

Argumentation for Natura 2000 in The Netherlands



The Brief in brief

The obligation to commit to EU legislation was used by the national government of the Netherlands as a powerful argument during the first phase of Natura 2000 implementation. However, this argument resulted in resistance against N2000 and concern it was hampering other interests like economic development. During later phases of the designation process, more stakeholders were involved and participatory processes were set-up to gain stakeholders' support. This stimulated the use of a broader range of arguments including those that emphasize the value of services provided by nature, such as recreation and value for future generations.

Context

In this case study we analysed the arguments that have been used in the implementation of Natura 2000 in The Netherlands by the national and regional government, as well as by other stakeholders such as nature organisations, farmers and entrepreneurs.

The argumentation analysis was carried out on the designation and the management planning processes of the N2000 sites at the national and regional levels for two sites (Polder Zeevang and Oostelijke Vechtplassen) over the period 2003 to 2014.

Arguments

In documents drafted by the national government for the implementation of Nature 2000 within the Netherlands, the argument most consistently and heavily used to justify Natura 2000 was that it has to be established because it is an obligation under European law. The argument occurred throughout the process, but was particularly relied upon in the early stages of site selections and draft designations at the national level. The argument of 'legal and social obligation to implement' was also very much exploited by the Dutch government to attempt to overrule objections during the later stages where site boundaries and targets had to be set. However, in these site specific situations many of the actors involved felt that their interests were being neglected and counter arguments were brought to the direct attention of the government, particularly in relation to economic development (Figure 1). Increasing pressure from negative reactions of key stakeholders, including their lack of involvement, caused the government to reassess and adapt the process to include more stakeholder participation. The tenacious use of the argument of legal obligations turned from effective into counter-productive.

When regional governments and local and regional stakeholders became involved in the drafting of management plans, arguments such as the value of N2000 sites for well-being, recreation and the economy appeared, together with site specific arguments such as 'unique area' for birds, 'importance for rare species' or 'having cultural values'. These arguments persisted, while arguments like 'production of services', 'enjoyment', 'inspiration' and 'value for future generations' that appeared at the same time, disappeared again after a short time (Figure 1).

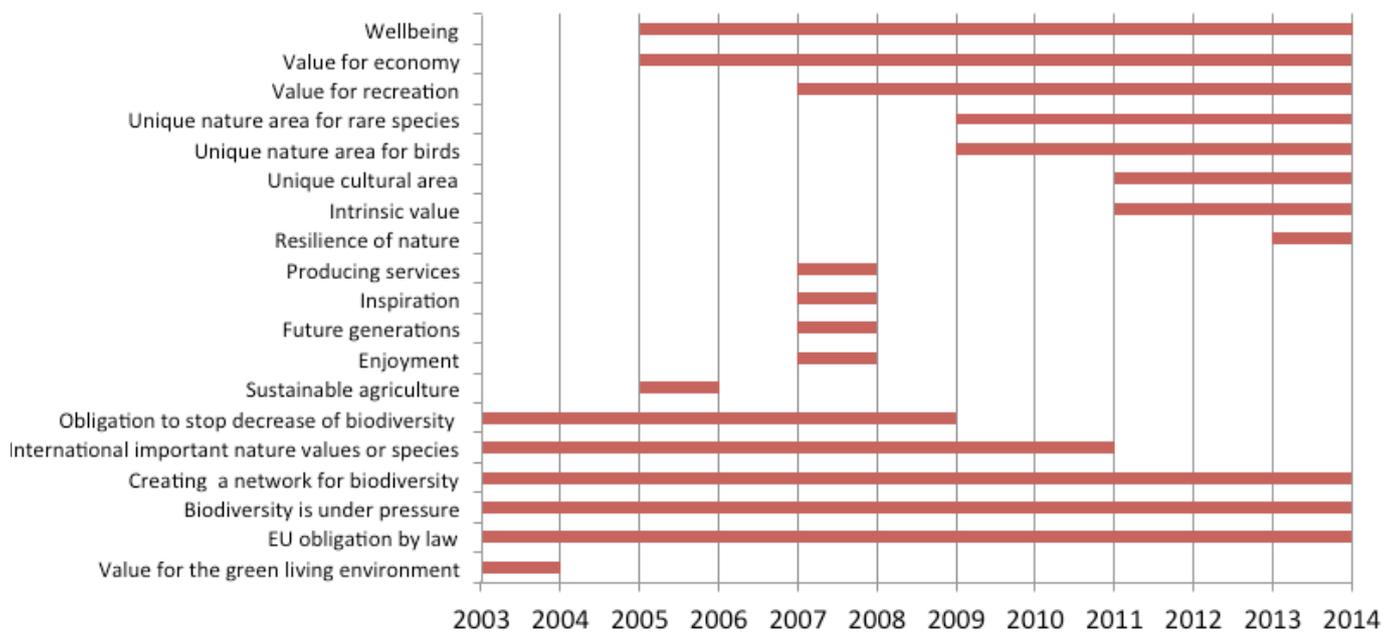


Figure 1. Use and persistence of arguments along the timeline as identified in documents examined.

Framing

At the beginning of the process, discussions and decisions were within a closed, very internal, set of deliberations at the national governmental level. The arguments used characteristically justified the national government's actions and forced stakeholders' cooperation. Later on in the process, after a wide public debate, argumentation shifted from an internal to a more external scope, addressing more regional and local actors, e.g. provinces, business, farmers, and citizens. The aim of argumentation changed from attempting to convince other parties that there was no other option than to follow the legal obligation and therefore to cooperate, to winning them over. Thus there was a strong shift of framing from general and rather rigid (only the legal obligation is relevant) to more specific and positive, emphasizing the wider benefits of Natura 2000 protected areas.

Processes

The appearance and persistence of the different arguments along the timeline are depicted in Figure 1. The argument of 'legal obligation' was very persistent over time and was the most frequently used. Indeed, this argument is mentioned in all documents and communications of the government from the beginning to the end of the process. Two other arguments were found to be persistent: 'Natura 2000 is creating a European network for biodiversity' (which allows more resilience), and 'biodiversity is under pressure'. When the government recognised the extent of the opposition and stakeholders became actively involved around 2005, a range of new arguments appeared in the documents. Value related arguments were used, indicating the value of nature for economy and society. Many arguments, especially those concerning moral or cultural benefits (e.g. intrinsic value, inspiration, enjoyment) only appeared once. Arguments concerning economic values (e.g. for general economy or recreation) as well as arguments stressing the uniqueness of the areas, all persisted for longer periods.

Effectiveness

The argument of the legal obligation proved to be very effective at the early national level process stages. Many counter-arguments that were put forward in the consultation rounds were put aside because the regulation and the designation of sites had already been accepted by the EU member states and the European Commission. The national government did set goals for the conservation of particular, additional species. These species are not obligatory for the N2000 site selection, but are considered of great importance to the site in question. Because there is no high level legal obligation to protect these additional species, actors opposing Natura 2000 also used the argument of lack of legal obligation to reject the goals for these extra species. This logic was used to attempt to prevent site designation or to limit the size of the site or to expand the allowable economic activities in the surroundings of the site.

However, at the later stages of the implementation process, the societal agitation following the top-down national governmental approach to Natura 2000 became stronger. The argument that Natura 2000 did not consider any interests other than nature protection and therefore hampered economic development became progressively more effective. However, the use of this counter-argument did not affect the ultimate designation of sites, but it did influence nature conservation policy in The Netherlands and resulted in the entire process adopting a more deliberative approach, involving many local and regional stakeholders. The stakeholders became involved in drafting management plans for the sites, removing the strongest agitation and allowing the process to move forwards again.

Transferability

The examples in this case study of the N2000 designation process in The Netherlands, though site specific, provide illustrations of principles that are widely transferable across the EU and also may encompass other types of protected area designation in addition to the N2000 status. Although the legal obligation argument was very effective in speeding up the designation process at the national level, governments should not try to enforce a “top down” approach in which they rely only on legal obligations or legal instruments and procedures in their attempt to implement a national or international directive at the regional and local levels. At these levels, the process should be shaped in a more relational manner, actively involving stakeholders and using arguments that contribute to mutual trust and understanding.

Lessons learned

- **“Top down” designations of Natura 2000 sites at national government level that rely solely on legal obligations is effective at the earlier, national, stages of the process, but becomes counter-productive at the later local and regional level, provoking strong local resistance and interfering with the development and implementation of the biodiversity protection policy**
- **Establishing a dialogue with local stakeholders to understand their interests and concerns and also involving regional governments provides an important platform for forming mutual understanding and trust.**

- Constructive dialogue between all actors exposes a spectrum of types of argument to support site protection and permits flexibility in the negotiations
 - The use and persistence of particular arguments may change or remain constant along the timeline, creating a set of dynamics that is important to the entire designation and implementation process.
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