). One shocking fact is that all wastewaters are floating directly into the river and only at some places are purified by old filtering systems. This is the situation in Teteven, in Ribaritsa, the national resort and in all other settlements. Because there is no urban wastewater treatment facilities in the town and the villages upstream wastewaters from the industry, farms and households flow into the rivers, gullies and water tanks. The tourism also contributes to this situation. However a large integrated water management project (of water cycle) for water conduits and wastewater infrastructure in Teteven and in the biggest villages Galata, Glojene, Gradeznitsa and Glogovo is underway.

The soils are also polluted by periodical fires, industrial waste and agricultural practices. Another problem not mentioned in EPP but highlighted in the interviews are the forest fires caused allegedly intentionally by shepherds for clearing pasture fields. The traditional logging of forests within or beyond legitimate use does not bring sufficient income to the

²² According to Art.45, par.5 of the LLSLA the Mayor of the municipality submits to the municipal council a governance programme for the period of the mandate which contains the main goals, priorities, actions and deadlines for implementation and expected results.

people anymore although it is still a subsistence factor in small villages. Since part of the population there is poor and unemployed, especially in the villages, some make their living by illegal logging. So, to no surprise one could buy a cubic meter of firewood well under the market price.

The EPP lists in the SWOT analysis (p.71) the most pressing problems and weak sides of environmental protection:

- Lack of sufficient financial resources;
- Irrational utilization of the natural resources;
- The national system for monitoring and control could not cover the whole territory of the municipality and there is no such municipal one;
- The flow of the wastewaters in the rivers;
- The existing landfill reaches its capacity;
- There is no urban wastewater treatment facility.

To these problems are added the following threats: dependence on central authorities, increased migration process, the interests of the donors and the state turned to larger municipalities; lack of dialogue with the neighbouring municipalities, pollution with sources outside the municipality.

The tourism development and private interests of land owners in the recent years led to tensions about land use change because of potential negative environmental effects. At a moment the prices of property, especially in Ribaritsa went up drastically and many people bought plots of agricultural land to build a summer house. As one of the NGO activists

has put it “The main problem of Ribaritsa is the development [of new private houses and hotels] because many lots on agricultural land were bought, its status was changed and there is huge construction going on” (Interview T05). Such developments are threat to environment because there is no proper road infrastructure (no sidewalks), no wastewater facilities and in addition they exercise pressure on the landscape of the village. Conflicts occur because most lands are located in NATURA 2000 areas and the procedure requires impact assessment of the development project. A master plan for the municipality that would map NATURA 2000 area and the areas designated for construction was suggested as a solution to be considered (Interview T10).

5.3. Local actors

The Mayor

Every mayor is central figure in local government and community life of a municipality, and even more so in a small or medium-size municipality. People presume that mayor is in charge with and competent to solve every problem. His/her priorities are vital for winning the elections and managing the municipality. “Every mayor in order to be elected needs a platform. In it he clearly declares, what he is pursuing. Every mayor uses leadership skills....” (Interview T01).

The mayor of Teteven is Nikolay Pavlov who won the elections in 2007 in his first term. He is supported by GERB – the ruling party in Bulgaria since June 2009. In the last three terms of office Teteven had three different mayors from different political parties, a more unstable situation compared to Dobrich (the mayor in her second mandate) or in Lukovit

(in his third mandate). Most interviewees present him as a natural leader and manager - very consistent, resolute and powerful, with vision and care about the community problems. As one of his employee explained it if you have a problem (e.g. the lamp of your street post does not work) and visit him, he goes with you to the responsible expert to find a way to fix it. Mr. Pavlov is respected equally by his employees and by municipal councillors. One of these municipal councillors claimed that she took the position because of his personal invitation and her trust in him as a leader. The construction of regional landfill, of sewage system for all settlements in the municipality and of wastewater treatment facilities are among the priorities outlined in his election campaign. Currently projects for integrated water cycle in Teteven, Glojene, Glogovo and Galata are under implementation.

The municipal administration

The Bulgarian municipal governments are multi-task administrations and thus constrained by staff and capacity problems. The salaries are not high and the working pressure constant. In addition there is dynamic and constant change in scope and volume of rules in every policy field. Teteven municipal administration governs a community of about 24000 people. It has 68 employees under the mayor assisted by a deputy mayor and heads of units. The three units closely related to environmental rules and rule-making are the environmental, EU and legal units. During the field trips I witnessed the high intensity and importance of their job. The unit which deals with environment is called Tourism, Environment, Youth Activities and Sport with 4 people, 3 of them directly involved in environmental protection - the head of the unit, one chief specialist and one senior specialist. The unit in charge of EU integration, EU projects and financing has three

experts. According to the head of the unit these units are called “the units with the young people”. Indeed its members are all young and are led by a dynamic and resourceful person who was previously the environmental expert of the municipality. He has been working for 7 years at the administration. He kept his municipal position despite job offers from consultancies since according to him “[he] prefers to work with many people and to have many contacts”.

Municipal council

The municipal council in Teteven has 21 municipal councillors representing 5 political parties with 9 permanent commissions. Two of them have as a subject matter environmental protection – the commission for tourism and environment and the commission for agriculture, forests and waters. The chairman of the tourism and environment commission is a veterinarian doctor. The commission plays corrective or veto role and had had only two sessions in 2009 according to him. He claimed that the commission relies for all the work on the municipal leadership and follows its priorities. One of the members of the commission explained: “This commission stands a bit aside from the serious work of municipal council. Nothing depends on the commission. It does not initiate options for change, rather supports them” (Interview T04). The commission does not carry initiatives but only reviews and deliberates on the drafts of municipal administration as in the case with the draft of Environmental Protection Programme. The first draft was rejected because it looked as copied from another source and only after revision was approved at a second session.

The municipal council was more active in the discussions about regional landfill association. Two public consultations with all municipalities, members of the association, were held in Teteven. The deadline for the establishment of the landfill was postponed because of the bargaining process, especially on behalf of Teteven municipality. „There was open public discussion at the municipal council session with representatives of the state [RIEW] and of a partner with experience in the issue. The options were presented and the decision was taken by municipal council. There was debate. Citizens and councillors were present” (Interview T09). The issue demanded long-term commitment of municipality and imposed financial obligations with waste taxes for landfilling and therefore rather as an exception has mobilised the council.

NGOs

The local NGOs represent broadly the civil society and its engagement in local environmental governance, rule-making process and rules’ implementation. Not long time ago some local NGO had built up influential structure to work with the municipality or separately on projects. Such an example is the Centre for Sustainable Development of Teteven Municipality (CSDMT) which introduced innovative practices and consequently rules, including environmental, in local governance. CSDMT was established in 2000 as a forum for local governance in Bulgaria financed by the Swiss Agency for Development and Cooperation. Its executive director was the municipal environmental expert who drafted the previous environmental protection program of Teteven. The history of the NGO presents the rise and fall of most NGOs in Bulgaria set up in the 1990s with international donor support and now diminishing in importance because of the new

financial and social conditions and competition of consultancies. It managed big projects in the years 2000-2008 in partnership with the municipality (e.g. for establishment of centre for information services). For the capacity of the Centre speak also the numbers of its staff – from 2 people in 2000 up to 10 in 2006 (Interview T07) when it was at its peak. One of its last big projects was the discussion forum about the construction of the regional landfill which the municipality commissioned the Centre to facilitate. In December 2009 the doors of its offices were sealed and only one person working.

This is a typical story of an institution implanted in the governance landscape of a municipality. Until it attracted money from donors (in this case Swiss Agency) and met the criteria for funding, the centre had the municipal support and was influential. Then when after the EU accession money flows changed its paths (the Operational Programs with their new conditions for beneficiaries) it slowly disappeared from the scene. In general this is the problem of sustainability of all NGOs well captured by one interviewee: “Until there are projects to be implemented and there is money, they exists [the NGOs], “...they [the NGOs] could not cope on their own without the support of municipality and local business... And in the community is cultivated an attitude that NGOs are parasite entities” (Interview T07).

The next local NGO - “Priroda” (environment) from Ribaritsa is a grassroots NGO with local focus and activities. Ribaritsa is a village 12 km. from Teteven and the most famous touristic and recreation centre of the municipality with nationwide reputation, dating back to the beginning of 20th. Century. The NGO was established in 1996 by 13-14 people

from different walks of life – teachers, economists, foresters, etc. They were encouraged by a prominent biodiversity expert Geko Spiridonov working at that time for the MoEW. The history of this NGO turned into a personal history of its director Mrs. Tsanka Sabeva. Her daughter was the first director. Her son-in-law, a volunteer from the Peace Corps, helped to the NGO in the first years with teaching local people to protect the environment as public engagement, to collect separately the garbage and to develop eco-tourism. He drafted the first projects of the NGO. In the period 1996-2004 “Priroda” implemented projects and became a centre of community life. The first project was about cleaning-up of the river. The first brochures and catalogues of Ribaritsa about handicrafts, tourism and places of interest were outputs from Priroda’s projects. The NGO established an information centre²³ for the National Park with training room and trained teachers from the local school. At times 5-6000 children visited the centre and stayed for a day or more. The NGO developed the first multifunctional plan for husbandry management on real territory in Bulgaria - a good example for stakeholders’ involvement of all institutions and forest users – husbandries, police, water and electricity companies, the fire brigades, the Bulgarian Tourist Union, travel agencies, NGOs. After these good years a decline followed and “Priroda” was also practically closed down by the end of 2009 when I was there without projects also for 2010.

²³ The environmental information and educational centre “Ribaritsa” was set up by the local society “Priroda” with the support of the Peace Corps and the Directorate of the Park. It has modern conference room for 25 people, exhibition room, rich library and video take. It offers touristic information and runs a programme “School in the wild nature” (EPP Teteven, 23).

Still not all of NGOs in Teteven are extinct in such a way. I have interviewed the leader of one NGO “Movement for walking tourism Tsaritchina”. She is an attorney-at-law and a municipal councillor, member of the environmental commission. According to her there are at least 60 NGO registered in Teteven municipality – business, school board of trustees, some of them with the only goal to apply for projects. She shared that her position as municipal councillor is not that important compared to her work with the NGO to contribute to community life and environmental protection. Her NGO has organized campaigns like “The waste back in the backpack” and worked with disadvantaged children to help them to acquire skills for going out in the mountains (Interview T09). The NGO has built an Adventure park and has sublet it to professional company to manage it.

National associations

Beside the local and national environmental NGOs there are associations of municipalities and experts at national level with relevance to the governance processes at the municipality like capacity building of local municipal experts. Two of these associations are involved indirectly in the local rule-making processes.

NAMRB

The National Association of Municipalities in Republic of Bulgaria (NAMRB) has been recognized by the municipal experts in Teteven as an important institution providing trainings and capacity building, and mediating conflict situations like the establishment of

regional landfill association because of the disagreements member municipalities had. “Many meetings were organized at the ministry [MoEW] by the National Association of the municipalities. Very often they help us with trainings and for capacity building. Since half a year they introduced the practice to inform us in case of serious law amendments” (Interview T02). The municipalities are also able to provide comments and recommendations on the law drafts through the NAMRB to the MoEW.

The NAMRB has contributed in another way to widening of the experience of municipal experts. It facilitated a nationwide selection of experts for a study visit to UK to train them about EU funds. One of these experts was the head of EU projects and integration unit Mr. Marian Alexiev. The practice in UK showed that there are professional national associations of the EU funds experts. After the study visit in 2009 NAMRB supported the establishment of an association of EU municipal experts in Bulgaria.

BAMEE

The Bulgarian association of municipal environmental experts (BAMEE) supports the networking of its members and their professional development. The exchange of good practices at annual meetings or through their everyday contacts also contributes to these ends. The head of the EU projects and integration unit, being a former environmental expert, is still member of BAMEE. He praised the association as a model and platform of communication and coordination among people who have similar problems and could meet at least once a year to share their experience and “talk about issues that are not written down anywhere”.

5.4. Main environmental rules

5.4.1. Formal rules

The two main ordinances adopted as legal environmental rules by Bulgarian municipalities are the general one on environmental protection (and cleanliness or public order) and one on waste management (and only recently a third one – on green system). The formal rules in the ordinances are combined with sanctions. Teteven municipality has chosen to collect all environmental rules in one ordinance - Ordinance on environmental protection, cleanliness keeping and waste management at the territory of Teteven Municipality. It codifies the main subjects of environmental protection, cleanliness maintenance and waste management which usually are separated in most municipalities. From all case municipality only Teteven has such a codified version by adding to its usual scope the protection of the environmental components - biodiversity, air, water and soil and protection against noise pollution. It was adopted in April 2005 and amended twice: in May 2008 and March 2010.

The first chapter of the ordinance contains general provisions, the second chapter – rules about protection of environmental components with subchapters: clean air and noise; protection of drinking water, rivers and water bodies, soil protection and biodiversity protection. The third chapter regulates maintenance of clean and aesthetic settlements, including of the green system of parks, gardens, green areas and decorative vegetation; the forth chapter is about waste management and the fifth regulates the control and administrative sanctions. The ordinance concludes with provisional and concluding regulations. As a formal environmental rule it has a broad scope covering most of the

environmental components and factors. In reality it is a document which is not easy to implement and enforce. Some norms are superficial with few detailed prescriptions. Another weakness is that for infringements of different scale same fines are imposed – from 50 to 500 BGN (app. from 25 to 250 EUR) e.g. for illegal disposal of wastewaters into the water bodies or for illegal construction in the buffer zones of natural reserves. Only with the new amendments from March 2010 the sanctions for repeated infringements were increased – from 300 to 1000 BGN but again with the same undifferentiated approach which does not take into account the nature of violations.

According to a municipal environmental expert the rate of fine collection is very low as it is in all other case municipalities. The collected household waste tax is between 20 % and 55 %. It should be noted that these figures are due to traditionally weak control and imposition of fines at the municipalities. In Teteven eco inspectors are employed to control and draw up statements against the offenders of the ordinances. As it was made clear from the interviewees similarly to Dobrich rural municipality the sanctions are imposed as a last resort because either the evidences are not convincing (almost nobody would testify against his/her neighbour) or the municipal servants prefer presenting the offenders with warnings and talking to them rather writing a fine on the spot. The fines if imposed are low and public collectors are very slow to collect the fines on behalf of the municipality. In sum, the sanctions are more of a precautionary nature to inform people what is allowed and what not but not a sanctioning means and serious source in municipal budget.

5.4.2. Strategic documents

In the following section there will be presented the main strategic documents as rules that bind mostly the administration and externalise the objectives, activities and working plan of Teteven municipality in environmental protection.

Municipal Development Plan

The Municipal Development Plan for the period 2007-2013 is a planning document that deals in its descriptive and analytical parts with environment (in point 1.5. on environmental conditions and resources, and status of environmental components). Under each heading (e.g. ambient air, waters, soils, waste) a short overview of the main facts is given followed by findings and problems to be addressed. Some data and conclusions are transferred into other documents like into environmental protection program. The EPP covers the period 2009-2012 and with waste management program for the period 2008-2012 are the two environmental planning documents. Both have as an appendix an action plan.

Environmental Protection Programme

The EPP is prepared in accordance with Art. 79, para.1 of Environmental Protection Act and should comply with the guidance of MoEW for content and structure of such programmes. It states the following objectives:

1. to identify and analyze the environmental problems at the territory of the municipality, to detect the causes and propose solutions and activities for overcoming them;
2. to point out the priorities in the specific areas;
3. to utilize the natural resources of the municipality for development of economic potential and more specifically for tourism development;
4. to combine the efforts of municipal authorities, state institutions, the population, NGO and the industry in the municipality for solving the problems;
5. to use optimally the limited financial and human resources by allocating them for solving priority problems;
6. to boost the establishment of new value system, new approach to the environmental protection, new modern thinking of all formal and informal structures at the municipality.

The stated goals do not relate in reality to the content of the program or are not reflected there in a sufficient way. Some of them are “empty shells” (Dimitrova 2010), especially points 4 and 6. There is no proper discussion of facts and analysis of the background conditions and of possible forms of cooperation of all actors at local level – formal and informal – in new approaches and models of thinking.

The program contains a lot of background information about almost every aspect of the community but presented in a heavy administrative style so that readers would have difficulties finding the meaning. It is an extremely technical, burdened with data and details in places not relevant, document (e.g. on the history of the town Teteven) and with tables

hard to discern. It contains a bulky background information section, analysis of the existing situation but almost nothing on how some of the main goals could be achieved. Most of the identified problems are of social and economic nature without explanation how are they related to improvement of environmental conditions and performance of actors in this respect. It has no financial part with estimated costs and sources of funding. In the Action Plan to the program there are 10 types of activities loosely referred to the problems identified in the analysis of the program and for all of them the municipal administration is the responsible authority, even in the part on public participation. The engagement of the public and of NGOs is mentioned only in connection with regional landfill activities. There is no list of active local NGOs or a list of finalized or on-going projects to ensure follow-up.

Waste Management Program

The Waste Management Programme (WMP) of Teteven municipality for the period 2008-2012 was adopted before the EPP but shares the same characteristics and deficiencies. It is an administrative document with overburdening background information section and data not related to the main aim of the program – “sustainable development of the Teteven municipality through integrated framework for waste management that leads to reduction of the environmental impacts of generated waste, improvement of the effectiveness of the resource utilization, increased responsibilities of polluters and fostering waste management investments”(WMP 2008, 2). The lengthy introduction with general description of the municipality – geographic, administrative-territorial, social-demographic and economic characteristics is followed by only about 20 out of 64 pages directly related to waste

management. Some main strategic objectives of the program are too general and do not refer to any concrete data or analysis. They are just listed in the end without any further elaboration on the concrete steps to be taken, resources allocated and actors involved.

Some problems mentioned in the background section like illegal dumps are not addressed in a proper way in the program nor in the action plan. In 2009 this problem was still serious (Interview T02). There is only a general statement without any measures following from it that municipal administration will work to prevent the emergence of illegal dumps. In both the EPP and WMP the lack of soil protection program is highlighted but there is no provision that addresses the problem. The public participation is considered in WMP as critical for taking the right decisions, implementation of measures and balancing the interests of all participants in waste management. On the other hand, in the action plan the measures are reduced under the supervision of the municipal administration to media campaigns, preparation of a list of interested partners and organizations, and regulation of the participation of the citizens in the process of waste management.

The energy efficiency programme is in place but it needs to be updated. Until the end of the field research in August 2010 I had not come across any amendments.

ISO 14001

The municipality is certified with ISO 14001 integrated environmental management system. The head of environmental unit chairs the committee that supervises the implementation of the standard. According to him it takes a lot of his time and creates

paper work - every month committee meetings, minutes of the meetings, decisions, follow-up and control. However, he pointed out also some positive outcomes – better coordination and systematization of the operations and services, e.g. municipal experts could get reminders about deadlines and about documents that should be prepared. Another municipal official was concerned that on paper the procedures are perfect but not so much in the turmoil of everyday life with its crises and deadlines, when something else is more urgent and important, so “it is a little bit chaotic” (Interview T08). The municipality is certified also with ISO 9001:2000 quality management system and with BSI OHSAS 18001:2002 – on occupational health and safety standard. The secretary of the municipality suggested that these standards represent municipality well. “...when we apply for projects they ask is there ISO - something European. This is European.” The standards are driver for training and career development of municipal servants. They are built upon and integrated into already existing information exchange system and information centre (from 2003). The information centre channels at least 80 % of information flow to the competent experts and unloads the rest of the administration. Now a citizen could track down his/her application via Internet. Municipal servants used to be at first sceptical but after trainings and experiencing relief in their work load they became more supportive.

5.4.3. Rule enforcement

The rule enforcement represents a host of informal rules of the implementation of formal rules - how the offenders of environmental ordinances are warned or sanctioned. According to Art. 73 of the environmental ordinance of Teteven the implementation is

ensured through orders and instructions issued by the mayor or mayors of the mayoralties. The interviewees presented the following practice. First an official warning with deadline for prescribed actions is issued. Only if the offender does not comply with it a fine is imposed. Two interviewees pointed at a tendency to favour and protect certain companies so that some economic subjects are under “special regime” or not sanctioned at all (Interviews T07 and T05). In the first case political and economic interests were mentioned as a cause. In the second the policy of municipality to support tourism development in the municipality was given as explanation.

5.4.4. Actors in rules

In conclusion of the discussion on rules the provisions allocating powers to different actors will be compared. A simple overview shows the elsewhere confirmed conclusion about the dominating governance role of municipal administration. In the environmental protection ordinance the control of implementation is vested in the mayor, mayors of mayoralties or the persons appointed by them (Art.72). They could issue in this regard orders and instructions (Art.73). The right to ascertain the violation of the rules is delegated to municipal officials by order of the mayor, mayors of mayoralties, or to police or fire brigade officers. The punitive decrees are issued only by the mayor of the municipality (Art.76). In the waste management programme the authorities responsible for implementation of the program are the mayor and the manager of the main contractor of waste management services – Eco-Titan LLC. The EPP does not appoint a responsible person or authority but all information and reports to municipal council and public announcements from the administration are managed by the environmental unit.

5.5. Rule-making process

The environmental rules are produced predominately by local municipal experts (environmental and legal) and approved by local decision-makers (mayor and municipal council). Within the administrative structure rules move bottom-up as in case of Teteven. The experts draft the rule (e.g. amendment in ordinance or a new programme) and submit it for approval to the mayor and municipal council. Officially the proposal for the new rule comes from the mayor as the head of administration and he files it at municipal council. First the commission on environment needs to approve it and then it is submitted to voting at a session of the council.

Traditionalism

Bulgarian local governments are still more traditionalistic in their visions and actions than innovative. Only under the pressure of national authorities to fulfil the obligations towards EU and backed by considerable financial consultancy aid municipalities moved forward in 2008-2009. Teteven and the municipalities in the region are not an exception. According to a story I was told in Teteven a young environmental expert attempted to persuade mayors of the region to establish a regional landfill as early as in 2003. He spent 4 years in efforts to convince them about the landfill. “I presented them with printouts, presentations, you name it, but they approached it not seriously, with the exception of our mayor.” They either had ignored him as too young, a “boy”, or sent deputy mayors, then experts to next meetings and everything started all over again.

Rule-making powers

The analysis of the actors involved in rule-making shows strong and weak players. The decision-making powers and resources are vested within municipal administration and municipal council. Their dominance is enhanced by the leadership of the mayor. The public and NGOs under the given conditions are passive in this respect without a strong stand on these issues. The disproportional powers in decision-making procedures, either formal (e.g. EIA, drafting of programs and ordinances), or informal are predisposed in favour of municipal authorities. The agenda is set by the mayor and his team - experts in the field – as a response to demands and obligations from national level or to the objective needs of the community (clean water, sewage pipelines) or to the personal decisions of the mayor²⁴. For instance if there is law (e.g. on animal protection or waste management) and delegated obligations to the municipality something is done about it (Interview T02). If there is EU money a project is prepared to get them because “it is now or never” (Interview T01). If the environmental protection programme has expired then a new one should be drafted.

Leadership

One common problem affecting all fields of decision-making and policy implementation is the election cycle that affects efficiency of municipal management. Every four years if a new mayor is elected he/she could impose a new leadership style, new policy priorities and often new staff. He/she needs considerable amount of time to get into the governing of the administration and community. As mentioned by the interviewees it could take up to three years (out of 4) for a new mayor to get the picture in details and by that time new

²⁴ The mayor is an enthusiastic sportsman and the sport centre in the town got priority and targeted funding.

elections approach. The interviewees pointed out that: “[E]very mayor, when he comes and changes his team, there are 3 years, two and a half at least, to get the ball, to know what he is going” (Interview T01). “I observe this already a third mandate. Two years are needed [for the mayor] to get to know [what is going on].” (Interview T08).

The leadership and administrative style of the mayor affects also the rule-making processes and the external actors. The Sustainability Centre of Teteven was practically closed despite its expert capacity and years of good cooperation with municipal administration. During the three years of the mandate (2007-2009) of the new mayor the proactive cooperation with civil society diminished rapidly according to some NGOs representatives. The municipal administration on its part has not showed strong interest and leadership to maintain and build upon the achievements of cooperation with NGOs of the last more than 10 years.

Local administrative “centralism”

The drafting of a new EPP is a case of rule-making. It took place in two stages in 2009. The first draft prepared by two members of environmental team of municipality was rejected by the environmental commission of municipal council and it had to be revised. According to the chairman of the commission the first draft was “copied from somewhere and did not give full information on the issues it discussed”. The second draft was adopted by municipal council and praised by municipal councillors. The discussion of the new program was the only occasion for the whole year for the tourism and environment commission to be summoned for two sessions.

The structure of EPP applies the guidelines of MoEW. Some parts are based on the previous program. The sources of information are the regional bureau of the National Statistical Institute, the municipal land use commission, the annual reports of RIEW on the status of environment and the local meteorological station about the annual temperatures. The draft program was submitted for comments only to RIEW and Basin Directorate. No public hearing or any kind of public discussion was initiated because RIEW advised municipal experts that this is not necessary because the program was not subject to SEA and hence no legal requirement for public participation. The access to the final document was possible online on municipal homepage or at request in the room of the environmental unit.

The rule-making of the ordinances is in the same vein. One interviewee summarized the shortcomings of poor participatory rule-making -“If it is not well grounded, if it is not well communicated, if the views of people are not considered, we could impose it much harder as a working one.” (Interview T03). The rule-making process was not community oriented because it did not build upon discussions with ordinary people about their problems and experiences but confined to administrative procedures, routines and deadlines. It resembles problem/crises management rather than systematic effort to solve environmental problems. In such a way there is no accumulation of policy – there is a problem with the illegal dumps – the municipality pays for cleaning them and solve it until the next time (Interview T03). The ordinance was drafted because the law demands it but without broad consultations it remains on paper and it is hardly enforceable.

Rule-making is related to rules' implementation and this stage is also controlled by municipal administration. The concentration of responsibilities in the hands of the administration does not allow real assessment of the on-going processes. "If you implement, finance and report at the same time you lose the real understanding what is going on" (Interview T03). The municipal ordinances and programs were criticised in the interviews for lack of assessment of their impacts (of their scope, of their effects - whether and how they are assessed and measured - Interviews T03 and T08). For instance the environmental protection program does not have an indicative part with indicators to assess progress of its implementation progress.

Closed rule-making system

The rule-making procedures in Teteven are dominated by the municipal administration. The rule-making of municipal ordinances follows the same pattern of a closed administrative procedure. The draft is prepared by the unit responsible for the subject matter and checked by a lawyer. After including of proposals or corrections by other units the final first draft is submitted to the municipal council. There the relevant commissions consider it. The commissions do the review superficially, according to a municipal lawyer, "...if not to say that they do not read it because the subject is very specialized and voluminous in the last years. The councillors are far from these issues and usually nothing happens from this review but the act of adopting it."

The last amendments from March 2010 in the environmental ordinance represent the existing administrative rule-making model. New provisions regulating the collection,

transportation, temporary storage, use and disposal of mass widespread waste were introduced. The draft proposal was not communicated formally at the homepage of municipality. When I visited Teteven in December 2009 there was no talk about public hearing or any initiative to reach out to wider groups of stakeholders, so the amendments were passed without discussion with the public. The same with the EPP - “The problem of current municipal programme comes from that type of short-sighted policy-making throughout the years, because the administration in a timeframe of 4 years should pass some kind of program. But does the program work, does it work effectively, it turns out in one moment that nobody cares. But this is fatal for any enterprise.” (Interview T03).

The municipal administrative system and informal rules also explain to a larger extent closed strategic decision-making. Many important decisions are taken at working meetings of the staff. “At the beginning of the term of the mayor there were few meetings; one could call them working meetings. Then the mayor and the deputy-mayor and the municipal council took decisions and declared their priorities. Later, when there was a possibility for application, we detailed the issues, let the management know and they replied, yes – we agree, no – we don’t agree. It is fast, operative mode; even we do not have documents for all this.” (Interview T01).

Weak civil society

The administrative processes that determine rule-making are closed and formal even under the label of public participation. The ordinary people could not relate to these documents because they possess neither palpable features nor any direct relevance to their everyday

life. As one interviewee pointed out rightly “if the NGO are not involved in the implementation, when the public is informed by the local media, not by the NGOs who are on the spot and could attract local people from the same place and only the mayor of the mayoralty is involved” (Interview T03) there are no big chances for social support and finally success in governing of the environmental issues. In addition there are not clear indicators about implementation of rules and involvement of the public (e.g. in campaigns about separate collection of waste).

Not only is the administration reluctant or not prepared for wider consultations and collaborative decision-making. The following example shows that the general public and even municipal officials do not show interest in discussion of rules. The procedure was about designating of a new protected area proceeded by MoEW through the RIEW and with local support of municipality. I attended the public hearing about designation of the protected area “Vasilyovska Planina” part of which falls in the territory of Teteven municipality. These hearings, mostly of informative character, were introduced by the new minister of environment even though not formally required by the law. However they showcased the lack of interest in the specific topic of biodiversity protection and the small capacity or interest on municipal side to make it really public (as suggested also by the PR expert of municipality). Three biodiversity experts from RIEW (see Figure 3) presented in front of a municipal environmental expert, the local cable TV and me. Not a single citizen or a mayor of mayoralty in the area covered by the protected area showed up. Despite the announcements at the cable TV, on municipal homepage and on the municipal notice board, there was no interest. No one showed up, not a single citizen.

Beside society's lack of interest in participating on environmental issues there is another threat for civil society when it is represented by NGOs. The local NGOs are in a weaker position now than during pre-accession period when American and Swiss donors were present. After EU accession these donors withdrew from Bulgaria and many NGOs hardly could find funding under new financing schemes and "feel isolated". Another problem is that many NGOs exist on paper, more than 50-60, but very few are active (Interviews T02 and T04). Without support from municipality as the largest beneficiary under OP Environment, the environmental NGOs could not sustain and many have hibernated. At least such conclusion has been drawn from the stories of two local NGOs– the Sustainability Centre of Teteven and "Priroda", Ribaritsa.

The municipal administration experts have claimed willingness to work with NGOs and to support their initiatives as "part of their job". The good cooperation with Bulgarian Tourist Union, with the NGO for walking tourism "Tsaritchina", with a scout group were given as good examples (Interview T02). In the past the administration partnered also with CSDTM (like in case of carrying out the public discussions about the regional landfill).



Figure 3 Public presentation of the Minister's order for designating a protected area for bird protection "Vasiliovska planina". The representatives of RIEW Pleven.
Source: Teteven municipality homepage.

5.6. Governance and rule-making factors

In this part the structural arrangements of local environmental governance with rules and rule-making in mind will be analysed. In Chapter III we have accepted to analyze governance as hierarchies, networks, markets and communities. In the course of field research data on all these arrangements was collected. In some cases there were more insights gathered from interviews (e.g. on networks, community). The interviews were mostly with municipal officials and NGO activists. Due to the relatively small number of economic actors at local level and limited time for the case study respondents from the businesses were not approached directly. The other reason for the choice of respondents is that environmental rule-making process happens mostly at administrative level with little involvement of other actors, including industry.

Hierarchies

Hierarchies are governance by law conducted by vertical integrated state structures, where the subnational government “enjoyed some degree of autonomy but the state never surrendered its legal authority over these institutions” (Pierre and Peters 2000). There are vertical hierarchal administrative tiers of state environmental and local authorities that play role in environmental governance. The EPP Teteven (p.30) states the following about the hierarchical subordination of the municipality: “The Teteven Municipality is under the control of the MoEW in Sofia at national level and falls in the area of operation of RIEW Pleven and River Basin Directorate Pleven, at regional level. At regional level information exchange is carried out with the Water and Sewage Enterprise Lovech, branch Teteven, Regional Inspectorate for Protection and Control of Public Health Lovech, Meteorological Service Pleven and Veterinary Service Teteven and others.” The municipal council of Teteven consisting of 21 councilors does not have own experts but plays mostly consultative and veto role. In principle it could block proposals of the mayor but under the political power balance at this council the mayor relies on the majority of his political party. The council turns into a real decision-making body only when sensitive and elaborated decisions about big political or economic interest are at stake, like the case of the regional landfill.

The municipality works closely with RIEW and the National Park “Central Stara Planina” - environmental authorities at regional level subordinated to MoEW as it was observed also during the field research. The strongest hierarchical interactions of the municipality occur in the cooperation, communication and coordination procedures with the RIEW. RIEW is also the environment authority with highest reputation for the municipality and

the most reliable source of information. The municipal administration follows the prescriptions of RIEW, of the River Basin Directorate and of the amendments in the laws (Interview T02). When the new EPP of Teteven was drafted in 2009 it was sent first to municipal council and after the approval by the environmental commission forwarded for comments to RIEW and River Basin Directorate (for Danube River Basin in Pleven). In addition the Ministry of Environment and Water provides methodological directions by issuing guidelines (e.g. for preparation of environmental protection programs).

The decisive authority of RIEW influenced in one case the decision of the municipal experts about public consultations of the new EPP when they followed the advice not to conduct consultations. On another occasion in most dramatic moment of the heated discussions about joining the regional landfill association when also an alternative of public-private partnership was optional the director of RIEW was present there and supported the establishment of the association.

Teteven as every other Bulgarian municipality is not financially independent from the state, especially when it comes to promoting local environmental policies. It relies on national (and EU) funding and capacity for many environmental projects and activities. This fact is clearly exemplified by all environmental projects at Teteven municipality. Practically all finding comes from OPs although municipality needs to advance the payments which later are paid back by the managing authority of OPs.

Networks

The governance of networks facilitates the coordination of public and private interests and resources, and enhances the efficiency of implementation of public policy (Pierce and Peter 2000). Are there such networks and coordination in Teteven? If they exist are they stable and if not, why not? Networks are usually invisible, not formalized on paper or listed in an official manner. Or if they are on paper they could be non-existing in practice. The partnerships have broadened the picture of actors beyond the administrative boundaries of Teteven. They connect the local partners with national and European institutions. Some of them were important for the capacity of the administration to govern environmental issues. One example is the partnership of Teteven with the Swiss municipality of Frutigen - both mountain municipalities with similar natural and climatic conditions. It was fruitful, as the interviewees admitted, especially for the municipal administration of Teteven and for other actors like the Sustainability Centre of Teteven. The exchange of visits of official delegations was beneficial for Bulgarian partners to develop new practices in tourism (Interviews T06 and T07). However their results and building-up of trust and friendship seemed to have gone into the archives. There is no vision at the administration about a follow-up.

“A: We...saw a lot of things...We had a partnership with Frutigen, where the resort Adel Boden is, where the big ski and big money are.

Q: Now when the official projects ceased is there an active communication?

A: No. We are done with it.” (Interview T06).

The EU accession resulted in new priorities of the administration that drifted Teteven municipality in a new direction. The partnership with the Swiss ended with the end of

Swiss funding and the accession of Bulgaria in EU²⁵. Teteven has chosen a new partnership with the Italian town Ladispoli that has reaped only cultural exchange, official visits and a project idea under OP Human Resources Development. “There is a partnership agreement signed, there is a programme for cooperation and there is a fund. Now on the agenda is development of plan for the next year [2010]” (Interview T09).

EPP in part III Analysis of management factors (p.30) claims that the municipality cooperates successfully with the neighbouring municipalities – Lovech, Troyan, Yablanitsa, Apriltsi, Lukovit, Cherven Bryag. The cooperation with the Centre for Sustainable Development, as well as with some other NGOs is highlighted as very successful. The cooperation with some of the above mentioned municipalities was enhanced with the establishment of regional landfill association. The lengthy procedure depicts Bulgarian municipalities as institutions slow in cooperating in mutual benefit. Only recently, in 2008 -2009, after a row of consultations with MoEW and heavy negotiations with other municipalities progress was made. Teteven’s demands were satisfied and the association was established (as the last in Bulgaria according to the chairman of environmental commission of municipal council). Not so successfully continued the cooperation with the CSDTM which was closed and I have not observed or heard about any efforts for its revival on the side of the municipality or of the NGO.

²⁵ The partnership was denounced formally by the Municipal council of Frutigen in 2010 due to the Bulgaria’s accession in the EU:
<http://www.frutigen.ch/sitemap/online/navigation/frame.cfm?DomainID=263&LanguageID=1&UserID=0&FolderID=0>.

In Teteven municipality there is a network of young experts with similar working attitudes and practices, with modern education and specialization. Their tasks are new for the traditional municipal administration - environmental protection, EU integration and EU projects. All members of these units in Teteven are young people. They are enthusiastic and have brought in air of change and commitment. They are able to work overtime even without compensation. I personally witnessed how the head of a unit Marian Alexiev being on holiday came to work at noon and left around 8 p.m. - a full working day on a day off. Still these experts are not independent or senior enough in municipal hierarchy to influence and correct the main policy trends. However they influence the day-to-day operations and some governance choices. The municipal experts have good relationships with their colleagues from neighbouring or similar municipalities that they used in rule-drafting. „We keep in touch with colleagues from close-by municipalities, with municipalities similar to our population, our potential, budget, etc. with similar municipalities, we consult, how they perform a certain activity” (Interview T02). “We look at similar municipalities in scope and capacity. We choose, do the reading, do some analysis and decide how to structure our (ordinance) taking into account our specifics.” (Interview T08).

Two national associations – BAMEE and NAMRB comprise networks with relevance for this case study. Marian Alexiev, the head of the EU integration and EU projects unit is a member of BAMEE and was participant in a study visit to England initiated by NAMRB which resulted in establishing of another professional association of municipal EU experts.

Community

Community initiatives and involvement, discussions and public debates on environmental rules are exceptional. There were instances of public discussions of regional landfill – 4-5 meetings in 2008 conducted jointly by the municipality and the Sustainability Centre of Teteven. One reason might be the lack of acute environmental problems such as industrial pollution that mobilised the citizens of Stara Zagora when the city was polluted by the nearby thermoelectric power plants and military polygon.

The community campaigns are mostly initiated by schools in the municipality on significant dates like the Earth Day. I have followed for more than 6 months, between December 2009 and June 2010, the news from municipal homepage to identify such initiatives and practices. There were not so many and two of them happened exactly on the Earth Day. The pupils from the primary school Georgi Benkovski in village Cherni Vit celebrated it in 2010 and took part in various activities – collecting garbage from the river under the motto “That’s what we caught in our river” (see Figure 4 below) or collecting garbage from the school yard and surrounding areas. At the same day the municipality organized cleaning-up actions with the schools in the town. Members of the eco club at the professional high school for forestry and woodworking partnered with kindergartens and a primary school and took part in cleaning-up of two rivers.



Figure 4 Earth's day in Cherni Vit village.
Source: homepage of Teteven Municipality.

Although cases of civil engagement these campaigns do not contribute to resolving problems in a long-term and to strategic decisions of community importance. “[If] we have cleaned the rivers, so what? They will be the same way next year. This means there is no policy accumulation.” (Interview T03).

Beside these campaigns the activities of NGOs express and represent the society's voice. What is the role of NGOs- local and national- in Teteven? Could they as representatives of the community “decide on matters which can be better resolved by members of community” (Pierce and Peter 2000)? One interviewee recollected his experience with environmental NGOs in Teteven from 2000 on. “The NGOs led by their leaders had found a problem, started working on it, produced a document or activity and generated social benefit. Then they searched for another problem, but this is like a puzzle, actions in various directions. ... in the period 2007-2009 they (NGOs) either have disappeared from public life, or are at the edge of survival, or are capsulated in the moment. They do not

generate benefits and do not implement activities” (Interview T03). The lack of funding has been critical for survival of NGOs according to a representative of “Priroda”, Ribarista - “without money it does not work, the park stepped down, nobody supports us, nobody invites us as partners, does not lend us a hand. Now there is also co-financing [by the NGO] and it is very hard ...” (Interview T05).

Under the previous mayor when the municipal development plan was discussed the NGOs played reportedly more important role. “For the municipal development plan we got together – about 200 people. Everybody was invited, everybody knew [about it]” (Interview T05). The good lessons seem to be forgotten and accumulated experiences wasted. The process of drafting of the MDP resulted in broad participation and involvement of people and institutions. However, it was not replicated in any way in the development of EPP. One reason might have been that there was change of environmental experts and the new head of the unit was inexperienced by the time of the initiation but the same story happened in Dobrich where there was no change of the leading experts. The municipalities still do not enforce active collective-choice decision-making unless required by law or because of the significance of the document (the municipal development plan stands higher on the agenda and in planning hierarchy). One new EPP could be passed without much noise because nobody pays attention to it outside the municipal building. The local NGOs in Teteven are not an alternative centre of power and decision-making and do not even play observers’ or watchdogs’ role. The national NGOs do not have experience or capacity to push for changes everywhere. They are not involved in drafting

of such strategic documents like EPPs or even less so in local law-making where they do not have also formal tools to participate.

In Teteven there are not formal community environmental forums (committees, councils) for collaborative environmental decision-making representing all stakeholders. The municipal council and the commission on environment are the only permanent bodies with public representative functions but they are also part of the official local government. Mostly they rely on the expertise of the municipal experts. Local people raise environmental concerns when economic development interferes with their own interests. This was the case in Ribaritsa, where people after having built their houses did not want new developments because the preserved nature and landscape is part of the touristic product. Despite the established traditions in environmental protection and the attachment of people to their place and nature the lucrative deals for a piece of land could not be easily put off.

Markets

The waste management is the largest domain of local environmental governance where the economic actors are the mostly interested and seek for service contracts on waste disposal, transportation, cleaning of the streets, landfilling and separate waste collection. The waste management programme sets the framework for municipal waste management policy to reduce the environmental impacts, caused by generated waste, to improve the effectiveness of the resource utilization, to increase the responsibility of the polluters and drive investments in waste management (WMP Teteven, 2 and Interview T02).

The municipality contracted Eco-Titan LLC to carry out waste collection, transportation, street cleaning and maintenance of green areas. The municipality has commissioned the company Ecopack for separate waste collection in 4 main settlements – Teteven, Ribaritsa, Glojene and Bulgarski izvor. The intention is to expand this service to all settlements. Separate collection does not impose financial duties on the municipality that does not need to invest in equipment and services but only to provide the company with lots for installing of the containers. A contact for treatment of end-of-life vehicles has not been implemented yet because of lack of funds. In the summer of 2010 the head of municipal environmental unit predicted that soon they will run a campaign for removal of the old vehicles from the streets.

The market of consultancy services is also well developed with large funds available under OPs and foreign companies contracted to support the Bulgarian municipalities. Regarding the regional landfill there were two international consultants – Ramboll and EPTISA and their local partners. Under the first contract a regional landfill association was established and under the second one – the application forms for the construction of the landfill prepared. The choices and actions of the municipality are not only shaped by formal rules and strategic documents but also to by the financial schemes of OP Environment, OP Regional Development, Rural Development Programme and OP Human Capacity Development. Only two projects out of 31 municipal projects are not tied to these schemes – one on-going project of UNICEF and one project idea for funding by the MoEW's environmental protection management enterprise. EU projects and hence their

rules (about what, who and when) prevail at local level. It is the “only game in town”. According to the annual plan for 2010 of the EU integration and investment unit for on-going projects or projects at the homepage of the municipality in the pipeline there are 31 in total - with 17 on-doing or waiting approval and 14 project ideas (see Table 5 below). From the on-going projects 8 are closely related to environmental protection and infrastructure – mostly on water management but also on waste management, forestry and tourism infrastructure which in case of Teteven is of high importance for preservation of natural resources. The projects waiting funding consist of 5 projects that concern environmental protection including again tourism infrastructure.

Projects	Environmental	Specific environmental field	Comments
17 ongoing	8	water management waste management forestry -1 tourism - 1	Only one is not funded under EU funds schemes, by UNICEF
14 project ideas	5		Only one project idea to be funded by MoEW environmental protection enterprise

Table 5 Projects of Teteven municipality (as of 2010).

5.7. Europeanization

The Europeanization has marked the rules and practices in Teteven at least with the rules followed or created locally and with EU funds available for local authorities. The formal legal rules at national level are adopted in specific areas of regulation (e.g. in biodiversity) and the administration, businesses and citizens at local level should comply with them. These rules contain the requirements of EU legislation transposed into the national legislation and no formal opposite local rules could be introduced by the local authorities.

Municipalities could legislate in areas delegated by the law and in most cases pertaining to EU-driven rules (e.g. in waste management).

The other face of Europeanization – the rush for EU money via EU Structural and Cohesion funds under the OPs has mobilised all the administrative and financial potential of the municipality. “It’s now or never”. The municipal administration has been preoccupied with EU funding recently to make the best use of incoming EU funds. The amount of funding is in times higher than the whole municipal budget (about 11 mil. BGN/5.5 mil. EUR for 2010) whereas only the water cycle project is for 40 mil. BGN. According to the mayor²⁶ projects for 19.5 mil. BGN have been implemented in 2010. These investments are critical for the quality of life and for political image of the municipal leadership.

The EU money and rules for spending them led to recruiting of new people, to establishment of a new EU unit and provoked shifts in the powers of actors as the decline of local NGOs and appearance of consultants. At the municipal administration a unit of 3 people deals with EU projects. The EU experts shared that they feel isolated because they work at different speed while their colleagues follow the routine of the small town where nobody is in a big hurry. “Sometimes we are the most hated because we need to push our colleagues to work within tight deadlines. Sometimes we need to prepare a project proposal for three days” (Interview T01). The local NGOs (Sustainability Centre of Teteven and others) are among the losers from the EU funding. The OP schemes do not

²⁶ <http://new.teteven.bg/index.php?mod=news&id=239>.

provide many opportunities for them. Their capacity is declining because they could not find their place in this new game not only due to the closed administrative system of the municipal project management but because of their limited resources or sometimes because of lack of active interest and ability to pressure the administration.

The administration contracts external experts and companies to prepare applications or work on projects. Some of these experts used to work for NGOs and now have become private consultants. “On projects we work with consultancies. They have very good experts. With 30-40 experts covering every area” (Interview T02). The NGOs expressed allegations that municipal management prefers its “own” experts. I did not investigate this issue since the exploration of corruption practices is outside the scope of the research. In any case at local level there are more chances to create a circle of local partners and “preferred” companies. On the other hand, the experts need to meet some formal requirements for experience.

“Q: Is there any restriction to work with NGOs?

A: No. They only need to have experience. We simply chose those who have experience. All the municipalities work with consultants.” (Interview T01).

Other obligations regarding EU policies abound in the most local environmental policy – waste management. The regional landfill project required establishment of a regional municipal association for construction and management of regional landfill. This requirement led to a series of political and expert initiatives, debates and decision-making. In Teteven I have encountered this problem as the most vibrant and overarching, binding

together experts, politicians, citizens, NGOs. The interest of municipality to get good conditions before joining the association was the most contested issue. The municipal council held a special public session. The Sustainability Centre of Teteven was also involved with organizing public discussion (forums) about the regional landfill.

EU rhetoric has become main part of the political talk at municipalities. The leaders of municipal administration and council (the secretary, the chairmen of two commissions) praised EU and underlined its contribution to better environment – investments in facilities that cost millions - wastewater treatment facility of the town, the regional landfill in Lukovit which will serve Teteven. Such attitude is not surprising given the staggering scale of investments (e.g. about 20 mil. Euro for water cycle). It creates good image and reputation of local government if we take only political dividends.

The changes in practices and choices of local actors in Teteven take form of download Europeanization - changes in policies, practices (e.g. the participation of the municipality in EU-wide initiatives like GreenLight), preferences and participants within local system of governance, arising from negotiation and implementation of EU programmes (Marshall 2005). No case of upload Europeanization – transfer of innovative practices to supranational level – was found. The full focus on EU projects drains the capacity of the administration and local people to develop their own capacity or initiative rooted in local circumstances and embraced by local people and community. “If they [local people] will work on it, it will last. People need to get a feeling of ownership and do not accept measures forced from outside which they do not understand. Another problem is that the

administration is aiming fully at generating value from European projects, but it gets empty for capacity at administrative level.” (Interview T03). Such statements could be tested soon when the outcomes of the projects will appear and then the burden and price of their management and maintenance of the infrastructure will fall on local authorities and local tax players.

The Europeanization is not only about money and projects. It brings about a heavy bureaucratic burden for municipal experts. The national administration is far from the local realities and overburdened with tasks and political pressures. The lack of knowledge about what is going on the ground, the enthusiasm and idealistic approach of national experts in the negotiations with EU was pointed out by the local respondents. For example, the obligation for closure of illegal municipal landfills was negotiated with effect after June 2009, whereas Romania negotiated for after 2013. These experts and the state policy obviously have not taken into account the local circumstances - “what kind a machine, what kind of procedures, that kind of clumsiness, what kind of organization, what kind of coordination” (Interview T01).

5.8. Summary

The environmental protection at Teteven municipality is conditioned, on one hand, by its nature beauty and resources – mountains, forests, rivers and rich biodiversity. The people are closer to the nature than the most Bulgarians living in bigger cities. Half of the municipal population lives in villages, some of them high in the mountains. The nature is sometimes their only real asset and source of livelihood. On the other hand, all this

happens in governance space ruled by authorities and other actors. The actors' constellation is not as complex as one might predict. The environmental rules and rule-making show a simple overall picture of environmental governance on the ground. The most influential actor is the municipal administration led by the mayor who even in his first term proved to be a strong and charismatic leader. He also enjoys the support of municipal council where his party forms the largest political group. The environmental unit of three experts deals on daily basis with environmental protection in routine communication with colleagues at the administration, with regional and national environmental institutions and with citizens. The unit initiates and drafts the environmental rules, in close cooperation with lawyers on municipal ordinances. The municipal council resorts usually to veto power such as during the discussion in the environmental commission of the first draft of EPP. Otherwise the commission and council rely for the real work on rules and priorities to the mayor and his team.

Some local NGO like the Sustainability Centre of Teteven and "Priroda", Ribaritsa have rich institutional background and implemented various projects in the last 10 years. In the recent years they got into a weak position vis-à-vis municipal authorities. They have been practically closed down or suspended their operations. Initiatives are undertaken by schools and tourist NGOs but they are not decisive in the policy and rule-making process. After joining EU NGOs in general have little access to EU funds and "in the period 2007-2009 they either have left the public life, or are surviving or capsulated in the moment". (Interview T03).

The formal rules at the municipality confine to a single environmental ordinance that comprises all aspects of environmental protection delegated to local level - from waste management to biodiversity protection. This is a good approach of codification of local rules. Recently the ordinance was amended with a new chapter on mass spread wastes. The environmental protection programme and the waste management programme are the two main strategic documents as strategic rules for Teteven, not legally binding but important for the administration. The rules explicitly put forward the legal and implementation powers of the mayor and the municipal administration. This holds true both for formal legal rules and for strategic and other informal rules.

The rule-making is conducted by local government structures. The owner of the process is the municipal administration and the drafting process follows internal routines and practices. During the field research in 2009-2010 two rule-making processes occurred – the drafting of new EPP and of the amendments of municipal environmental ordinance. They underwent the usual administrative procedure of drafting, internal coordination among units and approval by municipal council. No strategic institution or forum with long-term perspective alternative to municipal administration – e.g. commission/committee/working group on environmental protection/sustainability took part in it. In this sense municipal council is the only actor that represents in some way the broader interests of the community outside the administration. The NGOs that theoretically could support and contribute to the rule-making process are not actively consulted. Often decisions are taken under the pressure of national and regional

environmental authorities. This was the case with regional landfill association which was commenced only in 2008-2009.

The new EU times have brought along new challenges and threats in the Bulgarian municipalities like Teteven. The driving force and priority for municipal administration is EU funding. It provides money that meets its strategic needs of municipality for investments in environmental infrastructure. The Europeanization reinforces traditionally strong positions of local government in Bulgaria and downplays non-governmental organizations and other external actors. The new financing rules for OPs coupled with the brain drain in direction to the bigger towns and private companies cause severe deficit of active local civil engagement. At least two strong and experienced NGOs used to be community leaders and implemented environmental projects and activities - the Sustainability Centre of Teteven and “Priroda” Ribaritsa,. “Priroda” trained thousands kids per year from the whole country in environmentally friendly behaviour and survival in the forests. The municipal administration has employed 3 environmental experts whereas only the Centre in its best year had 10 people staff. Now both NGOs do not perform any public activity.

The most important municipal environmental projects of Teteven aim at investments in water and waste management infrastructure because of the dare situation of wastewater systems in the municipality and of the pressure of the EU requirement for Bulgaria to comply with the obligations for wastewater treatment facilities above 10000 equivalent population. The municipality has not gone beyond the priorities of the OP Environment. It

does not even consider seriously one of them – biodiversity protection. No projects on biodiversity (beside one on forest recovery of 200 ha. forests damaged by fires under the Rural Development Program) have been initiated. This supports the claim that “the environmental protection does not bring along good political assessment, assessment from the society” (Interview T03). The lack of policy on biodiversity protection, soil protection, or on imposing fines in waste management confirms such a claim. In general, environmental protection is not politically beneficial term beside the investments in infrastructure and the municipal management has not taken up the task to formulate and promote much stronger and independent local environmental policy.

VI. The case of Lukovit municipality

6.1. Introduction to the case

Lukovit municipality is the second case of a medium-size Bulgarian municipality of rural type analysed in this dissertation. The case study focuses again on actors, substance of environmental rules and process of rule-making to explore local environmental governance. In addition comparative analysis with the neighbouring municipality Teteven is drawn. The two municipalities are close in terms of size, economic situation and social capital. They face similar social, demographic and economic challenges. Nature and landscapes in both areas are quite different, though. In contrast to the forests and mountains in Teteven, here the average altitude is 306 m. and karst formations like valleys and caves prevail. The research on Lukovit preceded the field visits to Teteven but the time spent there was shorter. The comparative mode of the two cases uses the first case of Teteven as a strong reference point to assess data and findings from Lukovit case.

At first sight the town of Lukovit does not provoke any appealing impressions. Outside the downtown with its four-star hotel Diplomat Plaza, municipal administration building and the town park around the church everything looks run-down and designed in an old socialist time' fashion. There is a sharp contrast between the main square and the outskirts of the town where another hotel Diplomat Park is located next to industrial buildings and dusty roads.

I visited the municipality in September 2009 and in July 2010. The mayor and his administration provided me with good working conditions and with one exception I conducted all interviews – planned or suggested in the course of research. I had meetings and talks with all important decision-makers and experts concerning local governance and environment protection. All documents I have studied are available online and I was able to work on them before and after the visits.

6.2. Lukovit as a case of Bulgarian municipality

Lukovit is located to the north of Stara Planina Mountain along Zlatna Panega River with plain terrain in contrast with the mountain landscape of Teteven. The territory is 454,225 sq. km. and the population 20 855 people. The administrative center is the town of Lukovit with population of 10 787 people²⁷. The main road between Sofia and Ruse crosses the town. Lukovit is 110 km. away from Sofia with good connections to the next big cities – Pleven and Lovech. The municipality consists of the town of Teteven and 11 settlements. It is part of Lovech province (oblast).

According to the Municipal Development Plan 2007-2013 in Lukovit municipality there are few large enterprises including industrial factories, one of them a new Austrian investment. Wienerberger invested 25 mil. Euro to “build the most modern ceramic plant in Europe, meeting the latest standards for energy efficiency, environmental protection, occupational health and safety.”²⁸ It was opened on 28 May, 2008 by the Bulgarian prime

²⁷ Municipal homepage: <http://www.lukovit.com/en/>.

²⁸ http://www.lukovit.com/bg/index.php?start_from=480&ucat=&archive=&subaction=&id=&.

minister. Among other businesses are production of corrugated cardboard and corrugated cardboard packaging, electrical household appliances dealer, manufacturing of fashion clothes, manufacturing and export of detergents and cleansing agents. The strategic location on the road E 83 that connects Sofia with Northern Bulgaria and Romania is one favourable factor for business development although might be expected to lose its potential when the new highway Hemus Sofia-Varna will be in operation and bypass the town. The tourism is one of the promising avenues for further economic development of the municipality. Beside the traditional visits of cultural and historic landmarks there is big potential for nature and adventure tourism – water sports in the river canyons of Zlatna Panega River, spelunking in the Karlukovski karst complex where some of the most attractive caves in Bulgaria could be found. 240 caves have been explored and 6 of them and two cliff formations are designated as nature landmarks according to the Law of Protected Areas (Art.23-25). The first Geopark on the Balkans is a magnificent nature attraction and asset. In the last years three hotels were opened, one of them the 4 star Diplomat Plaza. According to the chairman of the environmental commission and owner of Diplomat Plaza Hotel the Bulgarian tourism could be competitive if promoting its wonderful nature, preserved ecologic diversity and ecologically clean products – honey, Bulgarian cheese (sirene) and milk.

The municipal budget for 2010 amounts to about 9 mil. BGN with an investment programme for about 400 000 BGN. The investments needed for development of modern environmental urban infrastructure are beyond municipality's own resources. For that reason as in the case of Teteven the major investments in public sector in environmental

infrastructure are funded under the OP Environment – the regional landfill and the integrated water sector.

6.3. Environmental context - resources and problems

The nature in Lukovit is quite different than in Teteven but still striking with its diversity.

There are not mountains but hills and instead of big forests there are great canyons, caves and cliffs. The agricultural land is prevailing with higher percentage than the country average (70.30% against 58.7%) whereas the forests cover less space than country average (EPP Lukovit, 5). One landmark of these phenomena is displayed in the Geopark area which includes geologic and geomorphologic heritage from the karst area of Karlukovo and Panega River (see Figure 5). The caves are nature wonders that have been stages for concerts and sets for movie productions that require pristine background. Prohodna cave (see Figure 5) has unique shape of eyes on its ceiling (which gave its other name – the Eyes).



Figure 5 The canyon of Panega river.
Source: Lukovit municipality homepage.

The municipality has rich biodiversity that is not well studied (EPP Lukovit, 16) with unique and diverse flora (some of the species are endemic and relicts) and fauna – birds, fish (30 species) and mammals. Here is one of the two main habitats in Bulgaria of imperial eagle (*Aquila heliaca*) included on the IUCN Red list as vulnerable and one of the three habitats of the steppe eagle (*Aquila nipalensis*). This biodiversity richness is the reason to have three NATURA 2000 protected areas within the territory of the municipality designated in 2007: Karlukovski karst under Birds Directive 79/409/EEC, Bulgarski izvor under the Habitats Directive 92/43/EEC and Studenets under both the Habitats Directive and Birds directive.



Figure 6 Prohodna cave (The eyes).
Source: Lukovit municipal homepage.

Even that the pressure of economy is not too acute in Lukovit there are other problems to be addressed by local environmental governance. Environmental protection programme (EPP) of Lukovit municipality gives partly some answers. Its timeframe is until 2010 and environmental background situation presented there is according to data mostly from 2004. By the time of field trips there were not any newer official documents that could provide fresher insights into environmental conditions and problems. So the interviews added valuable information to compile the picture.

At the municipal homepage²⁹ and in EPP could be found discussion of the main problems.

The main weaknesses identified by EPP (p.59-60) are:

- lack of enough financial resources;
- irrational use of natural resources;
- work “case by case” – a systematic approach is not applied by solving the problems;
- insufficient administrative and organizational capacity in environmental field;
- poor knowledge of the existing options for financing of projects in this field;
- lack of any monitoring and control on the territory of the municipality and lack of municipal one;
- flow of wastewaters in the rivers;
- landfilling of waste;
- water loss from the water –conduits;
- no wastewater treatment plant.

The administrative, financial and organizational factors for better environmental governance will be discussed in the next sections. The main improvements are due to EU accession and available funds addressing the problems of wastewater treatment, landfilling, and of waste management in general.

One of the usual environmental protection problems not mentioned in EPP is air pollution. Although in general local industry does not pose any substantial pressures on air quality

²⁹ <http://www.lukovit.com/en/ecology.php?show=status>.

the main road Sofia - Rousse crosses the town and is a big source of pollution. The most deteriorating effect is claimed from the cement factory in the village of Zlatna Panega located on the territory of a neighbouring municipality - Yablanitsa. Soils were contaminated by illegal dumps with construction and household waste and were cleaned up only in the last years (Interview L03). There are contaminated sites around Karlukovo because of the production of lime that need cultivation (EPP Lukovit, 14). One acute problem with old pesticides was resolved with moving them to a safe storage in the village of Karlukovo. The project was funded by the National Environmental Protection Management Enterprise.

The waste management is characterized with upgraded infrastructure and services but also with problems with landfilling after the closing down of the illegal village dumps. The main contractor for waste collection and transportation is the private company Aston Service Ltd. The waste transportation equipment and containers for waste in Teteven are in a very good condition and new ones have been purchased³⁰. The waste collection according to the deputy mayor covers 100 % of the territory of the municipality. Technical assistance under ISPA supported two stages of preparation of an investment project for regional landfill in Lukovit which should solve the landfilling problems for all 5 municipalities and create a better waste management system in general. "The leading municipality is Lukovit because it [landfill] will be at our territory with all pluses and minuses" (Interview L02). During the first stage a municipal association of five municipalities was established in

³⁰ According to municipal council's decision of 22.04.2008 the council approved purchase of 56 new waste containers by Aston Service ltd. and the costs for their maintenance.

February 2009 to take over the ownership over the future landfill. The next step comprised preparation and submission of application form for funding under OP Environment. The latest data from Lukovit analysed in the dissertation [October 2010] showed that the application form was submitted to the Managing Authority of OP Environment at MoEW.

6.4. Local actors

Mayor

The mayor of Lukovit Mr. Peter Nichev serves in his third mandate, the first one starting in 1999. His political affiliation varied in time – but in general he was closer to the left wing parties although during the last two election campaigns he was running as an independent candidate. He has strong academic and management background as an assistant professor, manager of a bank and of textile factory. He was praised as a strong leader and extraordinary economist with vision and perspective anticipating the changes and sometimes thinking ahead of the state policy like concerning the education reform of local schools (Interview L07).

At the two short interviews with the mayor he confirmed that environment is high on the agenda of the municipality. The main problems according to him were the resources, competences and capacity at local level. “The mayor has many responsibilities and limited resources to implement them”. He also underlined the importance of the new regional landfill for the region as a priority for the municipality. The mayor has been actively

engaged in the regional landfill development. He became a chairman of the new association and its strongest supporter in front of the other municipalities.

Municipal administration

The mayor of Lukovit is assisted in his work by one deputy mayor and four heads of two specialized and two general directorates. Two environmental experts are under the supervision of the deputy mayor but do not work at the same administrative unit unlike in Teteven. The first expert has been community green areas specialist at the municipality for 12 years and combined the position of environmental expert with other duties like social programmes for temporary employment. Only since 2009 a second environmental expert was employed to work for Sustainable Development and European Integration Directorate. “Until recently now we did not have an expert with pure environmental functions. The previous expert was with functions in community green areas” (Interview L05). At the time of my field visits and later in the follow-up communication I observed that there is no coordination between these two experts (e.g. the one I interviewed did not know whether his colleague was on vacation or not (Interview L01)). The new expert was appointed formally as executive director of the newly established regional landfill association. His most pressing obligations on two main environmental projects - the regional landfill and integrated water cycle have prevented him sometimes from dealing with routine duties or even with more strategic issues like drafting of new programs (of environmental protection, ambient air protection and energy efficiency).

Two eco inspectors were employed in 2009 to control the implementation of municipal ordinances and report to the environmental experts. They had to “keep a close watch on household and construction waste” (Interview L01) and „reprimand the offenders and warn them against littering” (Interview L03). In the end of 2010, beginning of 2011 a project for professional education funded by OP Development of Human Resources has been implemented to train 19 people for eco inspectors and 15 of them later to be employed for at least one year (10 people in 10 settlements of Lukovit municipality and 5 people in the town). This is a large initiative with impacts and outcomes worth studying since it outgrows the usual local capacity and practices. However within the timeframe of data collection for the dissertation only the overall idea could be assessed. Under an improved control capacity of the municipal administration the implementation of environmental rules and the prevention of environmental damages could be better achieved.

Municipal council

The municipal council of Lukovit consists of 21 councillors. Environment protection falls in the competence of the commission on town and land planning and ecology. Similarly to Teteven and other case municipalities no separate commission deals only with environment. The *municipal council* and municipal administration as the main driving forces of LEG in collaboration with non-governmental sector and with other institutions on regional and national level (emphasis added, EPP Lukovit 2006, 61). According to the chairman of the environmental commission (a leading businessman), good ideas are hard to implement due to financial and capacity limits of local authorities. According to him the

most important decision are taken anyway at national level and the municipal councils at local level could only vote to authorise municipal administration to deal with these issues. He provided an example of the personal devotion of councillors to the prosperity of municipality. Together with other colleagues they donated all their payments as councillors to the municipality.

The capacity of municipal councillors to provide substantial contributions into the rule-making is claimed to be low. According to a councillor in his third mandate in the current municipal council at least 6 people are without [higher] education and so they could not be of any help for the municipality to council the administration on anything. He maintains that “a strong municipal council means strong municipal administration”. Compared to the previous two assemblies the current one is the least active, does not propose initiatives and because of this the administration also “sleeps”. If a councillor tries to put forward ideas, to observe the work of the administration, he/she could become detested and many obstacles could occur (Interview L07).

NGOs

The NGOs in Lukovit are less visible and active in the environmental field than those in Teteven. The respondents did not point out at any strong local environmental NGOs. The municipal homepage lists three NGOs with somewhat environmental goals – Diplomat Balkan Centre for training, Unique Nature and Paths of Time – are listed. The first one is affiliated with Diplomat hotels and their congress and training activities. The other two are connected to one local leader and businessman – Mr. Vladimir Daskalov. He stand behind

the idea and realisation of Geopark Izkar –Panega project implemented with the financial support of the PHARE Program “Development of Bulgarian Ecotourism”. This project for biodiversity and landscape protection is an excellent case of leadership outside official authorities that was supported by the municipality and became a landmark of municipal achievements. Its goals include establishment of “the first Geopark in Bulgaria as a tool for promoting the national geotourism potential at European level through the European Networks of Geoparks; to create an integrated tourist product based on a mosaic of various national landmarks from karst regions in the Municipality of Lukovit and to raise the attractiveness of natural heritage while at the same time promoting sustainable tourism development and preserving natural resources for future generations”.³¹ Municipal Development Plan (p. 71) emphasises the potential of Geopark which needs further promotion and development as a valuable asset of the municipality.

In Lukovit were realised also other donor sponsored environmental initiatives for the community like the opening in February 2005 of an Ecocenter³² at the High school Aleko Kostantinov under a project “Higher respect to environment” of SPA Programme of the Peace Corps. At the opening ceremony the mayor, the Peace Corps director and the American volunteer who initiated the project were present.

An investment proposal for a golf course near the protected area Karlukovo attracted the attention of national environmental NGOs because of its potential damages to the biodiversity. At the Supreme Environmental Expert Council to the Minister of

³¹ http://geopark-bg.com/e_index.html.

³² Eco center - <http://www.lukovit.com/bg/ecology.php?show=ecocenter>

Environment and Waters that decides on EIA of national importance a representative of the NGO community questioned the EIA report's conclusions. As a consequence an independent study was commissioned that overthrew the EIA report's conclusions and confirmed the significant negative impacts of the development on the habitats and species under protection in the NATURA 2000 area. Such a case shows the need of coordination and pooling of resources between local and national environmental NGO to achieve better representation of the interests of the community and at the same time better environmental protection at local level.

National associations

The national associations NAMRB and BAMEE discussed in the case study of Teteven have not emerged as key players in governance and environmental rule-making in Lukovit. The only detected connection with Lukovit is the membership in BAMEE of an environmental expert who claims that the long-term relationships with the association have been very useful - "when one turns to them always could get information" (Interview L03).

6.5. Main environmental rules

6.5.1. Legal rules

The local environmental rules have grown rapidly in volume and topics during the last 5 years. An environmental expert with long experience stated that "in the beginning, 12-13 years ago, things were weak in the field of environment" (Interview L03). Three ordinances rule the environmental field: one general (on public order, traffic safety and

cleanness maintenance); one on waste management and cleanness; and one on green system. The general ordinance (referred to as Ordinance No.1 in all municipalities because it was the first local ordinance introduced) contains detailed rules about keeping and maintaining of cleanness on the territory of the municipality by imposing obligations on municipal administration, managers of private companies and citizens. In addition the coordination between municipal administration, police and health authorities is regulated. The rules reflect the rural specifics of the municipality and apply to specific circumstances like winter and summer conditions. They are clear and enforceable guides for action of the concerned entities and individuals. The sanctions are in the range of 50-500 BGN. These rules and the prohibitions of the ordinance are updated periodically (Interview L03).

The scope of waste management ordinance overlaps with the general ordinance because it also regulates cleanness maintenance. The ordinance constitutes rights and obligations for the mayor and legal entities and individuals concerning waste management of solid household, construction, industrial and mass-spread waste, financial provisions for waste management activities and services as well as it regulates the control and sanctions. It contains very detailed and descriptive rules that provide for organization of the functions of persons and authorities as related to various waste types. The rights and obligations of the mayor are listed in 17 points of Art.2. The sanctions are in the range of 50-600 BGN.

The green system ordinance regulates the planning, building, sustainable maintenance, protection and development of green system at the territory of Lukovit municipality. The rules of the newest ordinance on the green system (the green areas for public use like

parks, gardens and street green areas) are very advanced. The authorities vested with governance functions are the municipal council, the mayor of the municipality and the mayors of the settlements. This is a good example of local rules which empower formally municipal council with specific powers - to manage the quality of green system (Art.3). Even the permanent commission on town and land planning and environment is empowered under the ordinance to draft terms of reference for detailed town planning. The sanctions are the highest compared to other two ordinances – between 50-500 BGN for individuals and between 100-2000 BGN for companies.

6.5.2. Strategic rules

The development of Municipal Development Plan (MDP) of Lukovit 2007-2013 attracted more local actors than the specific environmental rules. The municipal administration assisted by the consultant “Balkan Assist” facilitated collaborative decision-making process of public consultations and discussions which resulted in broadly accepted priorities and aims. The process of drafting was publicly announced and discussed in advance. Four expert working groups (one on environment) were set up. The groups came up with priorities, aims and measures that were discussed at a joint expert meeting and agreed upon. As a final step the consultants facilitated public hearing for the community – citizens, prominent local leaders, business representative and students - about 80 people (Interview L05). The open collaborative decision-making procedure resulted in a document with good balance between background information and analysis with high importance for the municipality. “The plan is followed up so that things could really happen in Lukovit. The citizens, the public and the business want it to happen. [We]

have taken into account the resources, location and people we have at our disposal...”
(Interview L05).

Municipal administration was able to prepare a comprehensive plan in the case of MDP covering many policy areas. Conversely, in the environment field the administration not always seeks to pool resources and to get societal and political support, and as a result in most cases a merely administrative (“empty shell”) document occurs. The interest in rule-making of MDP is higher; the processes more open to other actors and not limited only to contributions on environment where few people have such knowledge and background.

The MDP has a lengthy section on environmental protection. 11 pages (part 2.5.) are devoted to environment – air quality, waters, soils, biodiversity and waste management. After reviewing the main facts and threats to environment the plan discusses the application of administrative-legal measures in environmental governance and draws conclusions from the analysis of the conditions and tendencies in environmental protection. The proposed measures refer to the waste management programme but also include own basic measures like construction of a regional landfill, maintenance of green areas in the municipality, use of natural gas and decrease of noise and air pollution from the traffic. Priority is given to the air and water quality due to the road traffic and the operation of the cement factory in Zlatna Panega in vicinity of the municipality. The cross-references with other municipal environmental planning documents are clear and informative.

Environmental Protection Programme

The programme covers the period 2006-2010. It was drafted by the Sustainability Centre of Teteven with the expert support of the municipal administration and RIEW Pleven, experts from water utility company and the health authorities (EPP Lukovit, 1). The first part analyses environmental background information followed by a review of governance, financial, economic and demographic factors. One third of the programme comprises a list of donor sources and financial opportunities for funding of environmental projects. The SWOT analysis, the goals and priorities are shortly presented in the end of the document. Some paragraphs are too general and not related to local conditions and capacity. The annual reports on the implementation of EPP are not publicly available but rather comply with the formal procedure of reporting to municipal council and RIEW. The EPP expired in 2010 and until the end of that year no process of collaborative decision-making for the new program was commenced.

Waste management program

The waste management program was the first environmental rule of strategic nature introduced in Lukovit. “What we did first was the waste management program. In 1998.” (Interview L03). The most recent program 2006-2010 was prepared by the municipal administration whose experts possess the needed capacity and experience. This was possible because the municipal experts were trained in drafting such programs. Compared to the Teteven program the local one is three times shorter. It has much shorter general environmental, economic and demographic background sections and focuses on existing situation in waste management and on dealing with specific waste types like end-of-life vehicles and packaging waste. The main measures for the planning period are the

development of regional landfill and organizing of separate waste collection (WMP Lukovit, 23).

The participation of other actors like economic operators should happen under contracts on separate waste collection and packaging waste treatment. The public participation is underlined as main principle of WMP but in the action plan only two concrete activities—ecological education and public cleaning campaigns - are envisaged. The WMP expired in 2010 and municipal administration expected the support of a consultant who worked on regional landfill application forms to draft the new waste management program. The new program should comply with the provisions of regional waste management program.

ISO 9001

The municipality was one of the first municipalities in Bulgaria to introduce ISO 9001. According to a senior staff member the municipality decided to apply only these modules that could be „tracked, implemented and corrected, so that if there is a breach, we could undertake corrective and preventive activities” (Interview L05). As a result the administrative and legal services, town and land planning and local trade regulations (e.g. issuing of trade permits) are managed according to ISO 9001 standard. The interviewee compared the ISO rules with legal rules. „The ordinances are like the ISO. If one drafts an ordinance only to have it on paper is meaningless. Every task has to be followed up to have improvement.” (Interview L05).

6.5.3. Rule enforcement

As it was in Teteven the fines for violating the rules are not serious source for municipal budget. The usual sanctions of the ordinances vary between 50 and 500 BGN. The control is performed by two inspectors whose job is mostly informative and preventive – to warn people about littering, etc. Even the mayor and deputy mayor showed initiative and good example and went out on the streets to collect littered waste (Interview L09). In other case the deputy mayor called to the company whose waste papers were dumped 200 meters from the municipal landfill and the manager arranged immediately cleaning-up of the waste. When referring to sanctions the interviewees consider only sanctions for waste management rules' offences.

The procedure of enforcement of rules follows usually this path. A complaint or signal is filed at the administration and it goes to the environmental experts. The mayor decides who exactly should be in charge of the matter. A commission of three experts is assembled and they carry out a fact-finding. If the irregularities are attested, a statement of the evidences is drawn. As a result the offender is presented with a written warning with a deadline (usually one week) to take actions. If he/she does not comply with, a statement is drawn up against him/her. The fines are usually at the minimum – 50 BGN. Sometimes old people are not aware of the rules and the administration does not fine them with higher fines even for cutting a tree (Interview L01). „[I]f you get caught, you get fined” claimed one respondent (Interview L06) but this seem to be exceptional case. Even a representative of RIEW in one instance could not write a statement against the offender

because it happened that the official was from Lukovit and the wrongdoer went to all her relatives to complain and in the end the official gave up (Interview L03).

6.6. Rule-making process

No drafting procedures (of ordinances or strategies) have been observed directly during the field research to highlight concrete rule-making processes in Lukovit. However, from the interviews enough features of rule-making in Lukovit emerged. It is administrative-centred process based on in-house expertise and on consultants' assistance.

In-house expertise

When the rule-making is internal the administrative unit in charge of the subject area prepares a draft and consults it with its head and finally it goes to the mayor for endorsement. The mayor submits it to the municipal council and there it is reviewed and voted by the competent commissions and whole council. The main sources of information and practices are the legal databases, the laws and the practice of the other municipalities. "There is so much information from other municipalities that there is no need to pay to somebody to draft an ordinance. The issues are not so different in the municipalities, depending on their size, one could assess what is relevant and what not and take into account the legal basis" (Interview L03). All environmental ordinances in Lukovit were drafted by municipal experts.

In Bulgaria as discussed in chapter IV the laws delegate powers and responsibilities to the municipalities to introduce new rules and the framework is set from above like in the case

of waste management and green systems. A certain model is followed and it varies from municipality to municipality how closely the ordinance reflects the local circumstances. The ordinances comprise of rules that either regulate practices already in place or are required by the law and should be undertaken in future (Interview L05). Depending on the scope and complexity of the rules the municipality relies on its own experts or looks for external expertise. In the case of Lukovit only the big strategic rules – the municipal development plan and the environmental protection programme were outsourced, though with active participation of municipal officials and other experts in the case of MDP.

Consultants

The drafting of EPP of Lukovit 2006-2010 was contracted out to the Sustainability Centre of Teteven. The scope was much broader compared to the waste management programme and after consultation with other municipalities (they all have hired a consultant) it was decided to hire an external consultant (Interview L03). The MDP of Lukovit 2007-2013 yielded even broader social and expert attention and mobilized larger resources. An experienced consultancy “Balkan Assist” was hired to assist the administration. The selection of consultants formally is a result of public procurement but usually the same companies work for one municipality like “Balkan Assist” in Lukovit on the draft of MDP and other projects (e.g. the local initiative group under the national strategic plan for agricultural and rural development).

Compared to the in-house crafted waste management programme, EPP and MDP have better structure and content with more analytical parts which show the external experts’

larger perspective and ability to draw comparisons mastered in developing similar documents. The external consultants at least at the draft stage are not bound by administrative hierarchy and subordination and could collect data and opinions that represent better ground for the rules' content and application.

Traditionalism

In a medium-sized municipality like Lukovit the traditions and old practices are important for governance. The mayor serves in his third mandate and many practices and people at the administration have remained the same. Most of the senior officials like the deputy mayor and the head of the sustainable development and European integration department (previously also a deputy mayor) work here for long. And this set-up could not be changed easily. When one municipal councillor raised the issue of education as requirement for the administration he got enemies. "If you have initiative you could become a hated person. They [municipal administration] start ignoring you if you knock on their doors" (Interview L07). Only in the new units new people filled in positions that require modern education and knowledge. An expert was hired as English language translator to be later assigned with the regional landfill project to maintain the constant communication with foreign experts. Most changes in practices and procedures are brought by EU projects and external consultants and the administration needs to accept them to enjoy also the benefits. The leadership already have taken advantage of the new opportunities because they ensure money and reputation.

Leadership

Lukovit also has strong leaders like the mayor but also like businessman that initiated the Geopark. The mayor is a man with long management experience. His powers are now reinforced by the EU opportunities. He took leading role in regional landfill association of municipalities becoming chairman and his subordinate becoming executive director. The municipality is in charge of preparing together with consultants the application forms for funding the project by OP Environment. As discussed in Teteven case study the establishment of the association was a controversial and contentious exercise and the Teteven leadership was reluctant until the last minute to sign unless their demands about transfer station at its territory were satisfied. The leading position of Lukovit was not contested although it could be presumed that the other municipalities even with equal voting rights will dependant on the leadership of Lukovit mayor.

The Geopark is an excellent local initiative that has powerful potential for boosting tourism and at the same time for sustainable use of natural resources if managed well. But it shows first the exceptional example for leadership of one person – Mr. Vladimir Daskalov. His affiliation with the ruling government at that time could be part of explanation of the success. Nevertheless his contribution and devotion of being „the heart“ of the project was praised by many interviewees in Lukovit. On the other hand, the status of exception points at limited capacity, interest and resources of municipal administration and civil society in Lukovit and other smaller municipalities to carry out own initiatives. Without this man with vision and political standing there might have not been such results.

Local administrative “centralism”

All important decisions and rule-making processes in Lukovit are also controlled or managed by municipal administration with the endorsement of municipal council. The initiative for the Geopark is exception which was still coordinated by the municipality. Lukovit has to a lesser extent well organized legal, environmental and EU integration units than Teteven although the appointed people even spread in the administration perform their duties well. Consultants were hired to draft MDP and EPP but in both cases in close cooperation (for information and other support) with municipal experts (or even in the case of EPP with the deputy mayor). The drafting of MDP was a public and open process that has challenged the centralised administrative rule-making. It would have been worth investigating the value and weight of the inputs of external experts. However, within this dissertation it was not done since the plan is not strictly an environmental rule and the timeframe for data collection did not allow further insights in the process that dates back 4-5 years. No strong evidences were found that the MDP drafting process contributed in the environmental field to enhanced cooperation between administration and community (and local or national environmental NGOs and groups), either ad hoc or within an established institution. The environmental rules still continued to be drafted, approved, implemented and amended in the governance space of administration’s expertise and municipal council’s decision-making powers.

Economy over environment

Another strong theme that emerged from the case study in Lukovit was not so explicitly pronounced in the field research in Teteven. In general the Bulgarian municipalities tend to

support new developments even those that are potentially damaging the environment. If environmental protection does not bring direct benefits like employment, budget gains and improvement of the investment profile, municipalities do not pursue it as a strategic objective. When EU money is allocated for new environmental infrastructure (in water and waste management) municipality is highly supportive. Municipal management is preoccupied with the immediate needs of building of better infrastructure with environmentally added value but mainly within OPs funding schemes. This attitude exemplifies the rationale of decision-making - money and investments are in first place backed or not by environmental protection aims.

The golf course project provides a good example of the preferences of municipal administration and the side it takes on controversial issues like developments that could affect protected areas. The mayor and the environmental experts in Lukovit were in favour of the golf course. The EIA report of the project did not find any significant threats to the biodiversity. However, an independent study (commissioned by the Supreme Environmental Expert Council upon suggestion of a national NGO representative) overthrew the findings of the report and found that irreversible negative effects on habitats and endangered species under protection in NATURA 2000 area are possible. In many similar cases the municipality and environmental authorities (national and regional) are at opposite positions. The latter follow protection/preservation rationale “the economic side is not a priority of the ministry [of environment] (Interview L01) whereas the municipality is rather concerned with attracting investments and creating new working places. And the local people tend to support the municipality’s position. In the same case at the public

hearing of EIA report the participants raised questions mostly about new working places (Interview L06). “The people in the municipality are interested in the decisions of the municipal council that affect them financially. The environmental protection does not weigh up too much if put on the scales together with financial issues.” (Interview L10).

Weak civil society

The field trips and desktop research confirmed that civil society does not play decisive role in environmental rule-making and governance in Lukovit. Such structures and initiatives are practically non-existing in rule-making process. There not similar traditions like the observed ones in Teteven municipality. The only environmental NGO officially endorsed by municipality is Unique Nature of Vladimir Daskalov and as far as I could find out it does not have any other activities beside the Geopark management.

As mentioned above local people are interested mostly in decisions that would affect their financial situation rather in environmental campaigns or initiatives. However, claims about the active involvement of people were also raised. The owner of the local newspaper commented the public hearing of EIA report for the golf course project stating that „the opinion of citizens is sought after. There is no EIA [hearing], where people of different age, professions and interests are not present. The EIA does not go like this – someone is reading a report and people are applauding him. There is a discussion and so should it be and municipality does it that way.”(Interview L06). From the collected data only one real collaborative rule-making process could be singled out. The drafting of MDP (although not a strictly environmental rule) led to public discussions, broad expert debates and two

public hearings. The strategic significance of the document and the legal requirements (according to Art.36 of the Regulations for application of the Regional Development Act it should be consulted with interested stakeholders and organizations, economic and social partners and physical and legal persons interested in the development of municipality, in practice the whole municipal population) have driven the special procedure and its outcomes. It shows a way to follow - a more inclusive decision-making path – because if left at administration’s discretion, it tends to avoid long and exhaustive procedures and follow the beaten administrative track.

6.7. Governance and rule-making factors

The discussion on the challenges to local environmental governance in Lukovit could be started with the point the EPP makes in the analysis of threats: dependence on the central authorities; accelerated migration process; directing the attention of the donors and state to bigger municipalities; lack of dialogue and common activities with neighboring municipalities; pollution with sources outside the municipal territory (EPP Lukovit, 59-60).

Hierarchies

The interviews and document analysis of municipal environmental rules have shown high level of dependency of the local rules and the decisions in general on external factors (like guidance and pressure by national and regional environmental authorities). As stated in Chapter IV and confirmed by the field research findings in Teteven the delegation of legal powers to the municipalities and the institutional subordination to MoEW and RIEW

define the boundaries of local governance. A drafting process of ordinance or program is initiated usually when it required by law and usually after orders from MoEW. “There was a requirement from the ministry to issue new ordinance and so the ordinance on waste management was passed.” (Interview L03). The top-down channel of communication goes through RIEWs which receive a circular letter from the ministry and disseminate it to all municipalities under their jurisdiction: “in connection with a letter of MoEW the following should be done...” The RIEW is the environmental authority closest to municipalities in their region. In case of water management the regional authority is the River Basin Directorate.

Municipal authorities, even independent and self-governing, need to adhere to decisions at national level. Sometimes municipal council turns into a voting machine only to pass the necessary rules, either because there are important for the municipality (e.g. the decision to join the regional landfill association) or because of deadlines for municipal administration (and mayor could get fined if they are not kept) (Interview L10). As a result the recommendations and requirements of RIEW are strictly followed. “When there is a requirement by RIEW, the procedure is managed by the deputy mayor and things get through. The problems have been always resolved. It never happened that there is no money and we won’t do it.” (Interview L03). The RIEW tends to adhere to a supportive rather than to commanding approach and usually adjusts its actions to local circumstances and problems. E.g. it takes into account the technical time needed for passing a decision by municipal council or when there is a summer holiday allows longer deadlines. The

communication between municipal and RIEW experts sets an example of professional networking within the region.

Networks

BAMEE is a network with indirect effect on rule-making process in Lukovit. One of the environmental experts has been a member of the association for long time and still in close contacts with its leaders and other members. BAMEE is considered a reliable source of information about practices in other municipalities and a forum for discussion of common problems. Every municipality, especially the bigger ones, has own practices in rule-making. Lukovit has been following the example of other municipalities and after consulting with them contracted an external consultant to draft the EPP. Conversely, it relied on own resources as most of other municipalities while drafting waste management ordinance. However, as the chairman of the municipal environmental commission commented “such communication with other municipalities would be very valuable to exchange experience and avoid mistakes but it is a question of initiative and financial capacity.” (Interview L10). The communication with neighbouring municipalities is better fostered by external funding like in the case of establishment of the regional landfill association. Otherwise the municipal budget poses restrictions and the expenses of travels and meetings would not be easily approved by the mayor.

Community

In the discussion on the NGOs presence in Lukovit it became clear that the few NGOs that claim to be environmental do not represent the community but are individually driven

entities. Unique Nature of Mr. Daskalov was contracted to manage the Geopark because of his decisive contribution for establishment of the park. EPP states that “together with the leading driving forces – the municipal council and the municipal administration- important supportive role in the implementation of the plan has to have the non-governmental sector” (EPP Lukovit, 61). Such a statement remains more a wishful assumption because the findings from the case study show little capacity and no active social life in terms of environmental governance.

Still certain social pressure on municipal authorities is exercised by local people not satisfied with the services and government and they would go to the mayor with their complaints. “People were never positive towards the municipal administration. They come to the municipality when they have troubles. Either they have a problem or they require something that was not done.” (Interview L07). The owner and editor of the local newspaper, who is also daughter of the deputy mayor, shared similar experience. People are used to go to their home and complain that, for example, the waste container is full and should be emptied.

However people in smaller and poor municipalities worry mostly about employment or even about survival than about environmental protection. The EIA procedure is an opportunity for active civil participation and for dialogue between them, municipal officials and EIA consultants. But at the public hearing about golf course development main concerns raised by citizens were about expected employment.

Markets

The main market and economic relationships on environmental issues revolve around waste management in Lukovit as in Teteven. The contract for waste management services was signed with Aston Services Ltd. Another outsourced service is the separate waste collection performed by Ecopack. The technical assistance by international consultancy was funded under ISPA to assist Lukovit municipality in preparation of the regional landfill project. At the first stage (2008-2009) EPTISA provided assistance to the five municipalities to establish a regional association of municipalities and in the second one (2009-2010) Ramboll-Miras-Ecoproconsult consortium has developed the preliminary design, background analysis and scenarios of the landfill, and filled in the project application form (Interview L02).

“Balkan Assist” has appeared as the preferred consultancy for the municipality in many assignments. It assisted Lukovit in the process of drafting of the municipal development plan and in other projects – on educational infrastructure, establishment of local initiative group between four neighbouring municipalities to take part in Operational Programme Regional Development and in national strategic plan for rural development.

6.8. Europeanization

The case of Lukovit has shown some important aspects of Europeanization as a change in institutional and policy practices in local environmental governance. The first aspect is the

scope of new investments eligible for funding from OP Environment³³. The regional landfill and the integrated water cycle projects are gigantic projects in terms of resources and impacts on the quality of life of the municipality. A modern waste and water management system in compliance with EU rules has to be introduced and that would not have been possible without the financial contribution of the EU funds (the European Regional Development Fund and the Cohesion Fund).

The work with national and EU institutions has brought new people in municipal administration – young experts with good English and modern education. Two of them became directly involved in preparation of all application forms for the regional landfill in close cooperation with international and national experts, and ministry officials from the managing authority of OP Environment– the Directorate Cohesion Policy for Environment at MoEW. Compared to Teteven the administrative units related to environment are less structured – there is no unified environmental unit and the expert on English language translations became also coordinator of landfill project. The shortage in in-house expertise could be explained with availability of external assistance the municipality currently enjoys.

The urgency of EU projects has disturbed the routine flow of the rule-making process. My personal observations and the conducted interviews with key persons working on EU projects lead to the conclusion that human resources at the municipality are fully allocated to big EU projects. The environmental expert has been preoccupied with them and in

³³ Funded by the European Regional Development Fund and the Cohesion Fund - <http://ope.moew.government.bg/en/management>.

addition he got an official position as executive director of regional landfill association. He also was tasked with preparation of trainings for eco inspectors by the end of 2010 and practically with no time left to initiate the drafting of new environmental protection program or of ambient air programme.

Another aspect of Europeanization is the institutionalisation of EU-funded projects as main priority in local rules both in environmental protection programme (p.24) and in municipal development plan (pp.53-54). The new waste management programme of Lukovit has to comply with regional waste management programme that reflects the EU requirements for regional landfills. The rules for waste management and regional landfilling became hot topic recently after funding for them was ensured and the European Commission initiated infringement procedures against Bulgaria.

The EIA procedure about the golf course development in NATURA 2000 area became a case of confrontation between the developers backed by the municipality and the national NGOs backed by the Supreme Environmental Expert Council, hence by the MoEW. The victory of environmental concerns and arguments over economic interests serves as a precedent of new practice of implementation of EU rules of biodiversity protection violated otherwise in many ways in Bulgaria.

6.9. Summary

Lukovit municipality completes the picture of local environmental governance drawn in Teteven in terms of environmental rules and rule-making processes. Some new features

and specifics justify doing a case study in a neighbouring municipality. The natural conditions are quite different in Teteven and Lukovit. Instead of forest and mountain landscapes in Lukovit municipality there are other treasures like the karst complex in Karlukovo and the river canyon of Zlatna Panega. In general many areas need protection and proper management, not only the three NATURA 2000 areas but also the newly established Geopark. These favourable nature conditions are not threatened by highly polluting industries although the main road from Sofia to Danube River poses air and noise pollution.

In Lukovit has been established a strong municipal leadership in the face of mayor and deputy mayor serving in their third mandate. Exactly the environmental investments and the big EU regional landfill project gave them additional powers to lead this development that will affect the waste management systems of four other neighbouring municipalities. In addition the chairman of the environmental commission to municipal council is a leading businessman – owner of two big hotels and other businesses. The role of another businessman Vladimir Daskalov was prominent in mentoring the Geopark initiative – praised and acknowledged by the respondents as achievement in environmental protection in Lukovit.

The municipal administration working on environmental rule-making – on environmental, EU integration and legal issues is not as well structured as in Teteven. The two environmental experts work for different units on tasks assigned to them by the mayor which makes their coordination more difficult. The legal expert is a lawyer on contract and

that creates more uncertainty in the provision of the services (Interview L05). Only three experts are engaged with environmental and EU issues compared to 6 experts in two units in Teteven.

The local NGOs in Teteven have long and successful history in environmental projects and initiatives. Lukovit does not measure up to such active public participation. The main NGO “Unique Nature” is sponsored and led by Vladimir Daskalov is claimed to be involved in the management of Geopark but not in any broader rule-making processes. The ecocenter at a high school established with the support of Peace Corps is one good initiative of raising pupils’ environmental awareness but also underlines the limited community participation and interest in environmental protection.

The legal environmental rules are collected in three ordinances – on public order and cleanness, on waste management and on green system. Their provisions are very detailed and most importantly contain constitutive rules on authority, rights and obligations of other actors than municipal administration. The strategic rules like the waste management programme, environmental protection programme and the provisions in the municipal development plan are already out-of-date because the first two expired in 2010. The limited capacity of environmental experts overloaded with urgent operational duties (the two big environmental investment projects on water and waste management) does not allow them to handle more traditional tasks like rule enforcement, drafting and implementation of environmental rules. As a result the ambient air protection programme and the EPP wait their turn to be assigned to a consultant (Interview L01). Only the waste

management programme is prepared as a part of the assignment of the consultant for regional landfill.

The Europeanization of environmental policy (rules and practices) in Teteven is marked by the grand regional landfill project located in the municipality. All resources – expert and political - are invested there and in other on-going projects (e.g. water cycle, training of eco inspectors). The size and complexity of these projects required new people and currently at least two experts work almost exclusively on them. My personal impressions are that these experts possess big potential if guided rightly by senior staff. The EU priorities have reached the level of local application but they also created a *governance vacuum* in rule enforcement or opposition in fields like biodiversity protection where the administration supported a golf course project that was scientifically proven that could deteriorate the habitats and species under protection in Natura 2000 area.

In general, the local capacity of administration and civil society in Lukovit to craft and implement strong environmental rules is limited. The resources are allocated to environmental infrastructure investments. Municipality lacks overarching strategy for environmental governance that takes into account the rich nature resources, their economic potential and brings together the concerns and interests of all actors by encouraging people and NGOs to become equal partners in the rule-making procedures. Among the challenges ahead is, for example, the process of drafting of a new environmental protection programme.

VII. Case study of Dobrich urban municipality

7.1. Introduction to the case

The case of Dobrich municipality is more complex than the previous two cases. Dobrich is a bigger city, a regional centre of Dobrich region. There is concentrated more industry, more social life, more cultural and educational institutions including a college. The governmental picture is also richer because in Dobrich regional authorities – regional governor, regional inspectorate of public health - are presented. The RIEW is located in Varna covering both Varna and Dobrich regions. The choice of Dobrich as urban municipality provides the analysis of LEG with insights in governance of environment in big municipalities and cities³⁴ and on the other hand, with comparable data of its urban characteristics common for many European city municipalities.

The size and scope of governmental arrangements observed during the field trips in August-September 2009 and July-September 2010 provide valuable evidences about the multi-level governance also because of the regional perspective. The conducted interviews shed light on actors and governance at district/regional level, one level above the municipal one. E.g. the governor's office, the RIEW and the regional media were contacted to get their perspectives on hierarchical and partnerships relations with Dobrich municipality but the context and discussions referred to governance at regional level, too. In addition, practices and governance arrangement from other municipalities in the region

³⁴ <http://www.ombudsman.bg/municipality/groups/493> (small municipalities - up to 10000 population, medium – between 10000 and 60000, and big - above 60000 inhabitants).

were collected – some of them in hot spots of environmental conflicts (Kavarna with the wind energy parks, Shabla with the wetlands).

In Dobrich case were conducted the biggest number of interviews and the most time was spent in the field including one week of direct observations at the administration while sitting at municipal lawyers' office. As municipality is much bigger than Teteven and Lukovit, the municipal administration is also larger and administrative capacity in general higher if we compare the rules produced – ordinances, strategies, plans and programs. E.g. from all cases only here an ambient air protection program is in place. The concentration of population and industry (even without heavy industry) at small urbanized territory without any precious nature areas presents a case of investigating the urban local environmental governance.

7.2. Dobrich as a case of Bulgarian municipality

Dobrich urban municipality is situated in the North-East of Bulgaria on flat terrain in the Dobrudzha Plateau, part of the Danube plain. The municipality has a special status - it comprises only the territory of the town of Dobrich. The town is the second biggest economic centre in North-Eastern Bulgaria after Varna. The close location near Varna which is the third biggest city in Bulgaria and an important harbour is twofold because, on one hand, there are good transport connections - highway, harbour and international airport but, on the other hand, it attracts many people that move to life, work or study

there. The municipality spreads on an area of 109 sq.km. (relatively small for a Bulgarian municipality) and with highly urbanized territory³⁵.

The population of municipality is about 100 000 inhabitants³⁶. The city is administrative centre of Dobrich region (oblast). It is located in the centre of a big agricultural region, called “the breadbasket of Bulgaria” and has well developed industrial complex with good technical infrastructure in industrial zones. Most of the big factories were closed down in the 1990’s and now after the processes of privatization and restructuring industrial activities comprise mainly of food and beverage industry, light industry and engineering industry. Out of those biggest factories only 35 % work at full capacity, 30 % at minimum capacity and the rest are idle because of lack of investments, legal problems and unclear property status (Air protection program Dobrich, 4). The transport, trade and services are well developed as well as the tourism due to the proximity of the seaside.

Even a big town for the Bulgarian standards Dobrich is a quite place. The city centre is a large pedestrian zone and at one end it connects with the central city park. The industrial area is in the opposite direction. The green areas are located mostly in the city parks whereas in the betony complexes the urbanization shows its ugly face with the blocks of hundreds of flats, neglected infrastructure and overall feeling of being at the end of world. The social capital in the city diminished critically after 1990. Many educated people that

³⁵ The official homepage of Dobrich Urban Municipality - <http://www.dobrich.bg>.

³⁶ <http://www.dobrich.bg/index.php?s=sc&id=140>.

had jobs and enjoyed relatively good cultural life during the socialism left together with young people who after going to university or abroad never came back.

7.3. Environmental context – resources and problems

The environmental problems and resources in Dobrich are defined by its urban environment. The territory is rather small compared to the average Bulgarian municipalities but the population and industry are factors with impacts beyond the boundaries of the municipalities. In this sense waste management is one major issue given the size of the population and the small territory. That is why a new landfill is planned to be constructed at the territory of Dobrich rural municipality in village of Stozher, 15 km. from the city. In Dobrich there are not any big water bodies with the exception of one artificial lake in the public park and a small tributary Dobrichka to the river Suha Reka (Dry River) that crosses the town from south to north. “In regards to waters we are poor region, we do not have any big water bodies, big rivers, only one gully that with one cleaning-up creates no problems”. (Interview D01)

In the municipality there are no nature protection areas. There are two suburban parks and one central public park of recreational, bioclimatic (ensuring fresher air) aesthetic and ecological (preventing pollution from transport and industry) importance (EPP Dobrich, 17). Outside Dobrich in the north there is a NATURA 2000 area designated both under the Birds Directive and Habitat Directive. It is situated along Suha Reka River. Under a Swiss-Bulgarian project a Nature and Animals Protection Centre – a unique zoo - was

built in the former residence of the Bulgarian communist leader Todor Zhivkov. It hosts about 100 species: deer, lamas, moufflons, bears, buffalos and many birds.

Despite the claim that “we don’t have any big industrial polluters, there is not production anymore. There is only dust from the automobile transport.” (Interview D01) there are some problems with the industry somehow are hidden like the soil contamination. Soil contamination with lead near the accumulator factory is even put as a weakness in the SWOT analysis of the EPP but municipal servants and other interviewees did not express concerns about such a problem in part because soil protection is not only municipal responsibility especially on private lands and in part because these problems are not visible for the citizens. A radio journalist from a local radio explained that people are concerned and send signals about more visible problems like micro dumps, stray dogs and problems with water, and some time ago about the hospital because of the strong unpleasant odour from burning medical waste.

Unlike Teteven and Lukovit Dobrich has well developed sewage system and only one quarter of the town which is more distant still has partial problems. The maintenance of gully of the Dobrichka River is another challenge for municipal administration. Annually in the budget for it is allocated between 70 000 and 100000 BGN. The cleaning-up is not a sustainable solution and in cases of high waters damages like flooded warehouses occur (Interview D06). The municipality has developed over 7 million BGN project (EPP, 69) to handle the problem in a long run but the previous government did not support it.

Air pollution poses one of the acutest threats to public health and environment in the city because despite the decline in the polluting industrial production along the transport connections and in the industrial quarter higher concentrations above the thresholds were measured (APP, 38). The surrounding agricultural lands are sources of dust when the land is cultivated. That is why spraying and watering of the streets in the summer is an additional task for the company dealing with cleaning-up of the city (Interview D11).

In June 2009 the reconstructed landfill at the territory of the municipality was put into operation and thus landfilling capacity secured for the next 5-6 years. The landfill meets the EU requirements for landfilling of household waste. There is a meteorological station and a station for monitoring of groundwater and infiltrate. At the landfill is installed a software that could track down waste flows by many indicators and it is connected to the computers of municipal environmental experts. The product was developed under an EU-funded project for BAMEE and Dobrich has implemented it. The project for construction of a new regional landfill at the territory of Dobrich rural municipality in village of Stozher is one of the priority projects underlined in Environmental Protection programme's action plan (EPP, 69) and in the interviews (Interview D01, D02, D06 and D11). Until 2013 at least 15 millions Euros³⁷ will be invested in construction and supply of equipment.

In the field of climate change policy Dobrich is one of the leading municipalities in Bulgaria. The mayor Mrs. Detelina Nikolova is very actively promoting this policy. She sits at national and EU level institutions related to energy efficiency. There is a municipal

³⁷ <http://www.dobrich.bg/index.php?s=sc&id=1036>.

energy efficiency programme for the period 2008-2013. A project for energy efficiency found establishment of a special team of experts sitting at municipal administration. The municipality is implementing in 2009-2011 a project for Bulgarian-Norwegian partnership in the area of energy efficiency and renewable energy sources to decrease the harmful emissions in the public sector.

7.4. Local actors

Mayor

The mayor is an established institution in Dobrich urban municipality. Mrs. Detelina Nikolova serves in her second mandate. She has a long record of serving at municipal administration starting from lower ranks and making her way to secretary of the municipality under the previous mayor. In the last 15 years from 1995 to 2010 she was on a senior management position at the municipality. She is acting actively at other governance levels as well. She holds position as a chairwoman of regional landfill association of the municipalities – an important role in environmental governance in the region. At national level she is a member of the Board of Directors of NAMRB and of the National Board of Energy Efficiency Fund to the Ministry of Economy; of the monitoring committees of OP Human Resources Development and OP Administrative Capacity. At EU level the mayor is a member of two commissions of the Committee of the Regions – the Commission for the Environment, Climate change and Energy (ENVE-V) and the Commission for Territorial Cohesion Policy (COTER-V)³⁸.

Her political orientation changed with time. First she was with the ruling party of the former Bulgarian King Simeon II and then for the second term she was elected with the support of the new party GERB. The latter affiliation caused difficult relationships in 2007-2009 with the coalition government and Dobrich urban municipality was totally ignored for EU funds at expense of small municipalities in the region where the electorate of one party of the ruling coalition and of the minister of environment and water was concentrated (Interview D06). Many project proposals were prepared and submitted for central funding but with little success. The “hardships” of municipality ended after GERB won the elections in 2009. In the short interview with the mayor she pointed out at two environmental problems – waste management and the construction of the new landfill, and the air quality. In her opinion the low salaries of municipal experts is a problem which makes it difficult to keep them working for the municipality.

Municipal administration

There are not many alternatives for environmental experts to work in private sector, so becoming a municipal servant is still a good option. This becomes clear if one looks at the years in service as municipal servants of the two senior environmental experts – one with 10 and the other one with more than 15 years. The environmental unit consists of a head of unit, 4 inspectors and one expert in community green areas. Every inspector covers his/her own area. The head of the unit is one of the leading municipal environmental experts in Bulgaria and a member of the Board of BAMEE. She shared in an interview that she and her colleagues from the unit are the people who are aware of the local

³⁸ <http://cormembers.cor.europa.eu/cormembers.aspx?critId=2019883>.

problems and work constantly to find solutions. Their principle role is to suggest to the mayor the best solution, or several alternative solutions. She expressed her concern about the shortage of people to handle environmental problems. “We need more people. If there was a municipal police, it would be simply the best.” According to her the main occupation of the unit is with waste management because of the urban characteristics and densely populated territory of Dobrich.

The unit dealing with European integration projects is called “Programmes and Projects” although there are only few projects partly related to environment and with small budgets. In contrast to the cases of Teteven and Lukovit this unit and experts do not work in such a close coordination with environmental experts and on environmental projects because of the higher specialization and size of the administration in Dobrich. E.g. for the regional landfill project there is a special person employed to deal only with its management together with the coordination of the work of the regional landfill association.

Municipal council

The municipal councillors of Dobrich urban municipality are 41 and thus twice bigger in number than in Teteven and Lukovit. As it found in the other cases the environmental subject is not separately covered but the commission is in charge of transport, infrastructure and environment. The chairman of the commission Mr. Angel Tabakov runs its own transportation business with no expertise in environmental protection. He shared that he has little time for this job and mostly he contributes to the discussions and decisions on transport. He shared that the structure of the commissions at municipal

council was inherited by the previous mandate. Even if there is a tendency to separate the topics, it has not happened yet. The other members of the commission are also not experts on environment (the veterinarian doctor is considered to be the most knowledgeable person there) and they mostly hear the drafts and proposals of the administration informatively and leave the initiative for changes of main environmental rules to the municipal experts. Mr. Tabakov repeated twice that the commission is a supportive authority in environmental matters. “Our role is, mostly, to look at the proposals that come prepared by the mayor’s team, by the municipal departments; to give opinions at municipal council sessions, respectively to examine requests by the citizens, mostly related to ecology, illegal dumps, the gully of Suha reka [Dobrichka], which are specific for our city.” He considers the communication with Regional Governor’s office as weak although with the changes after the elections in 2009 hopes were rising to get a sound footing at this institution because of the appointment of a new governor and deputy governors who were colleagues from the municipal council. In all cases when the question was about something specific he directed me either to municipal senior expert or to the colleague who is veterinarian doctor. Even the commission contributed very little to the real decision-making on projects and priorities its chairman showed good grasp of the main issues at stake in the municipality including about the political isolation and low access to EU funds (the mayor was one of the few elected from the political party of the current prime minister and “in disgrace” vis-à-vis central authorities under the previous government until the summer of 2009 when the situation became the opposite).

Regional governor

The role of regional governor in environmental governance was not discussed in the case studies of Teteven and Lukovit. Here the presence of the governor's administration in Dobrich is a good ground to study this authority and draw conclusions about its powers and real involvement in local and regional rule-making. Beside the legal powers it is invested with, I have come across an on-going project of Green network of Dobrudzha which was informative of the potential and restrictions of regional governor's powers.

The Dobrich region comprises 8 municipalities, including the Dobrich urban and Dobrich rural municipalities. Regional governor is vested with the following responsibilities:

1. To ensure the implementation of the state environmental policy at the territory of the region;
2. To coordinate the work of the executive authorities and their administration at the region's territory (e.g. of RIEW Varna) concerning state environmental policy;
3. To coordinate the activities of the municipalities in the region for implementation of state environmental protection policy (Art. 16 of Environmental Protection Act).

The interviews at the regional administration made clear that the legal rules in the framework of powers, responsibility and obligations under environmental legislation are the driver of governor's work. The regional administration is also led by its own strategic goals that are medium-term and without special reference to environment. The administration complies with national strategic environmental documents (e.g. on waste or water management) and with guidelines from the ministries.

Especially in areas like waste management where municipalities enjoy broad powers and access to national budget and EU funds for regional governor remains the coordination role. When the issue is of regional importance and goes beyond the boundaries of one municipality like in the case with new regional landfill or there is a real problem the municipalities could not agree on they usually turn to the regional governor. In such cases joint meetings of the concerned municipalities and RIEW or other state authorities (e.g. land boards) could be called chaired by regional governor. “Last time [there was a meeting] in connection with illegal dumps closure and redirecting of the waste. Some of the mayors had their considerations and we set up a meeting with RIEW where the problem was clarified and what should be done further decided.” (Interview D03).

In addition to these coordinative and facilitation functions regional governor as a guardian of the rule of law in the region and it is empowered to review the decisions of municipal councils for conformity with the law. This legal monitoring gives to this regional authority additional weight so that not only mere prestige is employed when regulating environmental rule-making at local and regional level. From the rules studied in the thesis only the legal rules are scrutinized within this procedure. On the other hand, RIEW controls the scope and aims of strategic environmental rules, so that both regional structures of national government effectively exercise control and assess the acts of local administrations.

The Bulgarian regional authorities are among the poorest of their kind in EU compared to, for instance, the French regional authorities. The regional administration is beneficiary of

very few OPs. In fact it is not a direct beneficiary of any funding under OP Environment. Neither the limited budget nor the small administration enables the regional governor to work extensively on projects. “We have budget only for our activities – maintenance, salaries, and cars, not for any studies unlike the municipalities. We don’t have funds to make policy. Everything is made by the municipalities and ministries, and we are in the middle, with the big label, we coordinate but we don’t have the financial leverage... to our regret. The regional authorities in Europe, especially in France, are very powerful. If there will be reform it will be better” (Interview D03).

In the years 2009-2010 Dobrich regional administration was implementing the project Green Network of Dobrudzha³⁹. In Bulgaria 5 regions were chosen to test different policies and to introduce better cooperation among authorities at national and regional level. Dobrich region was chosen as a pilot region for environmental and regional development policy. 17 partners took part in the project: the eight Dobrich region municipalities, the RIEW and regional public health inspectorate, the Dobrudzhan Agricultural Institute (because of the agro-ecological protection), the education inspectorate (because of the pupils that were targeted), 4 state hunting and game breeding stations and the International College Dobrich (because of the eco tourism). The initial aims were much broader than the achieved results. The original idea was to create coordination platform among all authorities concerned with environmental protection and to provide the general public with better access to information on natural resources and on environment in general. In the end because of administrative and legal restrictions the aims

³⁹ <http://www.eco-dobrudzha.org/bg/index>.

were reduced to creation of an information system for protected areas, increased public access to information on the available natural resources and on potential effects of human activities on them⁴⁰.

NGOs

The map of the NGOs in Dobrich is not richer than in Teteven or Lukovit. In fact during my first field visit I did not encounter any strong presence of environmental NGOs. In the end I have interviewed only one of two NGO leaders. The second one explained that there is nothing we could talk about concerning their work because they were a new NGO. Most data was collected from the interviews at municipal administration and regional media. The respondents mentioned some campaigns and isolated initiatives of NGOs. The overall impression and the facts point at the low profile of the civil society represented by NGOs, without strong presence in rule-making process. Considering the scale of interests and powers in a big city like Dobrich such a conclusion weighs even more. Unlike Varna where there are professional environmental NGOs with offices and staff in Dobrich there is only two people referred to as NGO leaders.

The Ecological club Dobrich is a NGO with 15 year history. It was founded by teachers in natural sciences and ecology. It was strange to discover that they exist because I considered them closed down since they were not active in public and the municipal administration did not mentioned them as active partners still existing. What I have learnt

⁴⁰ Ibid.

from their leader Mr. Gerasim Gerasimov is that the club is actively involved in many campaigns (e.g. for the Earth Day) that follow the international environmental calendar. The club tries to distance itself from the politics and to develop in the narrow niche of environmental education. Mr. Gerasimov is also inspector at the regional inspectorate on education in Dobrich. According to him the club has at least 20 members and 150 supporters. The club is very capable of mobilizing teachers and the youth from the schools in the region. In projects where the involvement of youth is required the club and its leader are often invited. Beside routine cleaning-up actions the club worked with the municipality and the Swiss donors on the establishment of the Centre for Protection of Nature and Animals. Together with students it took part in the counting of the population of Red-breasted Goose (*Branta ruficollis*)⁴¹. In 2009 the club took part in the discussions of the migration corridors of birds and in elaboration of wind power energy strategy. At one moment the club attempted to develop capacity in soil testing in Dobrudzha, which is one of the most productive agricultural regions in Bulgaria but it did not get any support because most of lands are private and the owners still not interested in clean ecological food production.

The other NGO leader Mrs. Vesselina Berbenkova appeared as a name and a leader of a NGO in many interviews. She has been environmental activist for long time and leader of two new environmental clubs. She was a party coordinator consequentially for two different green parties (working lastly for the Greens). She was said to organise mostly high school pupils to clean-up the park and green areas but usually before elections. “She

⁴¹ Endangered species on IUCN Red List (<http://www.iucnredlist.org/apps/redlist/details/141456/0>.)

was a coordinator of the Green Party for the city and later decided to establish a separate NGO. They deal with cleaning-up of gardens, of the space between the blocks of flats, taking care of the vegetation. Maybe because they are young organization, they do not have important activities. We help them in their initiatives.” (Interview D06).

The stamp of political affiliation, the occasional activities or narrow focus of the existing NGOs in Dobrich and Dobrich region are the most common features of the organized environmental society. In addition, there are periodical campaigns of the municipality or other partners around the Earth Day. The schools are the most active in these initiatives like the professional agricultural high school which did a cleaning-up of part of the road Dobrich-Varna which is constantly littered with plastic bags from the nearby landfill.

National associations’ membership

The mayors of Dobrich have been traditionally active at national level in the last 15 years. Two consequent mayors were deputy chairpersons of the Board of NAMRB. The present mayor was nominated by NAMRB as a member of two commissions to the Committee of the Regions of the EU. The good connections of the previous mayor Mr. Luchezar Rosenov brought some of the best international consultants in the end of 1990’s and their assistance resulted among other achievements in preparation of Plan Dobrich 2020 acclaimed by municipal servants.

The senior municipal expert Mrs. Teodora Petkova is a board member of another national association– BAMEE – an important national network for local environmental governance

especially in the field of capacity building and cooperation among environmental experts. BAMEE implemented two projects with international consultants on strengthening administrative capacity at local level for implementation of environmental acquis. In Dobrich the results of the projects found a fertile soil. “BAMEE influenced us in a very good way, first with the project for further strengthening...of the capacity and then with the information system DEPOINFO” claimed Mrs. Petkova. Far from the national centres the leaders of Dobrich are taking the lead in the area of environmental governance and local governance building up on good traditions and practices. Even in Teteven Dobrich was mentioned as a leading Bulgarian municipality that provides good practices for small municipalities (Interviews T07 and T08).

Media

The media is a real power in Dobrich recognized also by the municipality and the citizens. Compared to the small towns Lukovit and Teteven in this regional centre there are two regional newspapers, local cable TV, regional radio stations and branches of national media. There are even journalists specialized on environmental topic (Interview D01).

The interview at Radio Dobrudzha, one of the most influential local radio stations, showed that media could be factor in municipal life and an intermediary between municipal administration, businesses (waste management contractor, other public utility operators) and the citizens. In such position it influences environmental decision-making and communication between local actors. In one case regarding the hot issue of regional landfill site in the village of Stozher the media facilitated the communication between the

protestors and the mayor. “And again we were the intermediary, because even they set a meeting through us- the media. They prefer more often to call to us, instead of calling in the municipality and asking for meeting with the mayor.” (Interview D06). Similar communication facilitation happens with regional water supplier. The citizens would call to the radio with complain about water supply and after water supply is restored they would claim that the radio turned on the water again.

Media is in a position to investigate signals from citizens and to present different points of view of the affected parties. When the issue is very sensitive and affects almost all citizens like waste management people tend to blame the municipality even though there is a company providing the service. In some instances the municipality and the contractor defend opposite positions and the media becomes the actor that finds common ground for solving the problem. Mayors from different political parties could also start talking to each other through the radio like in the case when it broadcasted information about the positions of different mayors on landfilling of waste after closure of the illegal dumps (Interview D06).

7.5. Main environmental rules

7.5.1. Formal legal rules

Dobrich urban municipality possesses a well developed system of legal municipal rules, periodically updated or completely new like the ordinance on green system. There are three main ordinances – one more general with a chapter on environmental protection, one on waste management, and one on green system of the city. A fourth one regulates the registration and breeding of dogs at the territory of the municipality.

The ordinance on public order, maintenance and protection of municipal property and environment contains in Chapter IV rules on prevention of activities with adverse environmental and health effect like burning of waste, tree leaves and tyres. Art. 48 is prescribing obligation for various managers and owners of buildings to clean up the snow during heavy snowfall or when sidewalks are iced. This is one example how one municipal rule could be applied not only to administration but to citizens and private companies. The sanctions are relatively low in the range of 100-300 BGN.

The waste management ordinance imposes much higher sanctions particularly for companies. They could reach up to 5000 BGN for illegal disposal of waste depending on the quantity and dangerousness of waste. The ordinance was passed for first time in 1998 and since then amended many times to increase the sanctions with its latest amendments. It contains detailed rules on powers and obligations of the mayor and municipal administration but also on the rights and obligations of the individuals and legal entities. The treatment of solid household waste is provided according to Law on Waste Management and chapter VI of the ordinance by a company contracted in accordance with Public Procurement Law. Chapter VII deals with the control over the management of construction waste and earth masses. Chapter VIII regulates the dangerous waste management – batteries and accumulators, motor oils, end-of-life vehicles, etc.

Rules on protection of green areas during construction works is regulated in public order ordinance. Beside these two ordinances a new green system ordinance has introduced

rules on management and protection of green system - “trees, shrubs and grass” and the sanctions for destroying of vegetation according to the level of damage (Interview D11). Pursuant to Art. 2 of the ordinance the governing authorities are the municipal council and the mayor, the latter appointing experts – landscape architects and other experts in community green areas to take part in municipal expert council on town and land planning which decides on plans and investment projects for territories and objects of the city’s green system. Cutting and removing of tree and shrub vegetation is permitted only in exceptional cases of approved investment project after considering expert opinion or in emergency cases.

7.5.2. Strategic rules

The strategic rules are also more complex and advanced at least in number and subject areas compared to those in Teteven and Lukovit. They are important for municipal administration because “in every application [for funding], in every form there is a question is this provided in some of the long-term plans” (Interview D02) but also for other actors (e.g. for the International College Dobrich) that apply for funds under OPs or programmes financed directly by the EC. “We follow them [the programs] because we could not do without them. When we write projects, the plan of Dobrich should be in the justification. The region should be described and what is envisaged for it.” (Interview D04).

Municipal governance programme 2007-2011

The governance program of Dobrich urban municipality for the period 2007-2011 was passed by a decision of municipal council. It states two main principles – balanced

development and sustainable development. The sustainable development in particular should take into account the environmental protection by rational management of urban ecosystems, decreasing of environmental damages, application of integrated approach with closed cycles of water and energy, increase of green areas and application of common energy systems in the public sector. According to the program Dobrich is characterised with relatively clean environment – with no big industrial pollutants and with trolleybus public transport. The main priorities of the municipal government envisaged for the mandate 2007-2011 are mainly focused on waste management (e.g. entry into operation of a new cell of the landfill for solid household waste in Bogdan village) whereas the only activity with reference to cooperation with NGOs is the awareness-raising of the population through information campaigns, workshops and round tables.

Plan Dobrich 2020

Dobrich urban municipality is one of the few municipalities in Bulgaria that drew up a long- term development programme as early as in 2002. It was highly praised by municipal experts for the proper decision-making process involving all the interested parties. In the process the drafting experience in long-term plans of the American municipality Auburn, state Alabama was applied. The consultants gave the initial momentum. Later under the leadership of the mayor 6 working groups were formed: on economic development, urbanization, ecology, social affairs, spiritual affairs, and urban safety and crime prevention. “Indeed we did it in the proper way. By separate topics, for every topic target

groups, brainstorming, proposals... with the respective priorities in different fields but I think that it was done with wide public participation...I think it was a good model for development of a program.” (Interview D01). In the pages detailing environmental protection a good balance is struck between background conditions, definition of the vision for Dobrich as a green and clean city and the three main priorities: development of a green system; development of a working new waste management system and improvement of the quantitative and qualitative parameters of the environment. One big benefit of the whole plan is introducing of short-term, medium- term and long-term goals up to 2020.

Municipal Development Plan

Many findings and priorities of Dobrich 2020 plan were transferred into the Municipal Development Plan (MDP) 2007-2013. One step back compared to Dobrich 2020 plan is that environmental protection topic merged with urban infrastructure development taking a second place and that the vision and priorities for environment are not discussed separately. Since the plan forms the basis for further investments funded under OPs the municipal administration practically listed the most urgent investment needs. On environment there is only description of current situation in terms of main environmental media and factors. Also in the main 4 planning priorities there is none dedicated specifically to environment. Under the priority 2 Development and modernization of local infrastructure there is goal 3: Ensuring of sustainable activities on waste management and environmental protection. The MDP refers at length to the municipal protection programme from 2005 as “extremely important document in full coherence with the strategy for integrated development determined with the present municipal development

plan” (MDP Dobrich, 70). The plan stresses the role of municipal administration as coordinator and engine of development and of the professional associations and NGOs as mobilizing social partners.

Municipal Environmental Protection Programme

The programme was drafted and passed by the municipal council in autumn 2009. It was contracted to a private company with inputs from the municipal environmental unit, RIEW Varna, regional public health inspectorate, Black Sea Basin directorate and local water utility company. It contains review of national and international legislation, analysis of socio-economic development, of environmental components and of waste management. The formulated vision reiterates the main message of Dobrich 2020 plan about Dobrich as green and clean city with conditions for fulfilling work and active recreation. The main priorities as a result of the SWOT analysis are defined as:

- improvement of ambient air quality;
- finalizing and enrichment of the green system;
- improvement of the condition of the gully of Dobrichka river;
- higher effectiveness of waste management activities;
- improvement of the condition of water supply and sewage system;
- elaborating of noise maps.

The issues to be addressed in a 5-year period reflect the urban character of Dobrich – there is no reference to biodiversity or soil protection for instance (although the contamination of soils around the accumulator factory is marked as a weakness). The cooperation with Dobrich rural municipality or with local actors is not on the

environmental agenda as an opportunity. The waste management is the only significant point of intersection of policies and initiatives of both municipalities.

Air quality programme

The air quality program is obligatory for municipalities where the total amount of emissions exceeds the established norms for harmful substances in ambient air (Art.27, para.1 of the Ambient Air Quality Act). Dobrich urban municipality like most of the larger municipalities in Bulgaria is required to pass such a programme on air quality to reduce levels of pollutants in ambient air for the period 2009-2014. It contains a background review of the current situation, assessment of the quality of ambient air on the territory of the municipality and a very short section which is the actual program for improvement of ambient air quality. The action plan 2009-2014 to the program stands as a separate document. The plan aims at reduction of industry pollution and of the emissions from household heating. The other measures aim at reduction of the emissions from transport decrease of the content of fine dust particulates in ambient air and reduction of the sources of dust during construction and gardening works. The plan states that municipal legal rules have to ensure control over implementation of programs' measures. In addition a map of all industrial polluters at the municipal territory should be drawn and the public periodically informed through the mass media about ambient air quality and the implementation of the measures of the program.

The most recent development in air quality policy in Bulgaria showed that 30 big cities have to update their air quality programmes because Bulgaria has infringed the EU

legislation concerning the content of fine dust particulates (FDP10) in ambient air. The municipalities were requested by MoEW in November 2010 to pass the updates until March 2011. At a workshop with more than 100 participants – regional governors, mayors and municipal environmental experts - the representatives of MoEW offered full cooperation in this urgent process of rule-making amidst this new critical situation of poor EU rules implementation⁴².

ISO 14001

After the introduction of ISO 14001 standard for environmental management the municipality drafted a programme for reducing the impacts of municipal administration on environment. It concerns the “work of the municipality in regard to its environmental impacts – infrastructural objects, construction, water utilities and the negative impacts thereof” (Interview D02). One environmental expert is managing the ISO system. According to her the programme for reducing the impacts of municipal administration is important and it correlates with the general EPP though narrower in scope.

7.5.3. Rule enforcement

Everybody I was talking to at Dobrich urban municipality agrees that local rules are important. The conditions for applying for EU money require reference to strategic rules like municipal plans and strategies. The legal rules regulate the choices and behaviour of local people and companies. “...the ordinances have their effect and it is positive, judging by the fact that if people need to do something, they come to ask for permission. And

⁴² Homepage of the MOEW - <http://www.moew.government.bg/index.html>.

now, because there are exceptions, it does not mean that the ordinance has not played its role. (Interview D01). Further was shared that “no one dares anymore to cut branches or a tree, it is very rare. They submit request, we check it respectively is it grounded or not and take the measures needed.” (Interview D02).

The control over implementation of rules was voiced in the interviews as a concern about how to change the behaviour of people. “In order to change the behaviour of people the most significant is control. To exercise effective control, I think that the issues are very well and very detailed in our documents.” (Interview D01). “It is regulated, it should just work out. For me the control is the most important. The municipality has the mechanism, has the ordinances...” (Interview D06).

Here comes the tricky question about how and who should do the control and how effective it is in the end. Like in Teteven there was complaint that even when a punitive order is issued it rarely is confirmed by the court. The imperfect rules and the unwillingness of municipal lawyers to go to the court and defend the issued orders were pointed out as a reason. “Do we have any completed procedure [court]? We don’t. It means that they [the rules] are not well formulated, if we don’t have a single punitive order realized. For some reason always something goes wrong.” (Interview D02). Another substantial question is the actual identification of the wrongdoer. People who send signals usually would not sign up as witnesses any official paper against their neighbours. People are reluctant to become witnesses either out of fear of revenge or because they will need to spend time in the court.

The controlling capacity of the administration is limited in terms of people and competence. There are four eco inspectors who have their own area but they are multi-task officials burdened with many additional duties. “One and the same person takes care of waste - control of waste collection, waste transportation, cleaning and at the same moment, if there is a complaint he/she should react. And in our municipality there is a practice every month to hand in punitive orders from other municipalities, which means that the colleagues are very busy. The real work lags behind, because they have extra pressure.” (Interview D01). If the violation is serious and the competences beyond municipality’s ones, environmental experts could propose to the mayor to set up a commission with representatives from RIEW and regional public health inspectorate or the veterinarian services depending on the problem. Then the commission presents its report with a solution.

7.6. Rule-making process

7.6.1. The process in practice

The initiation of a rule-making process could be caused by many factors. One thing was confirmed in all cases. The pressure or initiative for changes comes either from higher authorities - the national parliament or government or from within the municipal administration. The municipal council does not possess capacity to make very substantial comments and passes without corrections the proposed program or ordinance. As one municipal servant claimed “We haven’t had problems, there was not such a proposal that

they wouldn't approve. Every proposal is checked by the lawyers and they [the council] could not refuse, don't have argument for that." (Interview D11).

Rules are usually amended due to legal amendments at national level or because of a new practice to be sanctioned with a rule or when a project has to be justified in a program. "We proceed with updates, when something has happened, or there is a normative change, which requires amendment, or we work on a new project, or we want to work on a new project which place is in exactly this programme, because you know that these programmes are required for every application and these issues should be in the foreground." (Interview D01).

The pressure of time and demands from national authorities accelerates the procedures, e.g. the obligations for the municipalities to close down the illegal dumps. This was a big burden for rural municipalities where in every village there is a small dump (68 villages in Dobrich rural municipality) (Interview D10). As mentioned above within 4 months 30 big municipalities were required to revise their air quality programmes to comply with the EU norms.

The rule-making process itself is detailed also by the voluntary ISO 14001 system. The person responsible for the standard explained how it works with the ordinances. The municipal administration checks whether the normative documents are adequate to the latest legislation. The legal department and the topical experts signal if there is need for correction or update. Then the mayor appoints a working group of representatives of the

units on the subject matter of the rule. As a result a draft is produced, it is published and if there are proposals coming, they are discussed and corrections made. Then the draft is filed with the council commissions and after corrections, is presented at a session of municipal council. Then the adopted act goes to the regional governor's office and if there are not objections from there, it enters into power (Interview D02).

According to an eco inspector "everything in the ordinance is described on the basis of some precedent, those happen all the time, we give proposals, they go through the lawyers and then at municipal council's session. We face various situations and we file proposals." (Interview D11). Their proposals are usually accepted and thus there is no problem to initiate a change in an ordinance. The eco inspectors could take part in a working group to come up with one proposal that later is consulted with the lawyers.

The public discussion of rules happens through the publishing of the draft at the homepage of the municipality. Formally, according to Art. 26, para.2 of the Law on Normative Acts, the draft should be submitted to public discussion on the web site of the authority at least for a period of 14 days. The municipal policy in this regard is not very consistent, though. As far as I have followed the announcements from September 2009 to November 2010 some documents were posted for comments, like the ordinances on the registration and breeding of dogs. Conversely, about the new environmental protection program was decided not to be publicly discussed. The ordinances are part of the ISO standard requirements whereas the discussion of strategic documents like environmental protection

program is at discretion of environmental experts that constitutes an informal rule with broader implications for overall collaborative decision-making process.

7.6.2. Rule-making factors

In-house expertise

The capacity of municipal administration to draft rules depends in part on the size of the municipality; the bigger the municipality the bigger its administration hence more experts with inputs in the process. Most importantly these experts know better the real conditions in their municipalities. If the process is well guided the local actors could sit together and produce a better plan like it was the case of Dobrich 2020. The American consultants presented good practices but the real work was done on the ground. “We prepared it long, there were working groups, and every one prepared its part of the plan, we discussed them together. It turned out to be very detailed and very thought through. It became a good plan.” (Interview D02). In contrast the municipal development plan prepared by external consultant was of poorer quality. The Dobrich 2020 plan was used as a reference in developing it but in the end “there were many gaps, and inaccuracies in it. Just it was prepared on different principle. Obviously they [consultants] lacked specialists.” (Interview D02).

The municipal ordinances do not require broad expertise like the environmental protection program and are drafted mainly by the municipal environmental experts and lawyers. The two newest ordinances were completed with the efforts of local municipal experts. Conversely, the strategic documents require many experts in environmental field especially

when describing the baseline conditions for environmental components and factors. Still even in the drafting of such documents by a consultant the municipal experts get involved in the discussion e.g. in the determining the priorities and action plan of the EPP (Interview D01).

On the other hand, the environmental experts are not best specialists. “The mayors have the problem of lack of quality specialists to do one, two, and three and tell to the mayor “here are your obligations, I have done what is needed, you could sign it and we submit it to RIEW, because we are obliged to.” (Interview D07). Because of lack of good local experts or their preoccupation with tasks like the funding under OPs, consultants become necessary part of the municipal rule-making. “If I need to draft such a programme, it will take me awfully a lot of time, because I deal with thousand other things. And besides the external look on analysis of baseline conditions makes a difference.” (Interview D01).

Consultants

The main consultancies are concentrated in Sofia although there are companies in other big cities like Varna (e.g. a company from Varna drafted the Dobrich’s air quality programme 2009-2014). These companies have a large pool of experts according to environmental components and factors. They are specialized in this service but could be also far from the local issues like the case of the first presentation for regional landfill project (Interview D06). Another shortcoming in writing projects is the tendency to “copy-paste” from other drafts (Interview D12).

The middle ground to draft a good programme is the cooperation between the external experts and local specialists as happened with the new EPP in Dobrich. “We naturally assign them [the programs] to collectives but the prioritizing of problems, and especially preparation of the action plan is carried out in collaboration, even there the initiative is ours. It is absurd that somebody will draft something, just like that falling from above and to be impracticable. (Interview D01).

Traditionalism

The working practices of Dobrich urban administration adhere to similar type of traditionalism and rigidity observed in the other case municipalities and related closely to local administrative “centralism” discussed below. Environmental rule-making is no exception. The municipal administration is a big machine that operates with own imbedded routines. No external actors to challenge this position yet. Environmental problems are not so acute in Dobrich that a strong civil initiative and NGOs could take roots and the few existing NGOs keep a narrow focus of their activities. The weak civil participation was shown in the discussion of the draft ordinance on registration and breeding of dogs, a topic which could concern many people but in reality only 4 opinions were filed (Interview D02).

This traditionalistic approach and inertia from the past (coming even from communist past) does not provide for incentives for any reasonable inputs in the municipal rule-making process. Some interviewees were critical of such approach. “The municipal administration works at old momentum and they are not accustomed to interference of

citizens or young people in their job. This is a problem of all municipalities.” (Interview D04) According to the same respondent this is a systematic problem and municipal servants are just adapting as they could to keep their jobs. “People are good, but when the mechanism is missing, they watch for their place, not to be seen in the foreground, not to take initiative. Like person she/he could help but when the decision should be taken on behalf of the municipality, it is not taken.” (Interview D04).

Leadership

Two consecutive mayors were leading figures at regional and national level in Bulgarian local governance. The previous mayor Luchezar Rossenov was deputy chairman of the NAMRB and very prominent figure in building of modern local government funded by USAID Local Government Initiative programme. The current mayor Detelina Nikolova who served before as a municipal secretary in the last two mandates has also showed leadership qualities. As noted above she is a member of consultative and decision-making bodies at national and EU level important for environmental governance like energy efficiency fund to Ministry of Economy and on two important commissions of the Committee of the Regions (on environment, climate change and energy, and on territorial cohesion policy).

The regional aspect of the leadership of Dobrich mayors is logical because of the central role and powers of the municipality in the region. Dobrich is the regional administrative centre and the municipality with largest population, industrial and social capacity. Mrs. Nikolova became chairwoman of the regional landfill association and despite the fact that

landfill site is on the territory of Dobrich rural municipality the application process and technical assistance goes through the urban municipality and a technical assistant of the association is employed there.

Political preferences

The Dobrich case sheds light on one important feature of governance practices in Bulgaria that apply to environmental protection, too. The political affiliation of the mayor could play positive or negative role in getting central support (e.g. money from EU funds). In her second mandate as mayor Mrs. Nikolova was supported by a party in opposition – GERB. Unlike some smaller municipalities in the region Dobrich urban municipality did not get any good share of the funding flowing otherwise to municipalities like Tervel and Krushari (40 mil. BGN – Interview D06) where was concentrated the electorate of minister of environment. For instance, Dobrich applied with a large project to solve a big urban problem with the correction of Dobrichka River and under the previous government it was unsuccessful. The party colour of the municipality was decisive for the negative response (Interview D06). A lot of funds could be directed by the ministry of environment and the minister as a former MP from this constituency region was aware of the problems in Dobrich but he did not supported the municipality. After the elections in 2009 Dobrich urban got into a preferable position because of the win of GERB and in the period 2009-2010 the municipality improved its project portfolio. The most telling example is the

special support received by the Council of Ministers exactly for the project of rehabilitation of the river gully⁴³.

Local administrative “centralism”

Dobrich urban municipality is considered to be a transparent administration. In February 2010 it was awarded by NAMRB with the award for most transparent administration⁴⁴. It introduced good practices within the project “The citizens and the municipality – partners for transparent and effective administration”. As a result the municipal homepage was restructured and new sections and subsections introduced: access to information, contracts, public procurements, etc. Against this background the cooperation of the municipality with the society in environmental field is not so impressive. For instance, all drafts of new ordinances are published but the administration is inclined to use only this passive way for communication of new rules and at a very late stage when the full draft is ready. According to a municipal official this is the only way to discuss the ordinance (Interview D02). The municipal experts do not believe in the substantial contributions of citizens. The discussion of the ordinance on registration and breeding of dogs was given as example when only 3-4 opinions were submitted with little to add to the text of the ordinance (Interview D02).

The centralization of decision-making has led to formalization and limitation of public participation, and hence to weak public responses. In the same vein a resourceful and

⁴³ <http://www.dobrich.bg/index.php?s=nl&id=2046> - news from November 2010 on the homepage of the municipality about targeted funding of 303000 BGN from the interinstitutional commission to the Council of Ministers.

⁴⁴ Municipal homepage with news about the award: <http://www.dobrich.bg/index.php?s=nl&id=1869>.

active actor like International College Dobrich also does not have a good record of cooperation with the municipality. It is strong higher education entity with a network of affiliated companies and NGOs. A representative of the college shared that the municipality has problem with cooperating with a private institution and its leadership favours consultants from elsewhere than those from across the street. “This is a Bulgarian syndrome of cooperation between municipality and university. We get moral support with letters of support because it does not cost anything. Where there is a common ground [for cooperation], they are not looking for us, but if it is for hollow activities, they do. We don’t have joint projects with the municipality and we don’t want to have such. They look for other consultants given that we are under their nose.” (Interview D04).

Closed rule-making system

The municipal administration in Dobrich operates like a smoothly working mechanism of rule-making polished by many procedures and enhanced recently by the ISO standard requirements. The drafting procedure of legal acts is strictly regulated. They undergo periodical revision and if an act needs updating, it is submitted to the prescribed internal procedure. As mentioned above ordinances are published on municipal homepage for public consultation. In reality people dealing with the content of rules are the administrators. The proposals from outside could come at a very late stage when all provisions are decided and basically only negative criticism could be expressed “there are more reactions, when there is negative feedback.” (Interview D02). The municipality carries out consultations very formally, detached “from the reality, from what happens in

the town – it is capsulated.” “They go for paper work, there are thousand strategies...there are claims but nothing in practice.” (Interview D04).

The municipality acts when a problem becomes a hot topic for the society and hence a political issue. Such story happened with designating of regional landfill site and the public protests against it. At first, the inhabitants of Stozher (a village near the proposed site) tried to contact the mayor but without result and only after the media announced that protests are about to begin and roads will be closed, the mayor had a meeting with the protestors and explained about the project and investments safeguarding the safety of landfill according to EU standards (Interview D06).

During more than a year observations of rule-making practices I did not detect a process initiated or substantially influenced by actors outside administration. A new ordinance is usually required by law (the green system ordinance required by the territorial law). The strategies have 4-5 year duration and their expiry leads to new drafting procedures. More frequent updates are exception. The MDP is the only document relevant to environmental protection undergoing yearly updates because of the dynamic of funding requirements.

Most public initiatives of municipality have short-term effect and do not remove the origin of the problem. The cleaning-up campaign along the road Varna-Dobrich littered by plastic bags from the nearby landfill was already mentioned as such an example. A good idea to address the problem with stray dogs by establishing a special municipal council commission became a thorny issue because of the non-transparent *modus operandi*

demonstrated by its chairman – “we don’t know what this commission is doing.” (Interview D06).

The municipality follows old routines even when there are options for mechanisms for civil involvement in decision-making. The initiative of Dobrudzha Youth Alliance aimed at taking up some tasks of the municipality related to the youth. A representative of International College Dobrich explained how a good project with established structure met the silence, rigidity and bureaucratic mechanisms of municipality (with committees, agendas, etc.). “We have established the alliance within a project – to have close cooperation with municipality and the youth could learn how their voice could be considered in decision-making related to the young people. The structure is there, young people are there, but the connection on the other side [municipality] is null.” The municipal administration (and the leadership) also does not urge institutionalization of the participation of other actors or individuals in rule-making process. One way out is the reestablishment of the public environmental council, an institution recognized as worth reviving after 15 years (Interview D02). For now the role of external consultants in rule-making of strategies and the formal consultations by publishing of ordinance drafts set the minimum openness of the system.

Weak civil society

Why the civil society is not strong part of any rule-making process? Not all drawbacks are on municipality’s side. The municipal experts talked supportively of greater public involvement – “to be heard the other point of view”. Within this chapter the examples

show two main reasons: closed administrative routines and attitudes and weak social consolidation in environmental field mostly exemplified by the presence and reputation of local NGOs. They are too small, spontaneous and campaigning on occasions (Interview D06). A NGO leader has shared local NGOs are also to blame for the low level of participation (Interview D05). NGOs are in many instances ignorant of funding opportunities, miss the deadlines, and are passive towards the administration. A more critical position on the cooperation between NGOs and municipal administration holds that “whatever happens, happens because of the people [officials] on the spot, of their initiative and education, because the respective person [official] is good but not as a purposeful action of the mayor’s team.” (Interview D04).

The NGO and other actors need to get higher recognition as participants in the rule-making. One avenue is through reviving the structure of public environmental council where the civil society organizations could hold a quota, the other one is strengthening of the capacity of local NGOs induced by external factors – new funding opportunities or broader presence of national environmental NGOs or even of the green parties in the region.

7.7. Governance and rule-making

Hierarchies

In the hierarchies’ section it is worth discussing first the role of regional environmental inspectorate (RIEW). Alongside with the legal and institutional powers and importance of the institution more insights emerged from interviews at the inspectorate in Varna.

The inspectorates are the regional environmental authorities that, *inter alia*, exercise control over the actions of municipalities (of the mayors as representatives of the municipality) in their region. “If one mayor does not comply with his/her obligations to full extent, e.g. if there is no programme, we fine him, if there is an illegal dump, we fine him.” (Interview D07). The RIEW carries out also preventive activities with the review of the local environmental programs. After receiving the draft, a team of experts in all subject fields of the program is assembled: on air, waste, biodiversity, protected areas, etc. Every expert reads his/her section and gives motivated opinion. One expert summarises all comments and the program is returned, if needed, for redrafting until it satisfies the requirements of the RIEW experts. Only the EPPs from the environmental rules are subject to such scrutiny by the regional inspectorate. The decisions of local authorities on legal rules (e.g. ordinances) are monitored by regional governor for conformity with law. RIEW as environmental authority at regional level has also reputation of having the best available environmental expertise. The experts of RIEW are summoned on many occasions to provide opinions to municipalities. Such meetings were held in Dobrich at the regional governor’s provoked by the problems with the new regional landfill.

The MoEW is monitoring the activities of the municipalities on everything related to the environmental protection through the RIEW except for OP Environment for which the central structures at the ministry are in charge. The RIEW sends every Thursday to MoEW report with information about what has been controlled, how many punitive orders

were issued, what are the problems, and at every three months summary reports (Interview D07).

Above the regional inspectorates MoEW provides municipalities with guidelines on new environmental policy issues. At periodical meetings with municipalities information about new environmental requirements is disseminated. “Our ministry has meetings with the association of the municipalities [NAMRB] in about 8 regions. In that way national policy is carried out and mayors are told “you need to do – first, second, third. RIEW will control you and you will report to it with a copy to us [MoEW].” (Interview D07). In the Dobrich case a good cooperation with RIEW was reported. The new director of RIEW (appointed in autumn 2009) was praised as a skilful expert who started her career from the first levels of the administrative hierarchy.

The cooperation between the national and local authorities is disrupted by the phenomenon of two years of overlapped mandates. In the last years, the municipal elections take place in the middle of the mandate of the new government and these authorities have two years to work together. New mayors work with one government and after two years new government comes and could pass new laws. That is not only negative feature of the political process, though. In Dobrich case the change in power was beneficial for the municipality because it was not on good terms with the old government and much better opportunities arose with the new government of GERB.

The hierarchy of environmental governance includes as discussed above also the figure of regional governor who possesses formal power to review the lawfulness of local governments' decisions and to control both RIEW and the municipalities. "The regional governor controls us [RIEW] and the mayor. We are under regional governor. We could inform regional governor that the mayor failed to fulfil his obligations. We could try this few times before taking more drastic actions." (Interview D07).

In addition to these powers the regional governor possesses also informal authority. This additional symbolic power is often employed in difficult situations when environmental problems are beyond the powers of the mayors. Then they usually turn to the regional governor. Such an occasion was the closing down of the illegal dumps and the redirecting of the waste in 2009. "We [regional governor's office] called representatives of RIEW and of agricultural services to solve the problem. Some of the mayors had their claims and after the meeting with RIEW the issue was settled and decided what is needed to do." (Interview D03). The same successful intervention by the regional governor happened in the case of purchase of new equipment for the existing landfill which later will be transferred to the new landfill. The decisiveness of governor's authority resolved the financial conundrum.

The Green network of Dobrudzha project coordinated by regional governor has been a good test of vertical and horizontal coordination between the environmental experts at regional level. It turned out that faster communication and shortcuts in decision-making

are not possible because of administrative rules of hierarchical subordination and appointment of experts by the heads of administration.

Networks

Networks in a bigger town like Dobrich are complicated because of its regional scale and importance. The above mentioned project Green network of Dobrudzha is posted on the homepage of regional governor as one of the three regional projects. It embarked on ambitious goals but turned out partial success because of legal and administrative barriers – a case that shows the resilience of rules at the administration. It started as a pilot project for Bulgaria on coordination between the competent authorities in environmental policy in the region and aimed at strengthening of the connections between their experts. It was designed to improve the communication so that in much shorter time the information reaches the right person at every administration in case a meeting is needed or other joint action should be undertaken. In this part the project failed to produce change and traditional means of approval and endorsement remained intact.

At regional level like in the case of Lukovit and Teteven the municipalities of Dobrich region and one municipality from Shumen region have established a regional landfill association to apply for grants under OP Environment. The beginning was not easy and there were tensions especially between the urban and rural Dobrich municipalities. “It was very difficult with the landfill, and now the things are hard, but still they move on, a lot of things were achieved.” (Interview D02). In some instances the regional governor stepped

in as mediator mainly employing both his formal and informal authority of a regional leader (Interview D03).

At official level Dobrich urban municipality is very active in twinning with other towns. There are 9 twin towns listed at the homepage of the municipality. Among them are the traditional ties with cities from neighboring countries like Saratov in Russia, Ismail in Ukraine, Pinsk in Belarus, cities from Macedonia and Turkey but also cities from China, Hungary, Poland and Switzerland. The fields of cooperation comprise mostly cultural and economic activities but relate also to environment. One important outcome of the cooperation with the Swiss town Schaffhausen was the establishment of Nature and Animal Protection Centre⁴⁵ carried out by the Bulgarian-Swiss foundation Pro Zoo. The municipality, the foundation as well as other NGOs like Ecological Club Dobrich created a successful partnership that benefits the citizens and visitors of Dobrich.

The town of Dobrich is an administrative centre of two municipalities – urban and rural. As already pointed out above the cooperation between them at policy level is far from satisfactory and only in cases when both local and national interests are at stake (like the construction of regional landfill) common ground has been found. Nevertheless, among their environmental experts there is exchange of knowledge and practices. Usually the municipal experts from the urban municipality help their only colleague at the rural municipality. They provide him with their ordinances or with advices how they approached a particular issue. The rural municipality's expert agreed that at the urban municipality

⁴⁵ <http://www.zoodobric.ch/>.

“there are more people, the things are better.” (Interview D10). In cases of illegal dumps signals are exchanged between them to coordinate cleaning-up actions. The institutional and expert cooperation is complicated given the political cooperation shortcomings and funding restrictions (both municipalities are eligible for different funding schemes). Against this background there is lack of common initiatives also in areas other than big environmental investments where municipalities could and need to partner. The regional governor became in few instances a broker of consultations and decision-making like in the case of the regional landfill. The Green Network of Dobrudzha presents a cooperation model that under reformed administrative rules could be run successfully in the future so that environmental experts would be involved in a constructive dialogue on regular basis.

The identified professional networks in Dobrich are of teachers associated with Ecological Club Dobrich and of environmental experts connected to the national association of municipal environmental experts (BAMEE). The former is with regional scope and potential for mobilising teachers and school pupils in educational initiatives and cleaning-up campaigns of the Club without getting to the policy forefront and taking a stronger stand in environmental debates in local and regional rule-making. The latter is linked to the national association and its projects which implement new EU practices. The chief environmental expert of Dobrich urban municipality is a board member and a leading figure in BAMEE. The DEPOINFO system developed for BAMEE under an EU project has been implemented at the current Dobrich landfill.

Community

Even bigger in times than Teteven and Lukovit Dobrich urban municipality has not any wider and stronger community partaking in environmental governance. Two environmental NGOs are acknowledged for their contributions on behalf of civil society. Most of their actions are campaigns related to certain special days (e.g. Earth Day) and to environmental education and work with the youth. The example of network of teachers in environmental subjects (Ecological Club Dobrich) is telling about level of participation of citizens in environmental governance. They fill in a niche left by the municipal administration. The municipal officials expressed commitment to encourage public involvement. They even consider the lack of strong NGOs as weakness and tend to underestimate the capacity of the existing local NGOs. “Some exist on paper, actually working people; there are almost none, even none at all. If we contact them for the name of the NGO for some project, it will work, but again the municipality should do the entire job on behalf of the NGO.” (Interview D01).

The participation of community is realized at a late stage of rule-making process when the public could make comments on the draft of the ordinance (e.g. of the registration of dogs) or take part in public hearings (the last one on air quality programme). Citizens are not so active in that field either as individuals or as NGOs. They rarely formulate their own opinions but could express negative reactions. Some groups as high school students take part in campaigns and awareness rising at school but the case of the Youth Alliance to the International College Dobrich showed that is near to impossible to change municipal practices so that outsiders become part of the administrative process. The idea of restoring of public environmental council could open new options for broader and systematic

involvement in real decision-making of active members of general public. Dobrich's environmental experts repeatedly referred to it as a possible future option but still nothing has happened.

The spring cleaning-ups are the model of larger public involvement organized by municipality. "The big cleaning-up is an initiative of municipality, which invites all citizens to get out and clean up, and the municipality will collect their waste at its own expenses." (Interview D11). The municipality used to award the cleanest and greenest backyard and yard of kindergarten and school. Nowadays there is a fund that provides up to 75 % of costs of projects of the citizens for improvement of public utilities in their neighbourhoods. Dobrich urban is the first municipality in Bulgaria⁴⁶ implementing such program about public works in municipal property sites (streets, kindergartens, markets) with the participation of citizens and entities. There is an additional program for funding of civil initiatives in benefit of local community with up to 3000 BGN. Although there is not information on the homepage about allocation of money on environmental projects, one of the eight priority areas is environmental protection⁴⁷.

Citizens have at their disposal green phone line at the municipality or at RIEW to signal about environmental problems. According to an expert at regional governor's office the signals RIEW Varna were mostly about birds or dolphins (near the seaside), burning of stubble-fields but not so much about illegal dumping as he would expect. In the

⁴⁶ The programme: Homepage of Dobrich urban municipality - <http://www.dobrich.bg/index.php?s=sc&id=378>.

municipality citizens rarely organize civil protests to protect their rights. The only instance I have detected during my field research was a NIMBY case of the inhabitants of Stozher village where the new landfill will be constructed. The protestors threatened to close the main road from Dobrich to Varna and filed a protest declaration at the municipal council of Dobrich rural municipality but after a meeting people were convinced by the mayor of Dobrich urban who explained about the safety measures and the findings of EIA report about the impacts of the landfill. The fact of normal functioning of the current landfill also helped. No lawsuit has been filed against EIA report (Interview D02).

Markets

The contracting of consultants is a normal practice at Dobrich urban municipality. Even with higher capacity and access to information the municipal experts in Dobrich could not manage day-to-day work and at the same time to prepare strategic documents that require time and data collection. The consultancy companies with specific environmental expertise have drafted the latest municipal environmental programmes (the EPP, the air quality program).

The municipality provides consultants with information and takes part in the SWOT analysis and in determining the priorities of the action plan. The identification of the pressing environmental problems and of the related measures and budget are decided by the municipal administration. Recently EU projects for technical assistance supported the drafting of programs, although mostly for waste management. The project for the new

⁴⁷ The programme: The Homepage of Dobrich urban municipality -

regional landfill assisted the drafting of waste management programs of all 9 municipalities
- members of the regional association.

7.8. Europeanization

Dobrich urban municipality has similar experience with EU funds, rules and practices as observed in Teteven and Lukovit, though on a larger scale. The overall perception is that new EU rules have regulated better the environmental issues and they got more political attention. This process is simultaneous to the public awareness and information about environment. “Obviously somebody should oblige us and to explain more.” (Interview D02).

The biggest EU project here is again for regional landfill and a lot of resources are allocated to this undertaking – municipal staff, political leadership of the mayor, and technical assistance for preparation of project documentation. Because of the new rules at EU level municipal waste management ordinance has been updated. The solving of waste problems is only one driver for governance dynamics. The money (nearly 31 millions BGN – app. 15.5 millions Euros)⁴⁸) expected to be managed by the leading Dobrich urban municipality is another serious driver, too. In any case the mayors in the region are aware of the obligations of Bulgaria towards EU and this sense of accountability plays its role. “They [the mayors] realise it and try not to discredit themselves. There is a competition among them.” (Interview D07).

⁴⁸ List of on-going projects: Homepage of Dobrich urban municipality - <http://www.dobrich.bg/index.php?s=sc&id=1036>.

The new environmental projects (in fact beside the landfill project there is only one other on-going project on energy efficiency) affect the structure and functions of municipal administration. For example, there is an appointed staff person who deals exclusively with the regional landfill association and the project applications. Municipal EU experts do not work much on environmental projects like they do in Teteven and Lukovit but they form an experienced unit with capacity to draft proposals and with potential for expanding their scope of work. The mayor is an active member of the Bulgarian delegation to the Committee of the Regions at EU level being a member of two important commissions.

7.9. Summary

The Dobrich case is different at least in two dimensions – it represents environmental problems and governance solutions of an urban municipality that is a big regional centre with regional authorities presented there like the regional governor's office. Air and noise pollution, waste management, maintenance of the green system of the city and of the gully of a small river are among most debated problems that represent the urban character of the municipality and seek solutions in environmental rules and their application. The new regional landfill is a flagship project that occupies governance agenda. Dobrich urban municipality is a leading municipality in association with 8 others and influences to a larger extent its decisions and procedural arrangements.

The most active governance actor in Dobrich is again the municipal administration led by an ambitious and experienced mayor with national and EU credentials. For few years the

municipality was isolated because of her political affiliation with an opposition party but after coming into power of this party the doors got opened and funds available. The municipal council and its environmental commission play supportive role and do not have strong expertise to propose policy changes; they rely completely on the municipal staff and leaders. Environmental experts are skilful with long experience working for the municipality. The senior environmental expert is a leading figure in BAMEE and has promoted many of the newest practices in Bulgaria like the DEPOINFO system at the landfill.

The civil society represented by two environmental NGOs plays a marginal part in environmental policy and rule-making process. This judgement comes from the municipal administration and local media but even the NGO leaders admit it. The NGOs have a narrow profile: environmental education, work with the youth and cleaning-up campaigns few times a year. The large network of teachers at regional level of the Ecological Club Dobrich and the affiliation of one NGO leader with political parties were among the discoveries about NGO capacity and interests. In addition to the actors analysed in the rural cases of Teteven and Lukovit in Dobrich there is a powerful educational centre International College Dobrich with a network of connected entities: high school, professional associations, NGOs, business companies and project development unit. Although its main subject is tourism the International College Dobrich network runs many projects on sustainability in partnership with Bulgarian and Romanian municipalities. The collaboration with Dobrich urban municipality has been more formal to the extent that the lack of common projects implies lack of trust.

The Dobrich case sheds light on two regional authorities - regional governor and RIEW. The former has limited direct functions in environmental matters but oversees the lawfulness of local legal rules and enjoys strong formal and informal authority to facilitate problem solving (e.g. about regional landfill) between municipalities. The latter is vested with sanctioning powers, monitors the performance of the mayors and exercises advisory expert role in joint meetings with municipalities.

Dobrich has developed a complex system of rules, both legal and strategic. It has one of the few long-term development plans in Bulgaria – Dobrich 2020 - initiated by the municipality that could be used as a model for municipal leadership for broader collaborative decision-making with all concerned actors. Beside the usual rules like the ordinances on public order, municipal property and environmental protection, on waste management, on green system, an air quality programme and special programmes for encouraging civil projects and participation are implemented. Unit of eco inspectors is tasked with the enforcement of rules.

Dobrich urban municipality is a frontrunner in many areas of environmental and local governance. It got national awards for innovative and transparent administration. There are formal rules for public consultations of legal rules and most of the programs are also debated publicly. Still actors outside the administration expressed their concerns that the municipality is not open enough to the society and that the decision-making is entrenched in old routines. The lack of acute environmental problems and the weakness of

environmental local NGOs could explain partly the poor public participation but cases like the drafting of new EPP proceeded without public discussions by decision of municipal environmental experts shows features of centralization and closeness of rule-making.

The urban specifics of the case and its regional importance added new insights into the structure of environmental governance in hierarchies, networks, community and markets. The scale and complexity of environmental problems are best exemplified by waste management topic and the regional landfill project which unleashed organized protests at its early stage.

The Europeanization of rules and practices affects all relevant areas of environmental policy. Dobrich as a city is an arena of important actors like International College Dobrich implementing EU programmes and has potential to become a good partner for the municipality in the rule-making process. One distinctive feature of the active involvement of the municipality with EU policy making, this time going bottom –up, is the position of the mayor at commissions to the Committee of the Regions. Again the regional landfill project overshadowed all others issues in terms of money, administration mobilization and external expert involvement. It made the two Dobrich municipalities – urban and rural - to sit together and decide on common interest of the communities in the region - an achievement in developing new structures and cooperation despite the resilience and old struggles.

VIII. Local environmental rules and rule-making - a case of LEG

The main endeavours of the thesis have been to explore and capture the forms, paths and hot issues of local environmental rules, to analyse rule-making processes and to discuss the importance of rules for governance - in which cases they have strengthen it, in which cases they have been a burden. Do formal rules really rule or under their surface informal rules abound and matter? Is local level the most appropriate level to make rules about environment? When rules emerge is it in result from bottom-up processes, or from mere compliance with orders and powers exercised from above? How does the multi-level governance discourse inhabit this domain of decision-making processes? All these and other questions are related to the main quest of the thesis – to go to the ground of local environmental governance and draw explanatory paths and signs (definitions) on its map and also to populate the map with actors, subjects and ways of dealing with environment. One general conclusion, that will be detailed in this chapter in respect to actors, fields of activities and processes, is that rules matter. They matter not equally in all cases, not equally for everybody and rule-making is not in interest of everybody. In most cases formal rules are developed strictly in a closed administrative manner by municipal administration and there is no real process of negotiation between actors but one actor dominates the whole policy cycle.

In the following sections findings from document analysis, case studies and interviews as evidence basis of the dissertation are summarized. In such way the local environmental

governance from rules' perspective as well as the factors, features and tendencies of LEG will be addressed.

8.1. Who makes the rules – importance of local actors and their real powers

The field work in three Bulgarian municipalities, the interviews at national level and the studied documents draw a dynamic picture of actors in local environmental governance: some of them with greater powers, some just have emerged, others becoming obsolete. Municipal administration led by mayor is the centre of power in Bulgarian municipalities. Municipal administrative structures are resilient and powerful – not only with their budget, staff and legal competences but also traditionally perceived as responsible for everything that happens in one municipality. It is not unusual whatever problem one citizen has, especially if living in a smaller municipality, to go directly to the mayor. The role of personalities both in their formal and informal capacity should be stressed. The main figures of importance are the mayors, deputy mayors, environmental experts, some municipal councillors, businessmen and local NGO leaders.

Local environmental rules apply to the areas of governance according to formal legal substantive and procedural regulations. The first common denominator for local actors to be with stake in rule-making is their legally determined position. They exercise their powers following obligations under the law or use the rights guaranteed under the law. In the group of actors that are required to act under the law are the mayor and the municipal administration; municipal council and businesses that need to comply with legal rules concerning their operations and contractual duties. On the other hand, NGOs and general public enjoy rights of public participation they might or might not exert in concrete procedures.

Within and beyond these stricter legal boundaries other sources of rules exist. One type of them discussed at length in all case studies is the strategic planning and rules derived from

it. The strategic rules formulate the vision and policy of a municipality for development and actions in a certain policy domain. Since environmental EU rules put a lot of pressure on all public authorities in Bulgaria, municipalities need to adjust to this new agenda by drafting and revising also environmental strategies and plans. This exercise has led to recruitment of new experts and contacts with consultants. Below follows a discussion on positions, roles and importance of the main local actors for environmental rules and rule-making.

8.1.1. Mayors

This research has confirmed that mayors in Bulgarian municipalities are pivotal figures for local environmental governance. They are municipal managers by law and their decisions impact greatly almost every aspect of municipal life – provision of services, communication with the community, the structure of administrative units, budget and cooperation with other actors. In most cases as it is in all case municipalities mayors are leaders with long administrative and management experience. Their political priorities usually impact the status of environment protection on municipal agenda. Nevertheless, important community issues and the compliance with new EU rules in the field of waste collection and disposal, water supply and waste treatment could be addressed only with EU and national financial support, so the process of getting this money scores high on every mayor's list of priorities.

Mayors rely on limited financial resources and staff. Only waste management budget is locally collected and spent. Even in a bigger city like Dobrich there is little additional municipal budget allocated only to environment. In all other environmental policy areas the municipalities need funds from national budget and EU co-funded OPs. The election cycle poses another limitation to mayor's perspective. If a new mayor is coming, he/she and his/her staff need time to take hold of the work at municipality (up to 2-3 years – Interviews T01, T08). The cases of Dobrich and Lukovit have shown that longer time in the office strengthens the mayors' position of leaders within and outside the municipality. On the other hand, a strong mayor with a vision and support from municipal council could

do a lot in one mandate (Teteven). The political affiliation of the mayor might be obstacle to or condition for better positioning of the municipality in terms of national funding. Dobrich have been neglected for one and a half mandates of the mayor compared to smaller but „well connected“ municipalities in the region until in 2009 the party GERB came to power.

The role of mayors in environmental rule-making is twofold – formal and informal. During the research I have not come across cases of direct participation of mayors in preparation of ordinances and strategies. But formally they steer rule-making process by appointing experts and working groups to draw up rules. Later they file with municipal council the draft and defend it if it turns out to be contested by members of council or by general public. In more general terms the decisions on structure and competences of environmental experts and units could influence the quality of rule-making. The mayors' decisions shape environmental units or consultancy assistance.

On the informal side mayors due to their manager's and leader's positions could establish practices of decision-making that do not follow formal rules. As representatives of the municipality they practically could influence the selection of preferred contractors and ignore others (Interviews T07, D04). In some cases established structures in one municipality like the Sustainability Centre of Teteven could be marginalised partly due to the policy of the new mayor. Other actors with competence and experience with EU projects and municipalities prefer working with other municipalities than with their home municipality because of the attitude of the municipal leadership (Interview D04). The research showed that the selection of projects to apply for is also in the domain of informal discussions and decisions between the mayor and his/her team (Interview T01).

In the area of rule enforcement the stand of the mayor is decisive. In Haskovo waste management services and green areas maintenance rank as one of the best in Bulgaria because of the personal commitment of the mayor and of the strong administration he has appointed to control the compliance with rules (Interview N01). The opposite pole is

occupied by poor quality of services, weak control due to presumed corruption schemes or by general state of poverty of population that is too poor to pay fines and environmental experts prefer to issue warnings and only as a last resort to impose minimum sanctions.

8.1.2. Municipal administration

The actor with the heaviest arsenal of financial resources, human power and legal mandate to produce rules is the municipal administration led by the mayor. The municipal public servants manage or control municipal services provided to the population and perform other duties like drafting of ordinances, strategies, programs and plans. At their decision and discretion timing of drafting process, form and content of new ordinances and strategies are determined.

Driven by Europeanization of practices and rules and the new demands for managing of big projects under OPs in the recent years new staff has been recruited in the field of environment and EU integration. Still the municipalities struggle to measure up to new requirements, flow of information and need for coordination with other authorities and consultants. The lack of capacity and the presence of old administrative practices pose an acute problem on Bulgarian local governance. In the same vein are the conclusions in the report on management of EU funds in Bulgaria: “Bulgaria is not able to reap the full benefits of this assistance because of critical weaknesses in administrative and judicial capacity, be it at local, regional or central level. The Bulgarian public administration suffers from a high turnover of staff, unattractive salaries which create opportunities for

corruption, and outdated, centralized procedures.”⁴⁹ For instance the turnover of staff and change of the head of the environmental unit caused delay in adoption of a new EPP in Teteven and for more than a year there no updated programme was in place.

Even though smaller municipalities like Lukovit, Teteven or bigger like Dobrich could not keep or attract the best experts they still have the best ones in town. Many young graduates return and start their first job after university at the municipal administration. Such was the case with the excellent and motivated young people in Lukovit and Teteven who took over the burdensome and contentious tasks of EU integration and project preparation and implementation. Most of them speak good English, have attended trainings and are motivated to work overtime and stick to tight deadlines.

8.1.3. Municipal environmental experts

Among all municipal experts the role of environmental experts should be emphasized. Mayors, municipal councillors, other interviewees place them at the centre of real everyday environmental rule-making and implementation. Not only do they manage the environmental topic at the administration but through their networks and associations have become an important institutional actor in LEG. Their professional experience varies a lot. Some experts are at the start of their career with a year or two at work (e.g. in Teteven, Lukovit) or are old cadres with more than 10 years under several mayors (e.g. Dobrich urban, Kardzhali). There is a constant turnover because the salaries and overall life

⁴⁹ Report from the commission to the European Parliament and the Council on the Management of EU-funds in Bulgaria. 2008
(http://ec.europa.eu/dgs/secretariat_general/cvm/docs/bulgaria_report_funds_20080723_en.pdf).

standard in the countryside municipalities is not attractive. In addition, new mayors could make experts leave because they are not “reliable” (Interview T01). Environmental protection is a very sensitive issue because of money and interests in waste management. Since the quality control is often in the hands of environmental experts the pressure on them also causes conflicts and dissatisfaction with work (Interview N01). The experts as municipal servants are subordinated to the mayor and his/her decisions. They take care of everyday work and initiate changes in rules, when such changes occur in national legislation or when a local problem needs to be addressed (e.g. with stray dogs in Dobrich).

Some EU projects (of Ramboll and EPTISA) targeted strengthening of the local capacity to implement EU environmental legislation through improvement of the knowledge and skills of environmental experts and through supporting establishment of “well-developed and trained administrative structures at local level, which shall effectively implement the requirements of new environmental legislation” (Ramboll 2007, 1). Together with MoEW the Association of Municipal Environmental Experts (BAMEE) was main beneficiary of these projects. They provided its members with trainings, guidelines and information (most recently under the above mentioned projects with ECONET - a virtual library with all types of templates and documents in the area and with DEPOINFO for monitoring in real time of the waste streams going into the landfill). The association has a core of 20-30 environmental experts who have worked long at municipalities and constantly upgraded their capacity. In addition to the good contacts maintained through the association the

experts use other channels for informal consultations like calling to each other for advice (Interviews T02 and D01).

Along with these professional contacts and capacity building programs the access to information has become easier than 10 years ago (Interview N02). The experts could already find any legal document online or in the legal information systems. In that way they stay updated with the changes in legislation that require adoption of new rules and also find best practices and examples of other municipalities to help them in the drafting process.

8.1.4. Municipal council

Formally the municipal council possesses the authority to adopt or block rules drafted by municipal administration. It could influence rule-making process by demanding better quality and returning the drafts for revision (in Teteven the first draft of EPP was rejected). In addition the council could indirectly influence the capacity for rule-making by voting budget for environment and on administrative structure and environmental experts' positions.

In reality municipal councils do not have own environmental experts and rely on municipal administration's capacity. The councillors are not usually specialists in this field. They have also limited time to get into details because most of them work something else. And they sit on more than one commission. Environment is only one of many policy areas municipal councils deal with. The most usual case is of council commissions covering two

or more policy areas and environmental protection taking second or third place. In the case of Dobrich urban municipality the commission is on transport, infrastructure and environment. The chairman of commission runs transportation business and environmental protection is not his field of expertise. In Lukovit the commission deals with territorial and rural development, and environment and its chairman has a hotel and other businesses. In Teteven the area of competence of commission is environment and tourism and the chairman is a veterinarian doctor who admitted that all the work is left to the municipal leadership and experts.

Case studies showed lack of active participation and own initiatives of the councillors in environmental field. They usually vote rules without presenting own proposals and amendments. Low participation in rule-making is confirmed by a survey on participation of different actors in development of EPP (only in 8 out of 24 municipalities municipal councillors took part in the process, see below Table 6). In sum, the complicated environmental field, the multiple fields of competence and lack of own expertise and time determine lower status of environment on councillors' agenda.

However two main factors could lead to higher environmental commitment of municipal councils - the Europeanization and projects that come along, and specific local circumstances (e.g. heavy pollution). And in this case the council acts as an active actor and collective body. EU-funded projects like the regional landfill with serious political and financial implications provoked heated discussions at council's sessions in Teteven and as a result a transfer station was negotiated with other municipalities from the association.

The three case municipalities are not exposed to heavy industrial pollution but evidences from Kardzhali with its heavy lead and zinc extracting industry were collected. The plant is a source of severe environmental problems for the city. In this case the municipal authorities are not competent to sanction and close the plant because RIEW oversees industrial facilities with integrated permits. The situation made the council look helpless and powerless even being the principle representative authority for the local population. Facing constant air pollution with cadmium, nickel and arsenic in times above the thresholds, the municipal council went beyond its legal duties and took the role of campaigner and environmental NGO (Interview N01). Beside such an extreme case of a mobilised council the environmental protection does not consume most of the time and energy of the municipal council because the entire work is left in the hands of administration experts.

8.1.5. Local business

In the case municipalities the impact of business on local environmental governance and rules was observed mostly through its representation in municipal council because no other significant forms of participation were found. In Dobrich and Lukovit the chairmen of the commission in charge of environment are businessmen. Nevertheless because of their different expertise (in transport, and in tourism) they do not consider themselves important contributors to rule-making but rather are inclined to trust all substantive work to the municipal experts. Nevertheless, in Lukovit one businessman showed leadership and initiated a project for establishment of the Geopark, now a landmark for the municipality.

Municipal experts shared in interviews that the business does not take part in rule-making and public discussions. On national scale the picture is the same according to a survey on participation in development of EPP (only in 2 out of 24 municipalities local companies took part in the process). Only in EIA procedures the company that has initiated the project is very active but in most cases it is not a local firm (e.g. for golf course in Lukovit). In case municipalities no heavily polluting industries operate and hence no major environmental damages and conflicts between the polluters and the population occur. Conversely, in case of Kardzhali there is an exemplary case of source air pollution. There the operator of the facility and municipal council have been in an open conflict for long but the council without direct legal competences to close down the plant has resorted to NGO's tactics of protests, media campaigns and signals to competent authorities (RIEW, MoEW). The operator as the biggest employer in the city has been in a stronger position and could afford to pay monthly fines for pollution (Interview N01) instead of improving its environmental performance.

If one follows the money track could find out that municipalities and businesses turn their interest to waste management services and implementation of infrastructural projects for waste and water management. Depending on the leadership of the municipality some contractors could be favoured in many ways (so that quality of street cleaning and waste collection in fact is not a strict condition for the amount of payment (Interview N01)). The distribution of local budget to waste management contractors raises a host of questions about the informal rules of paternalism and corruption practices. This thread was not investigated in this dissertation. Nevertheless, the identified local practices of closed

administrative decision-making, local administrative “centralism” and weak civil society combined with political support from upper levels suggest that local level is a fruitful soil for development of informal, sometimes even unlawful, rules.

8.1.6. Local NGOs

The map of community involvement in local environmental governance and rule-making is marked by weak representation of NGOs and community leaders. In the case municipalities citizens do not raise any environmental issues in form of demands or protests (only in Dobrich a small citizen group protested at the initial stage of the planning of a new landfill near Dobrich). Even in Kardzhali where air pollution exceeded critically the thresholds the main battle with the polluter has been led by the municipal council (Interview N01).

There is a high level of distrust between the municipalities and NGOs on basis of conflicting interests. At local level NGOs do not play a substantial role in rule-making as confirmed by the case studies. Municipal administrations do not consider them as valuable partners with capacity to contribute to the decision-making (e.g. Interview D01). The image of local NGO is controversial and often negative. They are considered “parasites” or commercialized (Interviews T06 and T07), hampering local development (Interview L01), or praying on projects because of the tendency of establish NGO with the sole purpose to get access to funds (Interview T07). In many instances their position could be misused, sometimes even by politicians and parties (Interview N04). National NGO are

considered “troublemakers”, distant from local life, fighting against investments in local economy in nature sensitive areas (e.g. the EIA of the golf course near Lukovit).

Another factor for low visibility of the NGOs in the rule-making process is the existing closed administrative procedure. According to a report the practice of preparation and development of EPP and other municipal planning documents do not involve stakeholders and public participation. “The consultations are made on interdepartmental level – between the departments in the municipality, with RIEW, Basin Directorate in Blagoevgrad, etc.”⁵⁰ The same conclusion could be drawn from a report that shows only rare cases of participation of NGOs in the development of environmental protection programs (see Table 6 below). In all case municipalities NGOs were found marginal actor in formulation and implementation of environmental municipal policy. The municipal strategic documents are usually not results of collective decision-making but rather reflect the priorities of municipal environmental unit or the inputs from the consultants if the municipalities could afford their services (Dobrich urban).

⁵⁰ COWI. 2008. Urban Environment Management Plan of the City of Blagoevgrad, prepared under the project Strengthening the Capacity of Local and Regional Environmental Authorities to Implement the Environmental Acquis.

	Municipal councillors	Consultants	Local business companies	NGOs	Regional administration	Central administration
Alfatar	1					
Asenovgrad	1	1		1		
Berkovitsa						
Bolyarovo						
Gen. Toshevo						
G. Oryahovitsa						
Devnya		1				
Ihtiman		1				1
Kavarna		1				1
Knezha	1	1				
Maritsa	1	1		1		
Nessebar						
Opan						
Pazardzhik	1	1	1			1
Radnevo	1	1				1
Rakovski				1		
Rodopi		1				1
Svoqe		1				
Sliven	1	1	1			1
Slivo pole		1				
Strazhitsa						1
Straldzha	1					
Topolovgrad						
Chirpan		1				
Total (number of municipalities)	8	14	2	3	-	8

Table 6 Participants in the development of Environmental Protection Programs.

Explanation: 1- “Yes”. Source: Ramboll, 2007⁵¹.

⁵¹ Prepared under the project Strengthening of Administrative Capacity at Local Level for Implementation of Environmental Legislation, Bulgaria, by Ramboll, 2007, p.121-122.

Local NGOs usually manage limited resources relying on projects rather on providing services and membership fees. Interestingly enough in the period before EU accession local NGOs were implementing many environmental projects and had good partnerships with local governments. Access to funds became critically low after many donors (from US and Switzerland) left Bulgaria following the country's EU accession and the eligibility of NGOs for funding under OPs very limited. Under the current OP Environment NGOs are eligible for projects in the area of biodiversity. But even if their main advantage is good expertise and project background they face difficulties without the support of the municipality and could disappear from public life (like the Sustainability Centre in Teteven and "Priroda" in Ribaritsa). On the other hand, some NGO representatives admit their passive stand vis-à-vis municipal administration (Interview D05). Only strong national NGOs could apply for EU-funded projects because often own financial contribution is required. Many technical details could not be fulfilled by the NGOs unless they are very experienced in project application or could hire good consultants.

Local communities often feel deprived or alienated from environmental rule-making process. The procedures for drafting ordinances and programmes observed in the case studies have not shown good practices of public participation of the general public or if at all, at a very late stage. Municipalities do not have strategy for active public participation but resort to minimum legal or administrative requirements. Even then people could feel helpless. "They come to us [a national NGO] to beg to help them in the fight against institutions." (Interview N11).

However there is civic energy that could be channelled by direct representation or mediation of local and national NGOs, to fuel a collaborative rule-making. Not always locals are against nature protection campaigns and protests of the NGOs. Groups of citizens and even mayors of small villages or municipalities have asked national NGOs for assistance and advice when investment pose threats to their environment and livelihoods⁵². A stronger civil sector could play a more important role in local rule-making as case studies and interviews point out (Interview N04). The usual case now is that local NGOs undertake actions in a very narrow field (environmental education of the youth – Dobrich, cleaning-up actions in Teteven and Dobrich, walking tourism - Teteven). They usually do not rely on formal or informal status of partners of municipal administrations although municipal administrators declare willingness to cooperate with them. Nevertheless, local leaders are still there though disappointed with local authorities and access to funding (Interview T05 and T07). If funding is available many local NGO, now capsulated, could restart their operations. In fact some NGO leaders are public officials like the mayor of Cherni Vit in Teteven municipality and the director of the community centre and library in Ribaritsa. They are visible and respected in local community and show the resilience and potential of the civil sector.

⁵² Hydropower plants are such case because of the erosion and drainage of water they cause.

8.2. Areas of local environmental rules

What are the areas of local environmental governance in Bulgaria? In general the picture is fragmented and patchwork. Municipal authorities have competences of various characters, which concern almost all sectors of environmental legislation. "...At present the most important competences of the municipal authorities are in the following sectors: horizontal legislation, waste management, air quality, nature protection." (Ramboll 2007, 4). The character of their legal powers varies: from full scale powers in waste management to mere participation in coordination procedures in biodiversity (management plans for protected areas). Some of their competences exist on paper but have not been realised. One reason is lack of financial and human capacity to deal with such rich variety of competences. Or sometimes this is due to weak environmental policy at EU and national level (e.g. soil protection).

There are some leading areas of governance like waste management and air quality, first because of the legal obligations and secondly, because of the money poured in this infrastructure. Issues like biodiversity and nature protection do not fall fully in the municipal competences and are sidelined because municipalities are not interested or capable to invest time, staff and money in them. If biodiversity protection projects supporting tourism development, investments in protected areas infrastructure or eco tourism are financed municipalities are more active but not so much in direct measures for biodiversity protection (Interview N01). The NGO's are more active participants in biodiversity protection than municipalities because traditionally this is one of their primary areas of activity.

8.2.1. General observations

Rules and limits

The local environmental rules are framed by the national legal rules that determine which areas of regulation are left at municipalities' discretion. For the municipal administration the leading rationale is to fulfil the legal requirements and most recently to develop strategies that substantiate projects for OPs. "They [the municipalities] are interested in roads, investments, tourist sites. They need much more urgently direct investments and if there is not legal coercion, they will postpone it, it won't be their first priority [the environment]." (Interview N06). In general this is typical top-down policy approach but even within this narrow scope municipalities show poor performance. The most common rules are the general ordinance on public order and environmental protection, the waste management ordinance, the green system ordinance; and the environmental protection and waste management programs.

Rules and innovations

Local administrations are in the best position vis-à-vis other actors even towards municipal council due to the legal authorization and traditions in Bulgaria. They possess the broadest authority, capacity and resources to produce rules compared to other actors. There is a room for innovative governance practices that could be introduced by the NGOs, local activists or combined efforts but no stable tendency and evidences have been found in the case studies and from the national interviews. Outside the frame of delegated municipal powers rule-making initiatives are rare. Alternative innovative rules appear as a result of projects (the environmental protection council in Dobrich, in Kardzhali) and have short life because are not rooted in the interests and capacities of local actors.

Rule enforcement

The rules are enforced at local level in the most practical (and limited) fashion. Municipal servants who are in charge try to achieve best effect by selecting least sanctions. They go through all the possible ways of warning, facts protocols, issuing prescriptions for action and only finally resorting to sanctions and punitive orders. This practice has become clear from case studies and from interviews with experts on local governance. Fines and other sanctions are not main driver for change in behaviour and for compliance of citizens and companies. Fines are hardly considered as an important item on the balance sheet of municipal budget, too. Citizens might comply with the new regulations once published, so the rules definitely of informative and preventive nature.

8.2.2. Types and importance of rules

The initial types of rules selected for analysis of environmental rules and rule-making are:

1) legal formal, 2) strategic formal and 3) informal rules to the extent they relate to first two types of rules. Which of these types of rules set local agenda? In the years after EU accession in 2007 the strategic rules came to the fore. Programs and strategies are needed to justify applications for environmental investment projects. Producing such rules is also closer to the hearts of municipal leaders that face real problems that could be not solved without EU and national finding. Other actors otherwise without interest in the work of municipal administration also need to stay updated with these strategic rules because they should base their project proposals on the priorities set in strategic municipal rules (Interview D04).

Europeanization has been driving an intensive rule-making in Bulgarian municipalities. The EU rules have been transposed first into the national legislation and then into the local legislation. The amendments in the main environmental laws at national level delegate powers to municipalities in new areas (mainly in the waste management – separate collection of waste, treatment of mass widespread and dangerous waste) that led to amendments or new municipal ordinances. For instance a new ordinance on public order, maintenance and protection of municipal property and environment was passed in Dobrich urban municipality because otherwise too many amendments to the old one were needed.

The informal rules that revolve around formal rules usually refer to drafting of these rules or their enforcement. The informal rules could be developed or communicated through informal or formal networks of experts where people from the same profession – environmental experts - discuss in their forums the issues that are not written down (Interview T01). The decisions on application for certain projects are taken in informal, administrative manner by the mayor and municipal experts. There is an unwritten rule that sanctions are imposed as a last resort and even then at the minimum because the offenders could not pay them. The municipal administrations in all case municipalities were sceptical about imposing and collecting of fines from the people. They even suggested that in some cases there are personal considerations not to impose sanctions on businesses (Interview T08) or because of the policy of municipality (for example not to impose sanctions on hotels without wastewater treatment facility (Interview T05)).

Another alternative typology has emerged in the course of the research. Some rules are considered rules of first order (“big” rules) because of EU regulations and money attached to their application. These rules attract a lot of resources, political and expert time and create new structures, partnerships and networks. They are also action field for the most local actors and result in new developments. Such types of rules are the local waste management rules. These rules abound in all forms – legal, strategic, informal rules (of negotiations for positions in regional landfill association). They are the most dynamic ones because of the urgency of the matter and its relevance to everyone. In this area beside an active municipal administration and council, important players are the companies providing the services, consultants developing rules and project proposals, NGOs and even the general public (e.g. defending their rights in civic protests against the landfills - in Sofia for Suhodol, against the landfill for Dobrich region in Stozher at an initial stage). Another area of pressing EU obligations and large scale investments is water management and the construction of components of the water cycle – sewage pipelines, water collection systems, and wastewater treatment facilities. In fact, compared to waste management there are not many local rules and the actors dealing with water are less and so visible. Usually water issues are treated by local rules only in EPP where the provisions are in times less detailed compared to waste rules. This is due partly to the shared authority on waters between state, municipalities and water utility companies whereas in waste management most activities confine to local level.

Different type of rules is the rules of second order (“small” rules). They regulate everyday life situations and are routine and repetitive like protection of green areas or handling of

stray dogs. For them there are detailed regulations and sanctions in municipal ordinances – fees for permitted cutting of trees and shrubs or sanctions in case of illegal cutting; fees for picking up medical plants.

8.2.3. Legal rules

Municipal administrations consider the ordinances as important rules. The ordinances prescribe conditions and procedures related to environmental topics –e.g. treating and transportation of industrial waste and determining relevant sanctions in case of breaches of prescribed behaviour. Not always the obligations of the mayor and municipal council, NGOs and other actors and citizens are regulated in detail. Many organizational rules – like statutory regulations for environmental public council, rules for public procurements, for contracts of the municipality, for partnerships, etc. are not in place.

For the last 20 years the municipal rules that dealt with environment were first regulated in a general ordinance on public order (and maintenance and protection of municipal property and environment in some versions). It is based on the general delegation of the Law on Local Self-governance and Local Administration. The first topic-specific ordinance was on waste management based on the delegation of the Waste Management Act. The green system ordinance is the newest – most of them passed in 2009 and containing cooperatively high sanctions. Most recently some municipalities have adopted codified versions of environmental ordinance (e.g. in Teteven, Plovdiv) covering almost all environmental sectors relevant for the municipality - air, water, soils, biodiversity, noise and waste.

The number and scope of ordinances vary from municipality to municipality (see Table 7 with the main ordinances in case municipalities). The effect of having one ordinance which codifies all environmental rules versus more pieces of legislation (like in most municipalities) could be a subject of detailed study but one general conclusion could be drawn. The municipal administrators do not consider the bigger number of ordinances as a problem because they work with them on daily basis. Whether there will be chapters on waste management or a separate ordinance does not make a big difference for them (Interview D11). In terms of rule-making and needed amendments the procedure would be the same. Nevertheless if one ordinance codifies all other rules on biodiversity, water and soils, there is an added value because it brings these rules down to the people, regulates unique local issues and shows commitment of the administration to imposing detailed local rules.

Field/ Municipality	General	Waste management	Green system	Others
Dobrich Urban	Ordinance on ensuring of public order, maintenance and protection of municipal property and the environment	Ordinance on the management of the waste treatment activities and maintenance of the cleanliness at the territory of Dobrich Urban Municipality	Ordinance on development and protection of the green system on the territory of Dobrich Municipality	Ordinance on registration and breeding of dogs at the territory of Dobrich Urban Municipality
Lukovit	Ordinance on maintenance and keeping of public order, traffic safety and cleanliness at the territory of Lukovit Municipality	Ordinance on waste management and cleanliness keeping in Lukovit Municipality	Ordinance on development and protection of the green system on the territory of Lukovit Municipality	No
Teteven	Ordinance on environmental protection, cleanliness keeping and waste management at the territory of Teteven Municipality	No special but the general ordinance covers also this field	No	No

Table 7 Main ordinances in the case municipalities

8.2.4. Strategic rules

Municipalities govern environment also with strategic rules. These rules represent their governance vision based on the current environmental situation and analysis of the problems to chart measures and actions needed for improvement and development. Plans and programs define aims and priorities that have to be achieved with institutional,

legislative, economic and technical measures (WMP Teteven, 62-63). Funding and responsible authorities have been attached to these measures.

The ordinances are considered to be in municipal council's sphere of competence whereas the strategic documents in municipal administration's, even though both types are prepared by the municipal staff and voted by the council. The most common programs municipalities adopt are environmental protection programme (EPP) based on delegation of the Environmental Protection Act, waste management programme based on Waste Management Act and Air Quality programme based on Quality of Ambient Air Act. Other strategic documents like the municipal development plan, the municipal governance programme of the local government also include sections on environment. In Box 2 above a host of other plans and programs are listed as potential strategic rules for one municipality. The passing of limited number of strategic rules (see Table 8) reveals the limits to local environmental governance capacity (bigger municipalities – more strategies and plans) but also the local priorities and needs– more for waste and water management and air quality but almost no rules in the sphere of biodiversity or soil protection.

Whereas legal rules are more static, long-term and their enforcement is not the first priority for municipalities, the strategic rules are result-oriented with expected outcomes in a timeframe of 4-6 years. The former play more symbolic, informative and preventive role –“do not do this because you might be fined”, the latter have higher financial and practical value. Plans and programs should ensure that municipality moves in the right direction and mobilise all human, institutional, legal and financial resources.

Municipality	Municipal Development Plan	Municipal Environmental Protection Program	Municipal Waste Management Program	Others
Dobrich Urban	Yes	Yes	Yes	Plan Dobrich 2020; Energy efficiency program; Air quality programme; Stray dogs programme
Lukovit	Yes	Yes	Yes	No
Teteven	Yes	Yes	Yes	No

Table 8 Strategic documents in the case municipalities

As mentioned elsewhere the strategic rules are basis for justification of project applications of the municipality and other local actors – NGOs and businesses. In this respect the municipal administration pays close attention to the priorities defined in them. They should relate to the objectives and priorities under the OPs. As a consequence the content of strategic rules follows the logic of EU and national policy priorities. For instance, the municipal development plan 2007-2013 of Dobrich urban municipality was updated every year after its adoption to include new projects in the action plan that could be financed by OPs funds.

From governance point of view it is interesting to analyse the areas in which municipalities direct their attention through strategic rules. The limited resources of municipalities and their dependence on external funding make them completely dependant on EU and national agenda. For instance, in the budget of municipal development plan for 2010 – from the total funds of 44 846 216 BGN less than 10 % of the funds come from the

municipal budget - 3 546 498 BGN (MDP Dobrich 2010, p.40). The strategic rules reviewed in the case municipalities give priority to the most pressing problems of the municipalities – sewage and wastewater treatment in Teteven and Lukovit, regional landfill and cleaning-up of a river in Dobrich. Waste and water management are two out of the three substantive priorities axes (the fourth is technical assistance) of the OP Environment for the planning period 2007-2013. The third one is biodiversity protection (preservation and restoration). Only three municipalities in Bulgaria have implemented projects under this third priority axis⁵³. Not surprisingly, municipalities are also not interested in areas without developed EU and national legal and policy rules backed by funding (e.g. soil protection maintains an obscure status at local level but also at EU and national level).

At least two features of the environmental governance context at local level have emerged from the case studies and other data: lack of local capacity to prepare policies and projects outside the traditional sphere of competence of the municipalities, and lack of interest (and capacity) to invest time and other resources that do not bring along direct economic and social effects which are at the centre of gravity of local policies.

⁵³ Web site of the OP Environment: <http://ope.moew.government.bg/bg/projects/projectslist/cid/3>.

8.2.5. Informal rules

Although not in the main focus of analysis of LEG in Bulgaria findings about informal rules emerged from case studies and the interviews at local and national level. Beside formal development cycle of environmental rules discussed above there are other activities performed by municipal administration for which rules are set in an informal way and still they are guides for future actions of the municipality, and in a narrow sense, for the municipal administration as a centre of power and information exchange. The importance of these rules that take the form of unwritten customs and codes should be recognised and discussed (Lowndes 2005, 292). Informal rules may take form of ‘positive’ patterns of behaviour, like “community leadership”; or they may underpin ‘negative’ frameworks like “departmentalism, paternalism or social exclusion.” (Lowndes 2005, 292-293).

Many informal practices exist in real life operation of municipal administration. These concern the internal communication and decision-making within the administration or the relationships and cooperation with other actors and the general public. In addition there are forms of informal cooperation among the municipalities and their experts (within national associations like NAMRB and BAMEE), decisions taken ad hoc by the mayor and its team (e.g. in Teteven with EU projects team about for projects applications).

The work at municipal administration is dynamic and the experts dealing with pressing issues like EU-funded projects need to choose fast tracks because otherwise the formal procedures take weeks (Interview T01). They are pressured by short deadlines and need to organize the whole administration to prepare an application. Such a way of decision-

making related to project application process was observed at Teteven municipal administration. No formal procedure is followed. The experts do not put their proposal in writing and send it to the mayor for approval but rather go to him directly and discuss whether the municipality should apply and for which settlements. When a new water sector scheme was opened the experts went to the mayor and briefed him about the scheme referring to the settlements prioritised and he decided for which ones the municipalities should apply (Interview T01). These rules work well to overcome administrative culture of slow and delayed internal communication and most recently of distrust and conflicts between old generations of administrators and the new people at the “units of young experts” like the EU projects units.

The whole cycle of rule-making – initiation, drafting, discussion, adoption and enforcement – is populated with informal rules. Some of them as mentioned above ensure efficiency of the decision-making but some comprise negative patterns of rules. There are no formal requirements beside the internal procedures of ISO 14001 about the conditions and timing of initiation of a new rule-making procedure. Drafting of rules is performed internally within the administration or contracted to consultants depending on the capacity of the administration and upon decision of the mayor. When drafted internally experts use informal channels and guides – contacts with colleagues, Internet, legal databases, etc.

In general local rules are created in a closed administrative milieu to fulfil formal obligations but not so much to serve as guiding principles and common ground for all actors to make them take part in environmental governance. The administration drafts or

commissions rules, then reports them and amends them without any strong public involvement (e.g. in Dobrich urban municipality this was the case with environmental protection program for which the administration decided not to hold public hearing not obligatory by law and the draft was developed by a consultancy with inputs of the environmental protection unit; or with the drafting of ordinances in Kardzhali).

In Bulgaria local environmental rules are passed and implemented without strict formal mechanisms for monitoring and impact assessment, especially by independent bodies or the civil society. In that way the leaders and administrators could avoid being labelled as unsuccessful which at political level could mean election loss. There is only yearly reporting procedure before municipal council and RIEW concerning implementation of EPP which only few municipalities made public whereas the case municipalities did not. For example, in Teteven the missing mechanisms for assessment of environmental ordinances and programs on basis of indicators were pointed out (Interview T03).

The enforcement is another area in which informal rules about whom, when and how to sanction exist. As a rule of the thumb the less sanctions and less sanctioned people - the easier - a principle rooted in the low standard of living in Bulgarian municipalities and in the low control capacity practiced by municipal administrators.

A general conclusion about the power of informal rules in rule-making could be drawn. In principle, informal rules save time and provide fast track for rule-making, especially for municipal administration when left at its discretion. On the other hand, they might be a

way to ignore or bypass other actors, downplay collaborative decision-making and introduce departmentalism and paternalism practices.

8.3. Features of rule-making

The next set of findings from the research revolves around the questions – how rule-making happens and how rules are shaped by local actors and circumstances. In the case study chapters few important lines of thought came to the fore. They are also related to the governance structures – hierarchies, networks, community and markets (Pierre and Peters 2000) - discussed in the previous three chapters.

8.3.1. Rule-making capacity

In general there are two paths of rule-making in terms of experts' involvement – in-house expertise and consultancy assistance. A professional community of environmental experts across governance levels - municipal, RIEW, national - communicates frequently and its members know each other well. Such practice was observed in Dobrich and Teteven while talking to environmental experts. They know their colleagues from the RIEW by name and are on daily basis in communication with them, so there is no barrier at expert level. Going to the national authority, MoEW, the picture changes because it is far away from local level and only few national experts cover one area. These experts are known to every municipal expert but compared to RIEW experts they do not have time and capacity to communicate with municipalities intensively and individually.

The ordinances are easy to draft once the experts have examples and templates. The municipal experts compare and transfer models from other municipalities. All case municipalities reported intensive exchange of information with neighbouring or with similar type of municipalities. All municipal documents are uploaded to the municipal homepages, so the models are there for everyone's use. The topics of municipal ordinances fit into the profile of municipal experts, and environmental experts and lawyers possess sufficient expertise to draft a good legal act in a jointed effort. A respondent (Interview N06) argued that the threshold for good capacity of the municipalities to deal with complex issues like environment in terms of population is 70000 people (medium to big municipality). Such municipalities have budget, experts, and personal commitment of the mayor to the community (Interview N06). From the case study in Dobrich it could be concluded that if such a critical threshold exists might well be above 100 000 people because the municipal administration there in the same way relies on external consultants.

For strategic environmental documents much larger expertise is required because the environmental components and factors need be assessed and important interventions and governance solutions of local authorities charted. These rules are too sophisticated for a municipality because they require much broader capacity. As a result experts in many environmental media and factors are needed – from waste management to biodiversity and soils. But even when assigned to consultants rules are produced in collaboration with environmental experts who have the final word on the priorities and on the action plan with the list with projects - a sensitive issue for all municipalities.

8.3.2. Traditionalism

Old administrative routines and habits are still entrenched in the practices of Bulgarian municipalities. Most mayors are still from the “old school”. They studied and worked during the previous command-and-control system and later in turmoil of punctuated reforms. And the concentration of power in their hands predisposes rather slow pace of change. The mayors, even open-minded, need to work with old administrators who are used to closed bureaucratic manner of work. Young people with ideas and initiatives need to take heed of the administrative mentality of their colleagues and managers. They have hard times to persuade their colleagues to change their style of work. Even when entering the building of a municipality one gets an impression that things have not moved much in the last 20 years.

Still this traditionalistic approach is changing in terms of environmental rule-making due to at least two main factors: pressure from national authorities (which in a way is the old way of following the directives from above) and external consultants’ interventions. Along with the commands and directives from the top there is money and expertise poured on municipalities and they need to adapt to tight deadlines and strict reporting. Before years were needed to persuade mayors to consider a regional landfill option and in the end without any success (Interview T01). Later the result was achieved because of the combined influence of EU rules, of the MOEW and of the assistance from international consultants (e.g. in Lukovit).

8.3.3. Role of leadership and personalities

The figure of the mayor is critical for the governance in one municipality. At local level the personal factor and role of leaders is decisive because there are not many leaders and alternatives to local government leadership. He/she is not only elected official and head of administration but legally and symbolically represents the face of municipality. In addition to people's perceptions of mayor's omnipotence the governance practice also confirms this special status. The local authority above them - the municipal council - is passive, at least in environmental rule-making, to control, support or correct the mayor's policy. If it does it happens in cases of decisions about big investments (e.g. regional landfill). Similarly, the general public is not an active participant also because the social capital (networks, NGOs, independent institutions and experts) is low in smaller municipalities.

Two features of the leadership of mayors in environmental rule-making should be emphasised – their administrative powers as heads of the administration and their policy decisions as representatives of the municipality. The mayors decide on the number of experts and their positions and on the general administrative structure. In the case municipalities the environmental experts are placed in different units and with different responsibilities. The preferences of the mayors influence other actors (NGOs, consultants), too. If they do not favour a local NGO, it can not develop properly, or even suspend its operations (e.g. the Sustainable Development Centre in Teteven). Secondly, the priorities of the governance programme of the mayor define the areas for municipal development and consequently the content of strategic rules - strategies, programs and action plans. The determination of a mayor to solve a problem is critical for the success of an initiative.

In a frontrunner municipality like Haskovo the mayor has shown leadership and special personal attention to the quality of waste management services and cleanness of the city. His efforts led to establishment of a structure with sufficient staff and equipment to control the performance of service contractors and the compliance of citizens and companies with local ordinances (Interview N01).

Parallel to the formal and informal leadership of the mayors other local leaders emerge with new visions, initiatives and presence in local life. The personal commitment and political connections of a local businessman led to the establishment in Lukovit of a landmark for the municipality – the Geopark. The mayor of a small village Cherni Vit in Teteven municipality has been promoting actively authentic local foods and organizing cleaning-up actions and contributing to the discussions of strategic documents of the municipality and the adjacent national park. These deeds although not always with direct effect on environmental rule-making process indicate a potential for broader local leadership.

8.3.4. Local administrative “centralism”

Following the discussion of the central role of the leaders in LEG, a next logical point is the centralised system of decision-making that is at work in municipal administration. There are other actors that formally could impact this process but their interest or capacity is limited as the research has shown. Municipal council could first intervene and propose amendments and alternatives and later the general public, including NGOs could comment on the drafted rules. In practice the rule-making cycle is controlled, managed and reported

by environmental experts under mayor's supervision. Real contribution on the substance of the rules could come from external consultants as in case of strategic documents that require specific expertise in various areas. But even then the municipal experts have the final word.

There could be listed the following advantages that place municipal administration at the centre of governance processes:

- **Expertise** - in the field of environmental protection the usual place of employment for environmental experts in a municipality is the municipal administration. There these experts could gain a good experience in handling various tasks.
- **Budget** – if there is a budget for environmental activities at municipal level it is allocated and managed by the administration – it applies to own revenues, grants and subsidies from national and EU funds.
- **Staff** - the municipal administration is supported by environmental and legal experts.
- **Leadership of the mayor** – the mayors are supportive of or leading many initiatives and have realised the potential from financial flows from national and EU funds into the municipal budget.

The findings from the observed rule-making processes in the case studies point at two patterns of centralised decision-making. The legal rules are prepared by environmental experts in collaboration with municipal legal experts. The drafts might or might not be published although in most cases they are available for comments at municipal homepage

for two-three weeks. The general public and the NGOs usually do not submit substantial comments. The drafts are reviewed by municipal council's commissions and voted by the council. The strategic documents are assigned to consultants. They are provided with background information by the municipal experts. The draft is reviewed by environmental experts and submitted to the council and in most cases to public discussion on the homepage. For both types of rules municipal council relies on the expertise of the administration and even in the more politically important documents as strategies councillors simply accept and vote the draft (or change only a word in it like in the EPP of Dobrich (Interview D01)).

The reporting to the municipal council (particularly on the environmental protection program) is proceeded by the same environmental experts in a formal way without public discussion or other type of community oversight. The only external authority that reviews these reports is the RIEW. The centralization of decision-making in the domain of municipal administration is not interrupted by strong inputs from other local actors. In case of legal requirements or of good will of the administration the drafting process is more inclusive (with participation of the local actors in working groups and with public discussions). Usually the municipal development plan undergoes such a collaborative procedure because it contains rules of overarching local interest and importance in all local policy areas.

8.3.5. Closed rule-making system

Another clear finding from the case studies is that rule-making is practically limited within the municipal government administration and only formally goes beyond these confines to involve municipal council, NGOs, businesses and local community. A report on the process of development of EPP concludes in the same vein “that the development of Environmental Protection Programs is regarded more as a closed process, like some kind of administrative obligation, which the municipalities have to meet. The municipalities seem ready to use contributions from consultants and municipal councillors, yet more partners should be involved with the purpose of developing real partnership and feeling of ownership over the programs by the local communities.” (Ramboll 2007, 122).

I have observed and followed up on the development of the new EPP of Dobrich urban municipality. The process that surfaced was led by the environmental experts who being overburdened preferred a consultant to prepare a draft. Further it was decided against the need of public hearing or broader discussion based on their previous experience of poor interest of the public in discussions of such type - “the most we could get is some very “tricky” question by the media about some details” (Interview D01). This example provides a good insight in actors’ constellation, capacities and boundaries of rule-making processes.

The local administration in Bulgaria still does not have enough capacity and lacks traditions in organizing collaborative decision-making. Such processes, if they occur, are usually guided by projects with external experts and funding (see in Chapter VI the

Dobrich 2020 plan). In the transition period democratic practices like forums and public discussions were sponsored (e.g. the municipal development plan of Teteven).

The discretion of municipal authorities to direct the rule-making is a case of legal localism (Page, 1991) a concept that could explain the centralised administrative system. Unless municipal administration decides that it should share the power of decision-making the system will remain hermetic. The institutionalization of a more open system could take the form of establishment of a Public Environmental Council (existed in Dobrich in 1995-96) or of special procedural rules obliging the administration to follow a collaborative procedure.

Is it important to open up the decision-making process in a governance context where “localism is the king” (Bull *et al.* 2010, 1008)? Are there actors ready to take over this task and contribute to formulation, implementation and monitoring of the rules? The case studies and other sources do not give an explicit answer based on the current situation. There are NGOs – national and local, local leaders and interested citizens with knowledge and potential to become owners of the process together with the official authorities. In Dobrich and Teteven members of NGOs and active citizens with professional and project experience have the potential to do the job. Conversely, in Lukovit there are no established environmental protection traditions led by NGOs or local activists. In Kardzhali, a city with acute environmental problems, surprisingly, also there are not any active environmental NGOs but the struggle against the polluting plant was led by the municipal council. In the same city when on one occasion municipality launched a

campaign of simple personal commitments to sustainable water use, only one person outside the authorities – municipality, regional governor and the water utility company - signed the declaration.

In conclusion it is not easy to reconcile these extremes of the practice and to suggest only one solution. Rules do not change every day and the burden on administration to organize a proper decision-making process should not be too heavy to bear. However, such collaborative processes could legitimise municipal environmental policy and its legal and strategic measures and in addition could build upon the knowledge and alternative perspectives of non-state actors. A good sign in this direction is that municipal administrators from case municipalities considered the cases of open collaborative decision-making as more productive than the consultants-driven processes (e.g. Dobrich 2020 plan compared to the municipal development plan 2007-2013). A possibility for NGOs to manage or control some rule-making process is not out of question if local governments undergo reforms and the civil society strengthens its powers.

8.3.6. Weak civil society

Civil society has been interpreted in this dissertation by theoretical and practical reference to NGOs as the local civil society actor. Even though only a subset within the larger theoretical space occupied by civil society (Steel *et al.* 2007, 37) NGOs and their leaders represent the face and actions of civil society at local level. Case studies show that local people are not active on their own in campaigns, actions and other initiatives. The interest of local population under poor economic conditions is in getting more jobs. To what

extent are NGOs mediators, messengers and partners in local environmental governance that transfer local knowledge and expertise to inform and reshape (Steel *et al.* 2007, 35-37) not only national and international but local environmental policy? Evidences from the ground draw a grim picture of local environmental NGOs' in Bulgarian municipalities. They are underfunded, sidelined by municipal administrations, with leaders but with no active membership (with few exceptions – Ecologic Club Dobrich) and their leaders feel discouraged. Local NGOs are too small, spontaneous and campaigning occasionally (Interview D06) and are dependant on donors' funds to sustain. In the pre-accession period more funding schemes were open to NGOs and they took the lead in partnership with municipalities (e.g. Sustainability Centre of Teteven; "Priroda", Ribaritsa). Later, after the EU accession, in the first planning period 2007-2013 their eligibility to apply for funding under OP Environment was reduced to biodiversity area where mainly big national NGOs have financial or expert capacity to submit successful applications. EU did not provide in reality as expected opportunities, resources and ideas (Steel *et al.* 2007, 51) to local environmental NGOs. As a result local NGOs with background in environmental protection, with years of experience and project portfolio have ceased their operations, some of them have closed down and others have hibernated waiting for better times. Some NGO experts have turned into business consultants and left their home towns to join or establish consultancy companies (Interview T01).

Municipal administrations perceive NGOs as partners only in theory and do not seek their advice in rule-making processes and in LEG in general. Environmental experts acknowledge the need of more active civil society but in practice and even on paper there

are no rules to encourage this process. Some NGO leaders complained that municipal management does not support them, even ignores them and replaces them with non-local experts or internal administrative capacity. The attitude towards them could become even hostile – blaming them of being project hunters and parasites. The feeling of isolation and of best times being behind dominates the mood of the NGO community in the case municipalities.

Another problem that NGOs need to overcome is their identity and connection to the local population and other actors. It is a usual case that one person is one NGO (e.g. in Lukovit and Kardzhali (Interview N01)). The broader community does not recognise them as its representatives; although some of them are natural leaders whose skills and devotion have benefited the whole municipality (see the examples in 8.3.3. above).

On one hand, the resilience of traditional municipal rule-making prevents more inclusive process. To this capsulated state of the administration could be added the negative personal attitudes of mayors towards certain NGOs (Interviews D04, T05). On the other hand, NGOs suffer from systematic shortcomings – they do not have strong economic or membership basis, their activities are occasional and cover narrow area of environmental governance. In addition, some of their leaders have been affiliated to political parties (see the Dobrich and Lukovit cases) which left a negative mark on them. The local NGOs do not cooperate well with each other and with other non-environmental NGOs and stay detached from the national NGO community and its initiatives and capacity.

In sum, the current image and performance of local environmental NGOs is poor due to external (access to funds, attitude of the administration and population) and internal (fragmentation, lack of alternative sources of funds and of viable membership, visions and activities) factors. On the bright side, local NGOs have their niche and have undertaken small specialized projects – mostly on voluntary basis - that could be transformed into bigger initiatives under better external conditions. Also the leaders of NGOs have not given up hope and find alternative ways to survive until new opportunities, sources and partners come to the fore.

8.4. Europeanization

8.4.1. The European moment

Europeanization has been one of the red threads in the dissertation because EU rules have shaped legally, institutionally and practically the local environmental governance – the actors, the content of rules and the rule-making. The EU rules were on national agenda during the pre-accession period while being transposed into the national legislation but in fact their dominance became a fact at local level after the EU accession. To ensure compliance with EU *acquis communautaire* in waste and water management, biodiversity (especially NATURA 2000) national authorities intensified hierarchical pressure, dialogue and cooperation with Bulgarian municipalities. The local legal, strategic and informal rules have undergone dramatic change. Delegation of powers to local level has induced amendments and adoption of new ordinances most notably in the field of waste management. The lure of available funds under OPs resulted in extensive rule-making of

strategic documents that would substantiate local projects in environmental infrastructure. The funds are enormous⁵⁴ for the scale of municipalities and moreover available for a short period. The moment “now or never” has marked the fervour of municipal leaders and experts to work as hard as possible to get these funds because such investments are also solutions to long-standing problems like wastewater treatment. As a result structural reorganizations were implemented and new staff employed to fight the battle.

8.4.2. New local EU projects staff

The high tide of Europeanization has changed local governance landscape in Bulgaria. It brought about new objectives, money, consultants and not least new people at municipal administration to deal with the rapid developments. New experts have filled in positions at environmental and EU projects units. According to the administrative structure of every municipality they could be placed in different units. At one place the environmental and EU experts work in close cooperation (in one room in Lukovit), at another they are in different directorates and under different deputy mayor’s supervision (e.g. in Dobrich urban municipality). In any case, though, their presence is visible and their workload - the heaviest. The effect of Europeanization as a new perspective for the Bulgarian municipalities is well depicted through these newcomers. They are young, well educated, with good English and ready to work overtime. They are exposed to the highest extent to the influence of external national and international experts who assist municipalities under EU-funded projects.

⁵⁴ To provide perspective in this regard the EU funding of the water cycle in Gabrovo is for around 64 mil. Euro and exceeds in 4 times the annual budget of the municipality.

8.4.3. Europeanization – a top-down process

The negotiation and implementation of EU programmes is main driver of changes in policies, practices, preferences and participants within local system of governance (Marshall 2005). For municipal projects funded under OP Environment in Bulgaria the money is provided by EU (around 80 %) and national budget. The priorities - waste management and water management - comprise the lion's share of the budget. Municipalities could not replace those priorities with their own ones, even if hypothetically they will go for other options. The interviews at case municipality suggest that in fact municipalities need money exactly in these fields due to the poor condition of water and waste management infrastructure (e.g. in Teteven). EU, national and local priorities coincide very well and there is no resistance on the ground. Although not involved properly in the process of planning the coincidence of national and local priorities is clearly visible in the smaller municipalities where waste and water management investments were for long time neglected and now there are enormous funds available to these municipalities. Mayors in their governance programs have committed to improving of this infrastructure as a main priority (Interview T01).

The relevant strategic rules are produced by the consultants with the mayor's sanction and under close scrutiny of the experts to meet the application requirements and if needed adjusted accordingly (e.g. the municipal development plan of Dobrich urban municipality). E.g. EPP deals with all environmental components and factors but money is spent mostly on waste and water management. In the EPP of Dobrich urban municipality these two

areas are among 6 priorities (together with air quality, condition of the town river, green system and noise protection) but the bulk of money is allocated to them and the shortest deadlines applied to them, too. Table 3 above provides another example of the dominance of the EU-bound funding of municipal projects. So, in addition to top-down political pressure and political will the strategic rules do not leave money and time for independent local policy that runs parallel to top-down set priorities. There are areas which are not covered by the local policies and rules because at national level the issue is not important. This is the case of soil protection, an area where also the EU is at an initial stage of promoting a strong legal regulation and strategic measures.

The EU environmental rules have become a catchword in local political rhetoric because of the financial benefits, political dividends and increased powers of the leadership. The interviewees reiterated in all case municipalities the importance of EU requirements. “The EU requirements... We jump according to the stick, not according to what we need to do but according to the stick. They say we need to close down the dumps and we close dumps down.” (Interview D11). The projects on improvement of local environmental infrastructure were imposed from above because of the implementation of the EU directives requirements but these investments are clearly needed in the municipalities and they embraced the idea and welcomed the money.

The legal rules follow the top-down logic even in a more straight forward way. The EU directives are transposed in the national legislation and from there powers and obligations are delegated to local authorities. Although municipalities resort to legal localism in

deciding when and how to introduce new rules with the ordinances they usually proceed swiftly with the amendments. In some cases the new aspects introduced are so many that a new ordinance is drafted. In January 2011 a draft of waste management ordinance was submitted to public discussion on the Dobrich urban municipality homepage. The explanatory note to the draft provides insights in the logic of the top-down process⁵⁵.

8.4.4. Europeanization – chapter one

Nevertheless municipal administration is not well prepared for the trials of preparation and management of such big projects. It is understaffed and the burden of responsibilities is gigantic compared to everyday matters. To manage financial resources of such a scale within 2-3 years is a big challenge. Some interviewees expressed doubts in the smooth and successful run of these activities (Interview N08). In addition to these capacity limitations, the political games and strategic struggles pose another set of problems. For instance, this was manifested in the cooperation among municipalities in regional projects by a prolonged and weary process of establishment of regional landfill associations (notably for Lukovit region). Since the construction of modern infrastructure facilities is only the first step in their life cycle one could presume that Europeanization's next chapters will show new features and trends.

⁵⁵ “The submitted draft is prepared according to the European legislation – European charter of local self-government, European regional development charter, as well as Directive 75/442/EEC on waste and other directives of the European Union, related to this field, having in mind the compliance of the main normative act WMA with them. The main objective of the current ordinance is to synchronize local legislation with the national, as well as to be introduced the new moments in the management of household, construction and mass spread waste, including the packaging waste, waste accumulators, electrical and electronic waste, waste oils, end-of-life vehicles waste tyres.” (published at the homepage of Dobrich urban municipality – <http://www.dobrich.bg/index.php?s=nl&id=2097>) .

8.5. The State and the municipalities

The power of Europeanization would not reveal its full potential without the legal, administrative and informal powers of the state. How multi-level governance works within this tier? This discussion adds arguments to Europeanization discourse as well because in last years national environmental policy has become close translation of EU policy. The investments in environmental infrastructure that provide money, employment and environmental benefits are point of intersection of EU, national and local interests. Waste and water management converge the political and economic interests of national and municipal leaders. The national legislation, national strategies, national meetings and workshops shape broadly the local agenda. OPs are managed and overseen by the ministries. The managing authority of OP Environment 2007 – 2013 is the Cohesion Policy for Environment Directorate within the Ministry of Environment and Water⁵⁶ (also the national funds like the Enterprise for management of environmental activities are run by MoEW). In the steering committee of OP Environment out of 53 members the quota of municipal level members is small. Only three mayors and two representatives of national associations – of the municipalities and of municipal environmental experts - represent and defend municipalities' interests.

The national steering has direct and indirect effects on local legal and strategic rules. Concerning legal rules municipalities are in the field of legal localism and could decide when and how to transfer the national legislation into the local ordinances. It happens mostly by initiative of the legal and environmental experts. The state does not have legal

mechanism to force the implementation but employs methods of informational meetings to discuss and explain the benefits (Interview D07). However, after the adoption of a local ordinance the regional governor exercises control over its lawfulness.

Local strategic rules are impacted in a different way. Firstly, national strategic priorities set in OP Environment – waste and water management, and biodiversity protection - define the rules of applying for EU money. Municipalities run the same course and transpose these priorities into their EPPs to substantiate their project proposals in these areas. Having a strategic document with a list of projects is a prerequisite for national and EU funding and this is the real driving force for rule-making. Whereas EPP adoption is again in the field of municipality discretion, the waste management programme is considered to be part of the obligations of the mayor in the waste management and RIEW could fine him/her for non-compliance. As one senior official of RIEW put it “If a mayor does not meet his obligations to full extent, that is, there is no programme, we sanction him, if there is an illegal dump, we sanction him.” The state sanction is another means to push municipalities in the right direction, especially in the field of environmental protection. “If there are not sanctions, I don’t see how the municipalities could be active, there is no long-term vision, of a good husband” shared one national expert on waste management (Interview N10). The Prime Minister Bojko Borissov addressed mayors at a national meeting saying that if they fail to comply with the rules they should stand up in

⁵⁶ <http://ope.moew.government.bg/en/management>.

front of municipal council and community and say “I broke the rules and that is why we do not get any money from EU and Borissov does not give us money.”⁵⁷

Potential legal sanctions and real funds trigger much bigger responsiveness than pure environmental arguments and commitment of local leaders. These are the real arguments for local engagement with environmental governance on a larger scale. The low interest in biodiversity protection projects from OP Environment exemplifies this tendency (only few municipal projects for the whole country). It is not a hot financial topic and traditionally municipalities are not strong players in this area. Projects like the Geopark in Lukovit are rather an exception.

8.6. Local circumstances

8.6.1. “Not in my front yard”

A third factor in mapping local environmental governance within multi-level governance perspective through the lens of rules is the local factor: nature and economic conditions, local traditions, practices and local interests, in other words - physical proximity, identity, scale and power (Goss 2001). The research emphasis on evidences from the ground brings up the question of the implications of “the local” (Goss 2001) throughout the whole discussion of the dissertation. The case studies showed a clear tendency of focusing of the efforts of municipalities to take care of their own backyard. They do not appear as strategic players at regional, national or EU scale with their own environmental agenda and ambitions. The LEG in reality complies with the required minimum by law – waste

⁵⁷ <http://www.monitor.bg/article?id=233276>.

management, waters, clean air protection (in the bigger cities) but do not cover innovative or non-traditional areas like soil protection, climate change or sustainable development with strong environmental pillar. Thinking and doing outside this box is a rare endeavour. When dealing with biodiversity municipalities as a general rule either oppose the protected areas network (“not in my front yard”) or in rare cases implement EU funded projects.

8.6.2. Legal localism

Rule-making is a clear case of legal and strategic localism and the local administrations take advantage of it. The exact timing and forms of rule-making is largely at convenience of municipal administration (most often of the environmental experts) and only occasionally driven by pressure from the regional or national environmental authorities. One reason is that there is no legal mechanism of the higher authorities to sanction and enforce better rule-making in the realm of local self-government and municipal discretion. Such discretion of local administrative elites allows them to remit tasks that are not pressing having the comfort of passive civil society and environmental NGOs. The interviews with municipal environmental experts confirmed that big projects like regional landfill and water cycle take all their time and everything else including drafting of new programs should wait (Interview L01). As a result it might happen like in the case of Teteven that new programs are produced long after the old ones have expired.

There are not local actors with capacity and strategy to change this static behaviour of municipal administration towards more inclusive rule-making. Local NGOs struggle to survive or are capsulated in small activities. Environmental experts are rare species in one

municipality (most of them working for the local government) and the general public is not interested so much in environmental matters unless in case of big health hazards (like in the case of city of Stara Zagora and the pollution from a nearby military base). Small and medium-sized municipalities are especially affected because of the migration of experts in direction of big cities and companies. Even a representative body like municipal council limits its work to observation and voting. One municipal councillor shared an ironical saying that “municipal council is there to counsel not to work” (Interview L07). In practice all rule-making initiatives are driven by the municipal administration.

8.6.3. Local interests and environment

Despite the introduction of EU rules for environmental investments the priorities in them could be bent by politically stronger national and local agenda. The ruling coalition and the policy of the MoEW in the period 2005-2009 showed preferences in investments in waste and water treatment facilities in small conglomerations under 10000 population equivalent in the face of a pressing deadline of 2010 to finalise those in conglomerations above 10000 p.eq. (Interview N08). Municipalities opposed the development of NATURA 2000 network out of fears that investments in local economy will be damaged. One reason for this instinctive defensive reaction of the local leadership was also the improper communication of the MoEW of the proposed sites and of the principles, restrictions and opportunities of the network (Interviews N07 and Interview N05).

In addition from the analysis of legal and strategic rules of case municipalities one could infer that biodiversity is not a priority policy area that is backed by investments and strict

enforcement. In general, municipalities perceive biodiversity protection more as an obstacle and support investments even in sensitive nature areas as in the case with the golf course near Lukovit. Another part of this conundrum is that protected areas usually do not fall within administrative boundaries of one municipality but are shared between several ones. I have not come across a working mechanism that would lead to stable institutional partnership between municipalities sharing common biodiversity areas. The municipalities do not have in principle good cooperation among themselves. In case they are equal partners with somehow conflicting interests as in the regional landfill associations of municipalities, important decision like the establishment of association or the choice of site for regional landfill could drag on for years (Interview T01).

The conflict of local interests with environmental protection culminates in highly sensitive nature areas and affects local environmental governance in a negative aspect. New ski resorts, residential villages and complexes, wind and solar energy parks have destroyed irreversibly the nature and landscapes in many places in the mountains and along the seaside. Municipal leadership has been supportive of these developments because of social and economic benefits and the direct gains for local community from the price of their lands. In such cases only national environmental NGOs have been able to interfere and defend environmental considerations within EIA or SEA procedures or through national campaigns.

8.7. Strong or weak local environmental governance

What is the current model of Bulgarian local governance in environmental matters – old or new according to the classification of Schimmelfennig and Sedelmeier (2004) -“ old governance” implying hierarchical and vertical processes of command, control, and steering by the state or “new” - “network governance” based on horizontal co-ordination and cooperation, negotiated in decentralized settings between public and private actors”.

The ideal type of governance could be juxtaposed with the real image of the governance observed and analysed in Bulgaria. If we define strong local environmental governance as *governance of committed and active municipal authorities with resources and (political) will to put environmental considerations high on policy agenda and to actively communicate and cooperate with local population, businesses, NGOs and other local actors and to carry out sound and comprehensive local environmental policy, and to persistently seek cooperation with national and EU authorities to impact their decisions,* the LEG in Bulgarian municipalities at the moment would be placed at the other end of strong-weak continuum – *with municipal authorities with limited to poor administrative and financial capacity that depend on global, EU and national incentives, funding and ideas, and that approach environmental problems fragmentarily (and if pressed to) in a closed centralized administrative manner with little input from local actors, and with no real (or negligible) impact on national and EU decision-making.* In general local environmental policy is a patchwork without coherence and full scale integration. On one hand, political and administrative agenda is preoccupied with dealing with waste management and water management, areas where money is poured and state pressure

exercised. On the other hand, there are policy areas that are still empty pages on local environmental agenda or covered formally without allocation of resources – soil protection, nature protection (area where sometimes the opposite happens – municipalities lobby and protect openly business interests even detrimental to the environment), climate change, etc.

Local environmental governance as observed during the field research and analysed in the dissertation is mostly about administration of environmental problems by the municipality – there is a problem, there should be a solution found by municipal leadership and its staff and resources. The administrations do not act as community leaders to promote ways and initiatives to enforce collaborative thinking and decisions. The understaffed administration, the patina of administrative traditions, the time pressure of EU funds soak up the capacity and attention of local authorities and drift them away from real collective-choice and strategically oriented processes.

Outside the administration the social capital and community experience has been drained by the external developments – population migration, globalization, limited eligibility for EU funds but also by internal factors of governance – small size of majority of Bulgarian municipalities, poor economic and social conditions, centralization of power and resources at municipal administration. There are only exceptional cases where local people have voiced environmental concerns and mostly in a defensive mode- when there is threat to their health and comfort (e.g. Kardzhali and Stara Zagora). Where local capacity was established either through donor support and initiatives – Swiss programme –

(Sustainability Center of Teteven) or in a form of grassroots NGO – like “Priroda”, Ribaritsa, they were left alone and slowly ceased to be factors due to shortage in funding and lack of support from municipality which has introduced instead new positions within the administration or prefers external consultancy companies when applying and implementing projects under OPs. In sum, the building-up and maintaining of strong civil participation in local environmental governance is a challenge that needs to be addressed by targeted funds, local people and leaders, and by initiatives at every governance level.

The mayor and the administration under him/her play the most visible and vital role in managing the process of rule-making and deciding on scope, forms and power of environmental rules. The municipal administrations speak and act on behalf of the community. The capacity and impact of other local actors are limited to spontaneous, uneven and personal messages, actions or governance functions. The municipal administration was and still is the real centre of power, decision-making, rule-making without alternative and cooperative solutions. If there are any they emerge at national level (e.g. protests against constructions of new holiday villages in Strandzha Mountain along the seaside).

Local environmental governance is also function of strong and supportive national and EU environmental governance. Firstly, there are objective legal constraints to the competences of local authorities that determine their activities and the formal scope of involvement of local actors. What is more if one topic is not on EU and national agenda it is of low importance also at local level (e.g. soil protection). Upper-level authorities could

introduce as well new rules and procedures as a corrective to practices and tendencies established on local ground. If local level is the primary level of rules and practices in one policy area (e.g. waste management) stronger control and cooperation mechanisms could be applied to curb misuse of powers - the rule unmaking.

8.8. New era for local environmental governance and rules

The thesis has discussed governance by reference to three main elements of local rules – subject (what), actors (who) and process (how) - the classic governance issues (Chhotray and Stoker 2009, 4). In the next pages I will shortly review the progress of local environmental governance in Bulgaria according to these elements.

Local environmental governance has gained positions first through the new legal powers delegated to municipalities to establish environmental rules. Only 10 years ago there were hardly any other rules than those included in the general ordinance on public order, municipal property and cleanliness. „Things were rather weak in the field of environment 12-13 years ago.“ (Interview L03). Now municipalities legislate in waste management, green areas and in almost all other environmental issues of local importance with framework ordinances (Teteven, Plovdiv). They are entitled to develop plans and strategies in many areas (see above Box 2) and the need for good strategic rules is fuelled by EU environmental rules and values, and backed by substantial funding.

The subject of local rules has been marked by emerging topics, openness to codification, more experienced administration and consultants to create rules in EU context. These

features are summarized in Table 9 below. Whereas there are some typical local issues – waste management, air quality, urban environment, others are inherently perceived and managed as non-local – biodiversity, climate change. The former type of rules should be implemented and enforced at local level with broader social and economic support. In the latter type of rules governance should aim as a start at information sharing, acceptance and participation.

Findings	Notes
New rules	Waste management and green systems New governance issues like regional landfill cooperation
Codification	Emerging themes (biodiversity, climate change (energy efficiency), soil protection)
Suitable level of rule-making	Predominantly at local/regional level – waste and wastewater management, air quality
	Combined at EU/national/regional/local - biodiversity, climate change

Table 9 Findings about the subject of rules in LEG

More rules does not mean better environmental governance if actors are not their dedicated authors and owners of rule-making process. In this sense Bulgarian municipalities have gained experience and confidence after the first years of legal and administrative turmoil following EU accession. The mayors, their teams and the municipal councils became more receptive to the call for better management of environmental goods after witnessing a boom in investments in environmental infrastructure in their localities. From national to local level there are many experts trained and experienced, with knowledge and skills to carry out environmental rule-making and contribute to LEG.

The case studies and other sources have illuminated the prevalence of hierarchy of government's structures over collaborative governance ways of reaching goals and guiding actions in resolving environmental problems and providing sustainable solutions at local level. In pre-accession period appeared strong influential actors like NGOs and partnerships outside local governments and state environmental authorities. In the era of Europeanization, in the first years of EU membership, these alternative actors have lost powers and positions vis-à-vis local governments and the scope of collaborative decision-making and sharing of capacity shrank. The municipal administration and council are the main authorities with still narrow, entrenched competence in few areas as shown in Table 10 below. For example, climate change theme has been driven by national and EU initiatives with less support, initiatives and interest locally outside the rhetoric, pilot projects and representative functions of some leaders (e.g. the mayor of Dobrich at the Committee of the Regions).

The local administrations are centres of power in LEG – legally and traditionally - and they have the potential to lead the community because of their representative powers but also because they are local people. Mayor's leadership is critical. The municipal council is interested only in strategic matters whereas the NGOs and civil society are weak and business interested in service provision and rarely in supporting campaigns. These features as well as the importance of competence, capacity and impacts of actors from higher tiers are shown in Table 10 below. An open challenge is how to reconcile the distance from the problem of the national actors with strategic visions and solutions that serve not only local but national, EU and global environmental objectives.

Findings	Notes
Leadership	Concentration of powers in the mayor, weak municipal council
	Other local leaders (NGO, business)
Capacity to rule-make	Local environmental experts and lawyers mostly on ordinances
	Concentration of powers in the municipal administration – initiative, drafting and implementation
Inclusion of actors	Only in formal procedures with minimum requirements and funding for participation, informal practice of neglecting or downsizing the external opinions
	The local NGO, business are not involved actively
EU and national authorities' impact	Distant from the local conditions – negative tendency
	Instructions and capacity building and funds – positive tendency

Table 10 Findings about the actors in LEG

The local legal and strategic rules are mostly developed in a closed administrative system at the municipal administrations. There is no efficient and open collaborative local environmental rule-making. In rare cases (e.g. of municipal development plans) rules are discussed and elaborated in a structured way – with public bodies and procedures that take on board many perspectives. However, such formal documents legitimize the municipal policy and funding processes. Traditionally but also procedurally rules are not discussed or challenged by local actors even by actors with power to do so like the municipal council. The community, in general, and NGOs as the most active part of the civil society are also not authors of rules and owners of the rule-making process.

The rules become usually a closed book after being adopted and could be seriously considered only for the next drafting period. This applies to ordinances but more to strategies and plans. The latter are rules for administrative use and their drafting is proceeded by the administration without strong desire or capacity to make them public, so that community would share the responsibility for their implementation. Some good rules and practices have been abandoned after the projects that initiated them ended (e.g. Environmental Public Council and award for well maintained area in Dobrich urban municipality). Years of work and expertise were put on the shelves replaced by applications for the lucrative investment projects.

The legal localism discussed in all three cases is a strong feature of the rule-making – because the decisions are taken as close as possible to the people and usually in an efficient administrative manner. Nevertheless, this manner of discretion leads to some negative results – delays, slow adaptation to new policy objectives and hermetic process. In addition, the procedural rules are with minimum requirements for public participation and the involvement of all parties is still a wishful future. Table 11 summarizes these features of rule-making process as well as the learning processes through trainings for local and national authorities and for NGOs aiming at achieving better quality and involvement in local issues. The national and EU consultants have aided and further developed the local capacities. As a result there is more expertise and new skills at local administrations as well as in the NGO and local leaders.

Findings	Notes
Legal localism	Close to the people, efficient – positive
	Delays and administrative discretion – negative
Local administrative centralism	Few experts decide – power, expertise and funds concentrated at the municipal administration
Traditionalism	Slow in adaptation to new realities, old routines
Closed rule-making system	Formal involvement of other actors, no institutionalization of collaboration, lack of interest from NGOs and business Driven by the investment needs, EU context
Capacity	Learning process, better quality
	EU and national consultants
	Low capacity in strategic rules
	In exceptional cases national and local NGO experts are involved

Table 11 Findings about the rule-making process

8.9. Multi-level governance

Multi-level governance perspective becomes clearer after having reviewed the findings about actors and processes in local environmental governance. As it was shown throughout the thesis local actors are subordinated to or cooperate actively with actors from higher tiers. Still the main governance structure that defines the rule-making processes and the LEG in general is the hierarchical structure – from MoEW through RIEW to local governments. From all environmental and local authorities the local government is the one with broadest multi-task jurisdiction covering among other policy areas also environmental protection. Local government as mentioned elsewhere in the thesis is a centre of power and decision-making processes and the recent policy processes

have strengthened this position. These results define the current Bulgarian LEG mostly as Type I (Hooghe and Marks 2001).

Still there are areas of governance that fit more in Type II - a polycentric model with multiple overlapping and interconnected horizontal spheres (Hooghe and Marks 2001).

Waste management has become a very complicated and interconnected field of governance shared by local governments, private companies, consultants, regional landfill associations and NGOs (where there are hot issues of waste disposal like in Sofia). With the new EU rules on biodiversity protection and Natura 2000 network another domain for interconnected sphere of governance has appeared marked by conflicts and competition between environmental objectives and economic and social considerations.

The Europeanization of local rules and practices has enhanced formation and implementation of multi-level governance solutions to the contentious environmental issues. The situation on the ground in Bulgarian municipalities is changing rapidly because of the influx of rules, knowledge and funding from EU. The administrative and legal set-up has been adapted to new realities. However, municipalities hardly surrender their authority and primacy over other actors. On the basis of the findings in this thesis could be suggested the following tendencies dominate the multi-level governance and could be subject of further research. The stronger role and powers delegated nationally to the municipalities will be transformed into more frequent and closer contacts with and influence on EU institutions (e.g. through the Committee of the Regions) thus climbing higher the ladder of Europeanization (John 2000). This process could be led by

frontrunner municipalities or their representative associations (e.g. NAMRB). The strength and impact on decision-making of national and local NGOs could increase with funding and use of the informal and formal powers (e.g. filing of complaint against the state for non-compliance with EU law) they are gaining. There is already such a strong shift of powers towards NGOs on national level. Not least the multi-level governance picture will be broadened by new actors like regional landfill associations and possibly by the new powers of the regional governor or other authorities.

8.10. Is local level the right level for environmental governance?

If governance is about rules of collective decision-making, plurality of actors and no formal control system dictating the terms of the relationships between these actors (Chhotray and Stoker 2009, 3) there are shortcomings that impair environmental governance in Bulgaria. These weaknesses raise a final question about the suitability of local level for environmental governance. The local authorities and other actors on the ground have their roles although in a disproportionate manner as shown in case studies chapters (according to an extreme opinion – of “it goes on like this it is better not to have a local authority” (Interview T 03)).

The lack of collaborative decision-making was underlined repeatedly throughout the dissertation. The observed procedures of rule-making in the case studies showcased the trend of hermetic bureaucratic (or only formally open) means of decision-making that confine mainly to environmental and legal experts, hired consultants, formal following of procedural rules of public participation and routine voting of municipal council. Municipal

authorities exercise full control over rules' content and procedures. In the same vein is the finding about local centralism, meaning concentration of powers and capacities in the hands of the mayor and the administration. Local NGOs or other institutions (e.g. educational like the International College in Dobrich) with capacity to take part in the rule-making are usually not regarded as strategic partners. They need or prefer to rely on partners and projects outside their home municipality and on direct funding by EU or international donors. The local NGO are either dying out ("Priroda", Ribaritsa), or are closed down (Sustainability Centre of Teteven) or are in fact ignored and have distanced themselves like the International College Dobrich. Many active citizens and NGOs feel abandoned and discouraged.

Bulgarian municipalities do not take a strong environmental stance because they are too closely exposed to the problems of raising unemployment and other social issues in times of crisis and "wild" economic development. Municipalities often have failed to define themselves public interest in the field of environment. Even under pressing EU deadlines they struggle with each other to defend local interests (e.g. about a transfer station in the regional waste management scheme). They are missing the traditions in cooperation and the first steps took a lot of time and efforts from the frontrunners municipalities and with external support from consultants (Interview N02). Municipalities do not formulate own environmental policy but follow diligently national priorities and strategic goals and adhere to them because that is the way they could access EU funds. They are with limited own resources and in the ideal case they could do very little with the staff and money at their disposal. In sum, the case studies and other sources for the dissertation showed little

evidence that the Bulgarian municipality is a scene of model environmental governance. Now they govern more environmental areas with more money and more rules but hidden behind walls of old traditions, centralized management, static administration, departmentalism, limited capacity of the administration and economic interests that vary according to the people in power.

8.11. Conclusions

8.11.1. Governance structures

Throughout the case studies 4 types of governance structures and their application in the governance processes were examined.

Hierarchies

The hierarchical governance prevails in environmental matters in Bulgarian municipalities. It is dominant as well in the field of rule-making. On one hand, this is due to the highly regulated field of environmental protection and the need for downstream rule transposition, guidance, control and sanctions from regional, national and EU level. The MoEW is the principle authority and source of national rules, information and funding (through OP Environment and the National Environmental Protection Enterprise). The environmental laws and by-laws are prepared first there and then coordinated with other ministries and agencies before submitting them to the Parliament (for laws) or to the Council of Ministers (for by-laws). In addition, the MoEW issues guidelines and instructions about the implementation of by-laws.

The RIEW are particularly influential because of the concentration of authority, expertise and control functions. In addition, there is established respect at municipal administrations for the decisions and guidelines of RIEW. The RIEW experts are in constant communication with the municipal experts which adds up to the atmosphere of mutual trust and efficiency.

The governance by law (Pierre and Peters 2000) has resulted in new legal and strategic rules in national and local realm. There are more areas of regulation where legal competences are delegated to the municipalities. Now they are more equipped with strategies and ordinances but their implementation imposes new challenges.

Within the municipal administration the hierarchy of decision-making determines the process and results from rule-making and rule application. Mayors and their teams determine the direction and scope of the rules. Hierarchy means also more bureaucracy and the recent policy developments have shown that municipal administrations have taken the lead and control of the law-making processes and planning after a period of a stronger civil involvement fuelled by nascent democratization of Bulgarian society and sponsored by international donors on many occasions. The projects funded under OPs have not left governance space for broader citizens' engagement.

Networks

The networks as governance structure and factor have been externalised at least in three forms: among municipalities, among experts and between experts and associations. In some cases partnerships and twinning have led to intensive policy, fund and knowledge transfer (in Teteven with Frutigen, in Dobrich with Schaffhausen). The municipalities also are members of NAMRB and most of them of regional associations of municipalities. The NAMRB provides trainings and information on waste management and preparing of projects for OP Environment but still lacks coherent and clear environmental policy. The regional associations in case municipalities did not emerge as important actors in LEG although the potential is there because of their experience in working with municipalities and the need of complex regional solutions to shared problems. One typical case of the recent networking among municipalities is the often mentioned elsewhere in the dissertation case of regional municipal landfill associations established under political, legal but also practical pressure to solve landfilling problems.

Among municipal experts there is an active information exchange and cooperation at many informal levels – among colleagues of neighbouring municipalities seeking for advice how to draft an ordinance or program or within BAMEE forums – annual meetings and trainings. There is atmosphere of team spirit and devotion among the main legal, environmental and EU project municipal teams enabled also by the fact that in these units work predominantly young people. The environmental experts of RIEW and of the municipality also work in a good spirit of cooperation and mutual professional respect. A good example in this sense is the initiative presented in Dobrich case – the Green network

of Dobrudzha – a platform for institutional decision-making and cooperation among local and regional authorities and the public.

The impact of networks on rules and rule-making reveals as very productive in terms of knowledge transfer among the municipalities and experts. The informal consultations and meetings at various forums underpin drafting processes with new ideas and good practices based on tested solutions in similar context.

Community

If we exclude the strong national environmental NGOs and their coalitions that influence sometimes local decision-making with campaigns, lobbying, protests, participation in advisory bodies at the MoEW, the scope of local civil engagement is very limited and with almost no impact on community rule-making. Unlike the national level where NGOs actions resulted in a stronger protection of national parks and in practical ban of GMOs at the territory of Bulgaria, the local environmental activists and organizations are in a weaker position without financial and institutional stability.

Communities “solve their common problems with minimum state involvement” (Pierre and Peters 2000) mostly through the traditional legal representation of local authorities. The direct local involvement is triggered by cleaning-up campaigns organized again by the municipality for the whole population (e.g. for the Earth Day) or for elementary and high schools (see the case studies of Teteven and Dobrich). The local NGOs focus on campaigns like cleaning-up and awareness-raising or on narrow topics like education

(Ecologic Club Dobrich), or sustainable tourism (Tsaritchina - Teteven). The general public becomes sensitive and alert to environmental problems usually only by extreme events. In general, there are not strong democratic traditions and sustainability in the efforts of civil society to influence local decision-making although the capacity of some NGO actors has been considerable for a time before the EU accession (e.g. in Teteven- the Sustainability Centre and “Priroda”).

The community impact on rule-making is peripheral under the current legal, administrative and economic framework. The general public and local environmental NGO rarely show interest in rule-making processes or in presenting alternatives to the official position. As mentioned already – the reason is twofold – the closed administrative system and the management skills of NGO leaders and their limited capacity and experience in collaborative decision-making (except in cases like the Sustainability Centre of Teteven was closed down practically by the municipality).

Markets

The governance that involves economic actors gains in importance because of outsourcing of services by municipal administration. This tendency is again mostly pronounced in the service delivery in waste management – direct services through contracts or concessions and consultancy services on projects and assignments for elaboration of strategic documents. The market arrangements do not influence directly the rule-making. However, the practical implementation, for example, of waste management policy is also in the hands of the service providers pressured by the community but mostly controlled by

municipal administration to fulfil their obligations. The development of strategic rules like strategies and plans are usually contracted to consultants and they could influence their content to a certain extent although municipal administration controls closely or decides on the priority setting and action plan's activities.

8.11.2. LEG and municipal scale

The case studies allow drawing conclusions about the scale of municipalities and their LEG. One type of distinction is between big and small municipalities and relates also to the urban/rural divide. The bigger the municipality – the bigger the funds, the larger the administrative units and their expertise. Also the level of rule enforcement and of social capital is higher. Still the gap is not that big that one could expect. Teteven and Lukovit are about 5 times smaller than Dobrich but their municipal environmental experts are of comparative number. The scale is not so different also concerning available funds, especially coming from OPs. The on-going projects in the smaller municipalities are proportionally even of a larger scale and impact if one looks at financial figures.

The urban municipalities produce more rules – ordinances and strategies. At their territory are presented also regional authorities – RIEW or regional governor. Because of the concentration of population and industry and of government powers, the governance picture in urban (bigger) municipalities is more complex. However, some features of strong governance are exemplified better in the rural municipalities. In smaller rural municipalities the civil society and NGO traditions are more vital and visible. This is clearly the case of the nature protection where activists and NGOs have been active in the

last more than 15 years. The people there depend on and care more about the nature. The local municipal, NGO or community leaders are closer to the people. They are better recognised and likely to be more responsive to people's needs. In a smaller community these leaders could make a bigger difference. Not surprisingly, NGOs like the Sustainability Centre of Teteven and "Priroda" in Teteven have been more resourceful and successful than the NGOs in Dobrich.

8.11.3. Effectiveness and strength of rules

The rules' perspective provides a good assessment tool for effectiveness of the LEG. First, the legal rules have exemplified that legal localism is a beneficiary factor and hindrance at the same time. The rules are established close to the people and the municipal administration is efficient in producing them. In contrast to strategic rules these rules are intended to affect and direct the behavior of the whole population in the municipality but the municipalities do not rely on their coercive and sanctioning measures but rather employ their informative and preventive nature. The enforcement is achieved with warnings, persuasion and personal involvement of the mayor or the municipal experts.

The strategic rules are usually drafted with bigger public involvement especially the municipal development plans. In their current form they concern mostly public resources and actions of administration and their implementation remains internal matter for the municipal authorities. In the best case the municipal council or the RIEW could raise questions on the basis of reports presented to them. In this regard open public monitoring,

assessment and discussion of the impacts and of overall effects of the programs outside the municipal building is needed.

The strategies documents are important for environmental investments and usually have priority over legal rules at least in terms of timing of drafting. Their priorities, activities and budget reflect the policy agenda of the administration. However, in many cases because of the rush to show a plan or strategy to the ministry or other funding agency these rules are incoherent or repetitive. Recently under the pressure of big projects' demands the rule-making process has been slowed down in the smaller municipalities.

The local rules have not equal weight in every environmental policy area. Some of them are of higher importance for the governance – with strongly expressed scope and impacts. As evidences from the research reveal the strongest themes are waste management and water management because there the legal powers are combined with available funds – national and EU funds. And whereas water management is regulated only with EPP and other strategies and plans, the waste management shows the full potential of the rules in local environmental governance. On the opposite end are the local rules on topics which are much weaker or not considered at all at local level. Among them are soil protection (otherwise a typical local issue), climate change (there are some initiatives and projects but not within a coherent local policy) and to some extent air quality (recently in 2010-2011 under the pressure of EC 30 big municipalities were required by the MoEW to prepared new air quality programs). For now the municipalities could not measure up to the governance challenges in these areas and not for the same reasons. In the case of soil

protection the lack of an EU directive and of national strategies explains the little attention at local level. As to climate change even so high on EU and national agenda municipalities do not perceive it as a part of the EPP (in all three case municipalities) and in the best case could have a program for energy efficiency (Dobrich urban).

A third category is the controversial theme of biodiversity protection. All municipalities include it in EPP and in some cases in the general environmental protection ordinance (e.g. Teteven). In reality there is an inherent conflict between EU and national biodiversity protection objectives (safeguarded by the national and regional administrations and national NGOs) and the ends of economic development and employment backed by local administration, business and population. However, this is not a typical national feature or a Southern country's issue but rather a common phenomenon even for the most advanced countries like Norway and Finland (Grönholm 2010, 242; Falleth and Novik 2009).

8.11.4. Local environmental governance – the way ahead

The municipal level has the potential of becoming vibrant and effective policy arena for environmental governance. Nevertheless during Bulgaria's first years of EU membership and Europeanization the obligations and workload of municipalities stemming from the new EU environmental rules led to democracy and capacity deficits in rule-making processes and governance processes in general. In some areas like waste and wastewater management there is no better legal and practical way to govern them than the local way although the institutional and financial capacity of municipalities and the regional aspects pose additional challenges. Conversely, the biodiversity policy is better governed by

national and regional authorities with active participation of national NGOs. Between these two extremes lay areas like climate change adaptation and mitigation, water management of shared resources, forest and coastal management that are not yet expressed well in local environmental rules or in the institutional practice of cooperation of local, national and EU actors or are even with a very low profile across these levels like soil protection.

As mentioned in the beginning of the thesis Rosenau - one of most influential scholars on governance - claims that “the political processes of communities and states tend to be loaded against the long run” (1997, 198). In environmental governance Bulgarian local municipalities have learnt to look further beyond the yearly and election cycles mostly because of the EU context and new rules requiring them to think and plan was ahead. Their decisions now affect the quality of environment and life of people for longer periods (e.g. the life cycle of a landfill could last more than 20 years with closing-up and monitoring thereafter).

There is long road ahead to improve the effectiveness, inclusiveness and transparency of local environmental governance, though without proper functioning of all hierarchical, network and market mechanisms above local level, there is little to expect. Still, the new young experts, the experienced local leaders within and outside the administration, the new EU funds, and the political and citizens awareness of the broader prospective to be part of EU space, are promising signs for this journey.

Until now the thesis has answered the first three research questions. How Bulgarian local environmental governance is defined by legal and institutional framework (Question 1) has been discussed in Chapter IV where a detailed picture of the actors and their powers in the environmental field has been provided. How local environmental rules represent local environmental governance in Bulgaria in terms of who is governing, what is governed and how it is governed (Question 2) has been the subject of three case studies in Chapters V, VI and VII and partly in Chapter VIII. The local municipal administration led by the mayor has emerged as a strongest and influential actor in rule-making and the LEG. The local rules have been defined by two main groups – legal and strategic - with reference when appropriate to informal rules. The scope and effectiveness of rules varies from fully developed rule system in waste management to scarce or missing rules in biodiversity, soil protection and climate change and other areas. The rule-making process is marked by disproportional capacity, traditionalism, leadership, administrative “centralism”, closed rule-making system and weak civil society.

The main factors, structures and tendencies of local environmental governance as emerged from the empirical accounts on local environmental rules in Bulgarian municipalities (Question 3) have been discussed in Chapter VIII. The Europeanization has been a driving force and symbol of new governance arrangements externalized in rules, new staff and large environmental investment funding. On the other hand, the local circumstances show the importance of local actors with their capacity and interests. In some cases (e.g. biodiversity, climate change) local level is not the most suitable level for environmental governance. The hierarchies have emerged as dominant governance structure that defines

also the current mode of multi-level governance. Still communities, markets and networks have been found in many instances with potential to shape governance processes. The larger urban municipalities are in better position – with larger administration, budget and social capital - to deploy the full capacity of rules. Nevertheless, in rural municipalities have been established environmental leaders and traditions with great value for the community.

The fourth research question about policy recommendations for improvement of legal and institutional arrangements of rule-making procedures and for effective local environmental rules in Bulgaria is reflected upon in the next section. These recommendations as a concluding theme are suggested to improve the status of local environmental governance. They are based on above presented findings and conclusions.

8.12. Policy recommendations

Codification of rules – In terms of economy of governance scale and coherence of environmental rules municipalities could adopt an ordinance that codifies all rules that do not need to be regulated separately and in greater detail. Under the present legal framework for environmental rules, these exceptions are regulated in waste management and green system ordinances.

New local rules - New environmental rules could be developed at local level – e.g. on biodiversity and soil protection. For now the strategic rules deal with these issues but the related objectives, measures and funding are poorly expressed.

Enforcement of the rules – A system of tracking down the enforcement of environmental legal rules should be introduced. All information on fines and sanctions could be publicly accessible so that the community could exercise control. It will ensure transparency of rule enforcement; increase the efficiency of the work of the administration and probably will lead to better financial results. It could prevent the rule “unmaking” – creating local schemes and practices to bypass or neglect the enforcement – in practice ruling with informal rules. Stronger enforcement units as in Haskovo could lead to better compliance with rules of all citizens and companies.

The strategic rules need be monitored to achieve transparency and accountability of the work of municipal administration. Publishing of regular reports based on indicators attached to the objectives and measures of the strategies and plans is one way to do this. In addition, in bigger municipalities this could be a task for a public council or other independent entity.

Local budget for environmental protection – Targeted transfers from the national budget (from MoEW where now the fines from operators polluting the municipalities are collected) to local budgets to compensate damages at local level (e.g. the case of Kardzhali). The funds could be managed locally, controlled by the RIEW, to finance municipal environmental projects. The municipal budget should have a special budget line on environmental protection or a special environmental fund could be established with the revenues from sanctions imposed for breaching local rules and from transfers from the

national budget related to fees and fines imposed on operators on the territory of the municipality. There is a need for additional funding for local actors like NGOs⁵⁸.

Consolidation – In case that small municipality could not cope with environmental governance because of staff and budget shortages, joint environmental teams with other municipalities could be formed to serve as expert pools to the mayors. This functional consolidation could be transformed into territorial consolidation, arguments for which are brought by Swianiewicz (2010, 3). A Polish study cited there reached to a conclusion about “the optimal” size of a local government of around 30,000 citizens (Swianiewicz 2010, 9).

Stronger municipal councils - The strengthening of environmental agenda at the municipal councils could be expressed by giving it higher importance and appointing a separate commission on environment and/or on sustainable development; or by establishing, when possible, of advisory and expert positions to the council.

National associations - The role of NAMRB could be furthered by establishing of a special standing commission on environmental protection and/or sustainable development and by appointing of an expert with environmental education and background. Since MoEW organizes trainings and discussions of legal drafts through the NAMRB – a closer

⁵⁸ Clearly expressed by the enormous interest in a very limited national funding by the National Environmental Protection Enterprise’s campaign 2011 For Cleaner Environment – for municipalities, educational institutions, kindergarten and NGOs - 2414 applications for 1.25 mil. BGN.

cooperation between the NAMRB and the Directorate Environmental Policies as a focal point for the MoEW should be sought.

The role of BAMEE should be strengthened by new forms of cooperation with the national and local authorities, with NAMRB and environmental NGOs. The training centre and the courses developed under EU projects should be managed better. The online systems ECONET and DEPOINFO should be upgraded and promoted actively.

Regional municipal associations – Until now the main subject of activity of the regional associations in the field of environment have been the regional landfills. On the basis of this experience other topics than waste management could be added. The existing regional associations of municipalities could be platform for discussion of regional environmental problems and offering advice and expertise to its members, including in joint application for projects under OPs.

More legal powers - The municipalities should be granted by the environmental legislations with more powers to control and prevent the pollution at local level from heavy industries. The case of Kardzhali clearly justifies that sanctions imposed by local authorities closest to the source of pollution would be more effective. Possible misuse of these powers could be balanced with administrative and court control over the local decisions.

Collaborative decision-making – The civil society is marginal to the core of the decision-making, which could be attributed to the communist legacy and the strength of the state but at local level there is also a clear lack of political will and administrative capacity in some cases to attract and contribute to stronger community and NGO involvement. There is a need for formal rules for the administration that define minimum requirements for participating of local and other actors in the rule-making – e.g. working groups, standing committees, discussion of new rules in the process of drafting at the earliest possible stage. There are financial and other means (cooperation, transparent process) that could bring to the fore various actors with real involvement in the management of environmental resources and rules. The local leaders have embraced EU rules because they bring additional funds, so in the cases if there is requirement for public participation they would support it even only to comply with national and EU requirements. The institutionalization of civil involvement could raise the level of duties, rights and expectations of municipal authorities and not leave at the discretion of municipal authorities the content of rules, and rule-making process - when and how to proceed. If put into formal administrative practices of local authorities with the participation of existing and emerging NGOs and active citizens this model could lead to more inclusive processes. This is now the case at national level when in the consultative bodies to the ministers (like the Supreme Environmental Expert Council) there is quota for NGOs and the authorities could not proceed formally without the involvement of NGOs.

Empowering of local NGO – A national and local strategies in their legal and financial measures should aim at encouragement of local NGOs to take part in rule-making and

environmental decision-making in general. The environmental protection could not happen only by proxy of external actors – e.g. national and international NGOs. “Local people and communities preserve the environment more actively than people introduced from outside.” (Interview T03). NGOs with other profiles could be attracted in undertaking environmental activities together with environmental NGOs and municipal authorities. Sport clubs, clubs of pensioners, social and health protection NGOs could be possible partners.

New governance mix – One of the recommendations in the report of the European Commission to the European Parliament and the Council on the management of the EU-funds in Bulgaria reads: “build on the initial steps taken in improving co-ordination between ministries, between the various stakeholders as well as between central, regional and local authorities” (EC 2008). The division and sharing of powers across governance levels could mean more powers for municipalities as discussed on the recommendation for bigger local budget for environmental protection and on more powers for municipalities. The delegation of more competences should be safeguarded by the state control – RIEW, MoEW and regional governor. The role of regional governor could be enhanced from coordination and facilitation of conflicts between the municipalities to real power to control and finance regional projects. An active and legally grounded involvement of regional governor in supramunicipal communication and cooperation might resolve some problems of the regional aspects of environmental protection, even in issues that are exclusively local (e.g. urban waste management). Biodiversity is such an area where regional governance of shared natural resources in protected areas could be more efficient.

In preparation of legal and strategic rules the formal engagement of and initiatives from national and regional environmental authorities could be pursued so that the process runs faster and in a more competent way.

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