European Union Accession and Environmental Policy in East Central Europe

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Abstract

This project addresses the expansion of the European Union (EU) into East Central Europe (ECE). Joining the EU became the primary goal of ECE countries soon after the fall of the communist regime. In order to accede into the EU, these states must meet several requirements, especially meeting the Community acquis (also known as policy harmonization). Given the strong history of EU environmental policy since the early 1980s, this field is important in the harmonization of legislation between ECE and the EU. communism left its mark on the East European environment through heavy industrialization and urbanization, as well as a deficiency in environmental policy implementation and enforcement. In order to strengthen environmental protection and decrease transboundary pollution, the EU and other Western countries have provided financial and information resources to ECE. Western non-governmental organizations (NGOs) have also influenced their counterparts in the East, leading to a shift from activism toward professional lobbying. This paper addresses such phenomena in relation to the ECE countries in general, and the Czech Republic, Hungary, and Poland in particular. These three countries are most likely the nearest to EU membership and border EU member states. The impacts and problems associated with East-West relationships are evaluated, and possible solutions are offered.

I. Overview

A complex relationship exists between the European Union (EU)[1] and East Central Europe (ECE)[2] within the realm of environmental policy. With the fall of the

[1] For the purposes of this paper, EU refers to both the current system and its preceding organizations.
[2] East Central Europe is comprised of Poland, the Czech and Slovak Republics, Hungary, Romania, Bulgaria, the former East Germany, Albania, and the former Yugoslavia.

Berlin Wall more than ten years ago, numerous changes began in the former communist states. Beginning in the early 1990s, several ECE countries, including Hungary, the Czech Republic, and Poland, elected to apply for admission to the European Union. Due to the extent of influence these countries could possibly exert within the EU, it is important to understand which policies, attitudes, and histories they bring with them.

This is especially important in environmental policy. The European Union has been a leader in creating and implementing new environmental policies and procedures. However, as much as the Western European countries have progressed, the ECE countries have remained behind in these areas, primarily as a result of communist policies, especially a lack of public participation. The disparities between the two groups of countries will have lasting effects on EU environmental policy. Numerous questions emerge about the relationships between the existing and prospective members' environmental standards. All of these uncertainties center on bringing potential EU members' environmental regulations and policies up to EU principles.

The environment is seen as an especially significant transboundary issue in the EU, making it one of the most heavily regulated areas within the union. Polluting emissions from coal-fired power plants in the ECE countries, in particular, have prompted the concern of bordering countries.[3] Countries like Germany have argued that such emissions have increased acid rain in their own lands. Given the volume of legislation regarding such pollution in the EU, it can be concluded that this is an area of importance that will be addressed with the addition of new members, as indeed it has been.

[3] Francis, 1999.

The EU accession countries include Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, The Slovak Republic, Slovenia, and Cyprus. All eleven have applied for membership and been accepted into the accession process. The accession partnerships for the first five ECE applicants (the Czech Republic, Estonia, Hungary, Poland and Slovenia) were launched on March 15, 1998. The end goal of this process is, of course, full benefits and responsibilities of membership in the EU. The mechanics of the agreements will be discussed in the third section of the paper.

For the purpose of this work, three ECE countries are studied in greater depth. The second section of the paper covers general consequences of communism and the problems common to all or most ECE states in transition. Physical and institutional remnants of communism in the realm of environmental policy are addressed, as well as the role green movements have played in government change. The fourth section looks at these problems to a larger extent in the Czech Republic, Hungary, and Poland. These countries are chosen because they are among the first wave of countries to be granted full membership in the EU. They are often thought of as the most advanced of the ECE countries as well. The fact that all three are bordered on the west by EU member countries is another factor that would seem to indicate a desire, perhaps as a result of transboundary pollution, for the EU to include these countries at an early stage in the process.

The final section of the paper addresses the major questions in EU enlargement and environmental policy. How can ECE countries, in general, improve their environmental standards? What sorts of funding and institutions are needed? How can

non-governmental organizations (NGOs) be included in the process? How have the policies of the EU toward ECE countries worked to date? These and other questions are analyzed and some alternatives to current policies are given.

It is important to remember that these countries are only the beginning of probable EU enlargement. This expansion into East Central Europe may eventually include all the former European communist countries. By analyzing the policies used to include these three countries, predictions can be made for likely and effective policies for future countries, many of which are politically unstable and have worse environmental records.

II. Legacy of Communism

During the years of communist rule, concern for the environment was superceded by the drive for industrial supremacy. This phenomenon was not reserved to the ECE countries and the former Soviet countries. Until the late-1960s and early-1970s, large environmental movements were practically nonexistent in any country. The key difference, however, is the amount of legislation introduced in the West from the 1970s to the 1980s. Although similar government acts existed in the ECE countries by the late-1980s, such policies were not enforced. The nature of the central command governments created distrust and a lack of accountability that exist to this day.

According to Michael Waller (1999), two aspects of communist rule were most to blame for its lack of environmental protection and contribution to environmental damage. Since production was emphasized quantitatively, rather than qualitatively, environmental costs did not enter into the equation. The political priorities of central command planning

required such an emphasis. This and other things often resulted in low-quality goods that required an inordinate amount of energy for their manufacture.

Another problem inherent in the communist system was the party's control over the means of communication. Although expert opinion was circulated "relatively freely,"[4] public opinion could not be formed, and interests could not be organized. Without the contributions of environmental NGOs that were instrumental in the policies of the West, such political ends could not be accomplished in the ECE countries.

Baker and Jehlička (1999) identify two common legacies of the ECE states under communism. These are a result of resource-intensive production that created special environmental problems. First, communism, since it has no consideration for profit, creates the assumption that the state would not cause environmental damage. Consequently, capitalism is the cause of environmental problems, since it is inherently concerned with profit.

The second inheritance of the former communist countries is one of over-confidence in the government combined with a great reliance on science and technology. Because of such reliance, environmental problems are seen as temporary. Advancement in the sciences would solve any aberrations that occur.

Welsh and Tickle (1998) address the difficulties associated with environmental activists accepting political leadership positions in the ECE countries. First, in Hungary, Romania, Poland, and Bulgaria, reform communist governments were elected as a result of the democratization of old communist parties. Second, the party elite tended to keep their positions in the bureaucracy, since the new governments relied upon their expertise

[4] Waller, 1999.

and knowledge in management. Third, rapid privatization and marketization led to opportunists, disguised as environmentalists, who sought to exploit resulting profits.

Given these legacies, it is easy to see how communism affected environmental protection in the ECE countries. In addition, there was often the issue of a central economy. The state acted as both the source and the regulator of pollution, with an obvious conflict of interest ensuing. This led to low enforcement of environmental policies, since it was cheaper for the resource-intensive industries of the ECE countries to pay fines for violations than to make the necessary changes.

The vestiges of communist centralized institutions persist in the ECE countries. There is little local environmental management. This results in a lack of possible low investments that could make substantial changes in the environmental situations of specific regions, a promising solution that has been relatively unexplored in ECE.[5]

The communist regime also left the ECE with an imposing backlog of environmental tasks that had been neglected for decades. In a problem familiar to both the West and the ECE, natural resources were regarded for several decades as free goods, with small governmental budgets. The facilities for monitoring and researching environmental problems were also overlooked.[6] Any sort of regulatory structure under the new system was, therefore, initially hindered because of these lapses.

The effects of newly privatized industry have also been documented. The primary problem is that new owners of these former public industries maintain the old communist attitudes of "growth first, protection later."[7] Environmental protection, then,

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[5] Kolk and van der Weij, 1999.
[6] Francis, 1999.
[7] Jancar-Webster, 1999.

takes a back seat to economic development. There is essentially no model for a kind of environmentally sustainable development in ECE, something that is important in harmonizing ECE environmental legislation with that of the EU.

In addition to the institutional remnants of communism, physical environmental problems persist. Because many ECE countries remain highly industrialized and urbanized, air and water pollution issues are serious concerns of citizens and the EU in particular. Human health continues to be affected by air pollution and other vestiges of high industrialization. Issues such as transboundary pollution, nuclear safety (important to the West), and human health have been the most urgent concerns of the new ECE governments.

Environmental problems in the ECE have been widely documented.[8] A brief overview is given in this section and the individual countries' assessments contain some problems specific to those countries. In general, the environmental situation is bleak. The most polluted areas are Upper Silesia (Poland), North Bohemia and North Moravia (Czech Republic), the Sofia region of Bulgaria, Jesenica (Slovenia), and Resita and Copsa Mica (Romania).[9]

A combination of rapid industrialization, natural resource exploitation, and inadequate environmental controls or consideration of the environmental impacts resulted in huge problems. The high energy required by heavy industrialization caused the use of low-grade brown coal as a source of energy, producing greater air pollution. Such air pollutants contribute to acid rain, both in ECE and in nearby countries (i.e. Germany and

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[8] See, for example, Bachtler, J. (ed.) (1992), *Socio-economic Situation and Development in the Neighbouring Countries and Regions of the European Community in Central and Eastern Europe*, Brussels, Commission of the European Communities, DG XVI.
[9] Francis, 1999.

Scandinavia). Today, a visible effect on the forests and the countryside can be observed.[10]

Nuclear safety has been important, especially given the Chernobyl incident in 1986. Soviet-built nuclear reactors are seen by Western organizations as likely disasters in waiting. Moreover, environmental funding coordination systems, like Poland and Hungary: Action for Restructuring the Economy (PHARE), emphasize nuclear safety as the number one priority.[11]

Finally, human health risks are a major concern for ECE countries. The massive industrialization and low regulation have resulted in lower life expectancies and higher infant mortality rates than in the West.[12] Health problems are greater in those areas identified above as the most hazardous.

These problems are emphasized for two reasons. First, the almost exclusive reliance on EU membership as a way for ECE countries to become rightful members of the European community leads to an emphasis on EU policies as a priority. Since the EU is most concerned with transboundary issues, such as acid rain from air pollution, these areas tend to take precedence. Second, health issues have a greater impact on the general population. Even before the end of the regime, health issues sparked public awareness in environmental problems that led to the growth of environmental NGOs in ECE.

These NGOs played a crucial part in both the emergence of the environment on the political front and in the destruction of the communist regimes. The environment had never been prohibited from public discussion, enabling such groups to begin to organize. To the citizens of these countries, environmental groups

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[10] Ibid..
[11] Ibid..

> represented the rebirth of civil society in states where free spontaneous interaction between individuals outside the government-sponsored institutions was rigorously and strongly discouraged.[13]

The environment was one area in which citizens could actively protest communism.

The former Soviet states have a long history with conservation. Pre-1917 conservation groups were comparable to their Western contemporaries. The state actively promoted conservation groups from the 1920s onward in the Soviet Union, leading to the growth of more political, non-government groups.[14] In addition, Bolshevik leaders such as Lenin established what are perhaps the world's first protected nature reserves. However, the post-1930 Stalinist policies gave priority to industrialization at any cost.[15]

Moreover, the organization of environmental interests was instrumental in the fall of communism (see section four). As early as the 1960s and 1970s (about the same time as their Western counterparts), environmental issues were openly discussed in most ECE countries by official and non-official groups of scientists and intellectuals. They also offered critiques of communist environmental policy based on their analyses.[16] The environment, especially with regard to nuclear issues, had always been one of the few areas in which the Soviets had maintained a dialogue with the West. The environment enjoyed legitimacy in the party that other areas did not have.[17]

The first major environmental victory in an ECE country came in Poland in 1981 with the closure of the Skawina aluminum smelter near Kraków. Poland had relaxed its

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[12] Ibid..
[13] Jancar-Webster, 1999.
[14] Morivitskaya, 1999.
[15] Welsh and Tickle, 1999b.
[16] Ibid..
[17] Welsh and Tickle, 1999a.

ban on environmental data in the years 1980 and 1981.[18] Such openness in environmental issues became more widespread during the 1980s, especially after the Chernobyl incident.[19]

The 1986 Chernobyl disaster represented the turning point for environmental groups in communist countries. The legitimacy that the environment had gained as a relatively open area of discussion was challenged by the secrecy surrounding the events. However, it reiterated scientists' and environmentalists' demands for free access to environmental information, lending legitimacy to such movements. In addition, the EU became more interested in environmental safety in ECE, leading to a development of aid in that area. Finally, the western nuclear industry found a new, relatively untapped market for its goods and services.[20]

Since the advent of democracy in ECE, environmental NGOs have been influenced by western and international NGOs. Tickle and Welsh identify three patterns for the spread of these western environmental NGOs. First is the networking model, based on the relationship of Friends of the Earth International with ECE groups. This model consists of the formalization of previous links with the region. Indigenous ECE groups could make these contacts with international groups as early as the mid- to late 1980s. These associations focused primarily on European transboundary environmental problems.[21]

Second is the capacity building model, best evidenced by the Swedish NGO Secretariat on Acid Rain, a Scandinavian umbrella group of acid rain NGOs. This

[18] Welsh and Tickle, 1999b.
[19] Welsh and Tickle, 1999a.
[20] Ibid..
[21] Welsh and Tickle, 1999a.

organization distributes funding and other resources to select groups in ECE. Its resources come primarily from state sources.[22]

The third model is the imperialism model, shown by Greenpeace International. In contrast to the networking model, Greenpeace had no ties with groups or individuals inside the ECE countries, even though the organization had been interested in the region for years. Instead of establishing such links, Greenpeace was responsible for the first western-inspired environmental direct action in ECE in the former Czechoslovakia April 1984. Here Greenpeace focused on acid rain by hanging a banner on a factory chimney in Karlovy Vary.[23]

The impact of western NGOs has been important to ECE organizations. The transition to democracy required three shifts in attitude and behavior of ECE NGOs, according to Jancar-Webster. These were the shift to democratic institutions, the shift from protest to constructive lobbying, and the necessity for professionalism.[24] In other words, the NGOs in the ECE countries took on many traits of western NGOs.

In general, communism has had a large effect on the environment in ECE. Many of the current challenges in environmental regulation and policy are a result of the communist past. The institutional and physical remnants, along with the green movements, leave the ECE countries with special challenges. These "fledgling democracies...confront the tasks of simultaneously delivering economic growth, democratic freedoms, citizenship rights and environmental gains."[25]

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[22] Ibid..
[23] Ibid..
[24] Jancar-Webster, 1999.
[25] Welsh and Tickle, 1999b:163.

III. The European Union

The EU has been established to be the end goal of most ECE countries. By joining this organization, they hope to be included as a legitimate part of Europe. In order to do so, however, the EU has outlined several terms of membership that must be met. A major portion of the accession agreements addresses the adoption of the acquis communiae as part of the accession process. This involves integrating EU policies into the ECE states wishing to join. Environmental policy is one of the areas in which this process of institution building is most important. For this reason, it is important to first look at the historical and current EU environmental policy.

EU environmental policy is representative of all EU policy. Weale has pointed out three reasons for this. First, environmental problems are by their very nature international. They are best solved at the EU level. Second, the concerns in environmental policy are closely related to the outcomes and effects of the internal market. The market and environment effect each other in various ways. Third, environmental concerns have been very prominent in EU politics at times. Both public opinion and member states have made them so.[26]

Between 1959 and 1992, the EU passed more than 200 environmental measures. During this period, several different versions of European Union existed, each affecting how environmental policy was passed. Under the 1957 Treaty of Rome, environmental issues were addressed under either the Single Market provisions of Article 100 or under the catch-all provisions of Article 235. There was no specific agreement to deal with environmental problems. The Single European Act gave legitimacy to the environment

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[26] Weale, 1996.

as a European issue, not merely a national one, and the 1992 Treaty on European Union (the Maastricht Treaty) allowed for the passage of most environmental issues through a qualified majority in the Council of Ministers. [27]

The origins of present-day EU environmental institutions date back to the early 1970s. In 1971, the Environment and Consumer Protection Unit, an early version of the directorate-general, was founded along with an environmental council to represent the ministries of national governments.[28] The establishment of the European Environmental Agency (EEA) strengthened the ability of the EU to address environmental problems. The EEA was mandated by the EU "to provide information for framing and implementing sound environmental policies."[29] It is the main instrument for the execution of EU environmental policy today.

The 1972 European Council meeting in Paris is generally regarded as the origin of environmental policy as a distinct policy area. This was a reflection of the public opinion of the late 1960s and early 1970s regarding the environment. The 1970s saw a number of environmental regulations passed in the EU in the areas of water quality, vehicle emissions, and dangerous substances.[30] In essence, these issues were fairly concrete, primarily addressing human health and the environment.

The turning point for environmental policy in the EU came in 1982, with Germany's agreement to support acidification measures. Thereafter, the EU adopted directives and regulations regarding air pollution "from large stationary sources"[31] (1984), environmental impact assessments (1985), and genetically modified organisms

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[27] Ibid..
[28] Ibid..
[29] European Environment Agency, 1999.
[30] Weale, 1996.

(1990) to name a few. The trend has been toward larger scope and volume of regulations, with more recent actions going far beyond the establishment and maintenance of a common market (i.e., nature protection measures).[32]

However, implementation has been a problem in the EU. The EEA was established, at least in part, to enforce EU regulations. Though the organization is not responsible for the legal enforcement of regulations, it does provide reporting and monitoring of compliance. The EEA includes data collection, "reporting and implementation" support, and development and coordination of the European Environmental Information and Observation Network (EIONET) in its main objectives.[33] This would indicate its important function as an integral monitor of member countries' compliance in the field of environmental policy.

The European Court of Justice (ECJ) has been key to the implementation and enforcement of environmental measures. It has decided in several important judgments to support strong regulations in the area of the environment. Weale argues that the ECJ belongs at the federal end of a federalist-intergovernmental spectrum in EU institutions. The ECJ has the authority (as in a federalist government) to make binding decisions over the EU member states. As such, it can and has made it easier to pass strong environmental directives and regulations within EU member states.[34]

However, several limitations hinder the scope of environmental policy in the EU. These can be separated into two major categories: national interests and preferences and veto power. The latter concerns taxation primarily, since measures that involve fiscal

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[31] Ibid: 597.
[32] Ibid..
[33] European Environment Agency, 1999: 5.
[34] Weale, 1996.

measures must be unanimously agreed upon according to the Treaty on European Union. An important limitation related to this exists as well. Value-added tax (VAT) revenues are the main source of funding for the EU. More importantly, the EU is limited in that it cannot adopt pollution taxes as a source of revenue.[35] National interests and preferences can enter the policy-making process at several stages. These interests can affect the EU agenda because of their diversity of needs. For example, countries like Spain, Portugal, and Italy have different needs and wants than do Scandinavia and Germany. Different levels of development exist which would only be exacerbated with the addition of ECE countries. Moreover, national policies sometimes are translated practically word for word into EU policy. Other countries merely pursue their own agendas without bothering with EU considerations since their regulations are already more stringent. Countries such as the Netherlands, Denmark, Sweden, and others sometimes show this characteristic. As a result, such policies are not put on the EU agenda. In essence, national concerns are esteemed more highly than EU concerns.[36]

EU environmental regulations result from a kind of compromise. There is an original advocate of a specific policy. This policy is then changed to become acceptable to the most powerful members who can exercise veto power. Due to the wide range of interests caused by geographic, economic, and other considerations agreement becomes practically impossible. The EU system of concurrent majorities produces problems as well since a high percentage of the members of the Commission, the Council, the Parliament, and the Court plus certain organized interests must agree. Environmental measures have been passed primarily due to internal market considerations, such as

[35] See, for example, the 1992 carbon/energy tax proposals opposed by several member states. National vetoes have so far been able to defeat environmental tax proposals. (Ibid..)

disparities between manufacturing costs caused by environmental regulations, and the high public interest in environmental issues. Such difficulties should only increase with the larger size and variety of interests introduced by the accession of ECE countries. [37]

Several ECE countries, including the Czech Republic, Hungary, and Poland, have signed accession agreements with the EU, with the aim of joining soon. These agreements propose a free-trade area by 2002 for industrial products, with the intention to cooperate in many areas. In addition, Association Councils were established to "provide a forum for discussion at ministerial level of the progress made in preparing for accession."[38] Agreements also outline the areas in which the community acquis must be adopted. [39] The Czech Republic, Hungary, and Poland, along with three other countries are included in the first group of countries to gain accession.

To join the EU three requirements must be met: political, economic, and adoption of the acquis. Political requirements include humanitarian concerns, democracy, and the rule of law. Economic considerations include a competitive market economy. The third is perhaps the most difficult of the three. A prospective member must have "the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union."[40] Basically this concerns the harmonization of national policy to EU policy.[41]

The adoption of the Community acquis includes two main processes for development: policy harmonization and institution building through twinning. The

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[36] Ibid..
[37] Ibid..
[38] European Union, 2001a.
[39] Ibid..
[40] Ibid..
[41] Ibid..

former is analyzed and criticized by Caddy. The latter is a kind of function of the harmonization process, aimed primarily at administrations.

Caddy considers the harmonization a "trade-off" where "one partner has all the resources (among which positive policy exemplars, financial resources and the power to grant membership)" and ECE countries "can only rely on what are largely negative incentives (the threat of regional instability, transboundary environmental pollution, westward migration and so on) to bind their EU counterparts to the policy co-ordination table."[42] The ECE has several considerations regarding EU membership. The EU tends to see them as a single group of countries, ignoring their varied histories, cultures, and environments. There may not be enough resources to join the EU as well. They will have fewer policy options even though they will be able to gain technical assistance and advice. Moreover, both ECE and the EU use only Western policy approaches as their point of reference, ignoring the potential benefits of using more features from ECE systems to ease implementation. Finally, the EU is everything to the ECE countries, from donor of resources and experts to framework for development.[43]

The twinning process follows several of the same trends. Launched in 1998 as part of the PHARE program, it aims to

> help the candidate countries in their development of modern and efficient administrations with the structures, human resources and management skills needed to implement the acquis communautaire to the same standards as Member States.[44]

EU experts and administrators work with ECE administrators to develop and implement a specific part of the acquis. It is believed to be a long-term solution to the adoption of the

[42] Caddy, 1999:329.
[43] Ibid..

acquis by ECE. As part of the PHARE program it is a tool used almost exclusively in the ECE countries. The environment is one of the four "priority sectors" identified for this tool.[45] However, this instrument can also be subject to Caddy's objections, especially regarding the focus on Western approaches.

The EU and its member states' approaches to environmental aid have met with mixed results. European ministers of environment including some ECE ministers recommended a series of changes to aid environmental policy development. These included measures to benefit both the economy and environment, an end to subsidies encouraging wasteful practices regarding fuel and water, pollution-eliminating policies, market measures aimed at the reduction of pollution, and realistic, strong regulations and standards.[46]

The largest program initiated by the EU is the PHARE program. In addition, some Member States have given aid to ECE of their own accord. PHARE concerns itself primarily with institution building (through twinning) and investment support.[47] It focuses on both the harmonization and implementation of policy.

Aid programs from the EU to ECE countries, as stated earlier have experienced mixed results. Most investments follow foreign investment, which has been most forthcoming in the Czech Republic, Hungary, and Poland. This means that several ECE countries have been left out of many aid opportunities. Moreover, projects tend to be focused on problems of greatest concern to donor countries, such as transboundary air

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[44] European Union, 2001b.
[45] Ibid..
[46] Kolk and van der Weij, 1999.
[47] European Union, 2001b.

pollution, even though ECE countries often have other, more urgent needs (i.e., human health).[48]

Donor procedures can be blamed for some problems. These include missed transfer of information with ECE experts, required implementation by own organizations or companies, favor of border countries, lack of coordination between ECE countries, preference for large projects, and vertical coordination. Instead, there should be an increased involvement of ECE expertise and organizations in the process combined with coordination between countries with similar ecological features and small, local projects. A final concern is that countries that do not become EU members, due to disinterest or inability to meet requirements, will be at a distinct disadvantage to receive aid.[49]

Bundnikowski also identifies problems with environmental aid, specifically to Poland. These include aid designed for market economies and the economic interests of donors. Market solutions cannot be fully implemented in the transition countries, since they are only beginning to experience functional market economies. Many officials and even experts do not understand these solutions, either, and thus cannot effectively judge the best options for their countries.

Donors can also have their own economic interests for granting aid, though this is found primarily in direct foreign investment initiatives, where some companies have taken advantage of a lack of enforced environmental standards. In Poland there have been both environmentally advantageous and disadvantageous use of investments. International Paper Company Inc., an American company, bought 80 percent of the largest pulp plant in Kwidzyn and changed the bleaching process to one that is more

[48] Kolk and van der Weij, 1999.
[49] Ibid..

environmentally sustainable. Likewise, the Germany financial group Henkel and the Dutch-British Unilever have made significant contributions in the detergent and chemical industries, respectively. The Warsaw airport, on the other hand, was a join venture by Polish Airlines LOT and the Germany Hochtief GmbH. The airport terminal was allowed to operate before sewage treatment and noise monitoring facilities were completed, due to the economic importance of the project.[50]

However, it is important to notice programs like the green equity schemes, where donors purchase shares in environmental investments, such as waste management and water supply, to generate income. Some Scandinavian countries and other organizations have used these kinds of projects in ECE.[51]

EU investments, coordinated through PHARE, have had mixed results. The main problems are the emphases on Western ideas about management and on transboundary pollution. Though EU environmental policy is shaped primarily around these two conditions, other approaches should be explored if ECE countries are to successfully accede. More individualized approaches to EU and ECE relationships are contained in the next section.

IV. Individual Country Studies

This section attempts to offer some specific information regarding three different countries that share the experience of socialism and a desire for EU membership. Unlike section two, this section will not deliberately focus on the similarities of the three countries, though several will be noted. Each country has unique characteristics that are

[50] Bundnikowski, 1996.
[51] Kolk and van der Weij, 1999.

highlighted in this section in an aim to emphasize the peculiarities of each country's history under socialism and possible need for innovative solutions to environmental problems.

Czech Republic

The Czech Republic was, until 1993, about two-thirds of Czechoslovakia. After a peaceful separation process, the Czech and Slovak Republics were formed. The former Czechoslovakia was one of the most successful centrally planned economies, relying primarily on industry. However, like many ECE countries, the Czech Republic used huge amounts of energy, about 2.5 to 5 times as much per dollar GNP as any Western country by the end of the communist regime. This was considerably more than any other communist country.[52]

Under the communist regime, several environmental regulations were passed, including the 1967 Air Purity Law, 1973 Water Act, 1976 Agricultural Land Protection Act, and the 1977 Revision to the Forestry Act. On paper, they were strict policies aimed at reducing pollution and protecting the environment. However, they were rarely enforced. Even when enforced, penalties were often inadequate or nonexistent. Because it was often cheaper to pay the fines rather than reduce emissions, many industries simply paid. In a command economy, where industries are both owned and regulated by the state, this meant that such penalties were often built into an industry's budget. The result was that penalties had no real meaning.[53]

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[52] Andrews, 1993.
[53] Ibid..

During the years immediately prior to the fall of the communist regime, the České energetické závody (the Czech energy company) began an initiative aimed at the reduction of solid particles from emissions. This was a recognition of Czechoslovakia's largest and most severe environmental problem, air pollution.[54] "Continuous smog conditions" were the norm in winter, with people staying inside with the windows and doors firmly closed.[55]

Most likely, such obvious pollution caused the 1991 Clean Air Act to be one of the first pieces of environmental legislation passed under the new government. It called for a reduction in sulphur dioxide by about 95% by 1998. As a result of the investments coming from the West, this was a possible goal. However, although air pollution was the most prevalent environmental problem, most of the environmental investment from 1970-90, or about 60%, was given to water protection. Air pollution projects from 1991-93 received about 36% of the environmental investment.[56]

There has been a reduction in the total amount of air and water pollution, but an increase in pollution per unit of production has occurred.[57] Any decrease in pollution is a result of the decreased production that resulted immediately after the fall of the communist regime. In addition, the use of lignite (or soft coal) in energy production is still very common, leading to higher levels of sulphur dioxide.[58]

Criticisms of the PHARE program also exist with regard to the Czech Republic. One is that some "short-sighted" Czech policies "are pursued on the recommendations, or

[54] Fagin and Jehlička, 1998.
[55] Tickle and Vavroušek, 1998:123.
[56] Fagin and Jehlička, 1998.
[57] Ibid..
[58] Ibid..

with the support of, various EU agencies."[59] The example cited was the use of limestone to absorb sulphur dioxide from flue gases in coal-burning power plants. The limestone quarries for this project were located in the Czech Karst in a nature preserve. PHARE had set up an unrelated project to study the protection of these karst formations and the species that inhabit them. To a great extent, then, the two projects cancelled each other out. In addition, Western European experts have concocted elaborate projects without consideration for the feasibility of these projects for the host countries. A consequence of this is the focus on large, national- or regional-based projects, contrary to the desire and, arguably, need of small, local projects in the ECE countries. Such local projects are more practical, financially sustainable, and easier for implementation. However, the PHARE program seems to be structurally biased against them.[60]

Policies passed since the end of communism have included the 1995 State Environmental Policy and the Environmental Impact Assessment Acts. In some areas, however, there has been little or no addition to the communist policies established in the 1970s. There are two principles to current Czech environmental policy, shown especially by the 1995 State Environmental Policy. The Czech Republic's environmental statutes focus on socially acceptable levels of environmental and health risks and the protection of private property.[61] Essentially there will be a given level of pollution, and the tolerance limit will be established by human society.

Though the Environmental Impact Assessment (EIA) Acts seem promising, a lack of public participation in the process exists. The public is not considered until the review process when there is a 30-day inspection period. However, these are often poorly

[59] Ibid.:117.
[60] Ibid..

publicized with few citizens aware of the possibility to voice their opinions on proposed development. The early stages of the process – when it is decided whether or not an EIA is needed and when experts perform the actual EIA – exclude public participation. In the latter case, experts are not even required to consult local communities regarding possible impacts.[62]

The 2000 EU assessment on the Czech Republic's transposition of the acquis in the environment is relatively promising in some areas. These include the areas of chemicals and genetically modified organisms, noise, and nuclear safety, in which the EU estimates about a 50 percent harmonization level. To some extent, however, these may be the easy problems for the Czech Republic. In air and water quality, only one tenth or less of policies have been harmonized. In addition, the EU cites the need for "secondary legislation governing economic instruments, implementation and enforcement."[63] An increase in environmental funding, a decentralization of environmental power, and an increase in the administrative capacity in the environment are urged by the EU.[64]

The Czech Republic has had a mixed relationship with environmentalists, both before and after communism. As in other ECE countries, the environmental movement was a vehicle for social change at a time when other issue areas were silent. Immediately after the fall of the communist regime, Bedřich Moldan, the new environmental minister, attempted to involve environmentalists in the government through the Green Parliament. It was created to encourage the participation of groups and associations in the creation of new environmental proposals, but it fizzled quickly and became non-existent by mid-

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[61] Ibid..
[62] Ibid..
[63] European Union, 2000a.
[64] Ibid..

1991. After 1992, the impact of the environmental movement decreased as a consequence of the environment becoming a less salient policy issue. The groups had less political influence and the larger NGOs became more conservative and professional, following the Western model. Those engaged in activism are seen as a threat to democracy and some groups have even been singled out on lists of those involved in subterfuge.[65]

Overall, the Czech Republic is involved in a rapid transformation to a market economy. In its pursuit of economic policies, there seems to be little room left over to provide for environmental standards. Though there have been positive measures taken in areas like environmental impact assessments and nuclear safety, the two main problems – air and water pollution – remain largely unsolved. They will have to be greatly reduced in order to gain EU membership. Without the proper infrastructure and administrative capacity, such improvements cannot be effectively implemented and enforced.

Hungary

Hungary had a reputation for openness to the West even before the end of communism. Its particular geographic features, moreover, make it heavily dependent on its neighbors. Nowhere is this more apparent than in water supply. Hungary relies on imported water resources and any contamination of its groundwater supply results in higher imports. Therefore, water issues rank highest on Hungary's list of environmental concerns.[66] As such, it is fairly distinct from other ECE countries whose primary problem is air pollution. This should not underestimate the level of air pollution in

[65] Fagin and Jehlička, 1998.
[66] O'Toole, Jr. and Hanf, 1998.

Hungary, however. It ranks second and third among ECE countries in levels of sulphur dioxide and nitrogen oxide per capita emissions.[67]

Energy use is also a problem in Hungary, with consumption at about twice the intensity of its Western European counterparts, even though it is one of the most efficient countries in ECE.[68] Such a reliance on energy was caused by bad economic decisions in the 1970s. While Western countries were shifting toward more service- and technology-oriented economies as a consequence of the oil crisis, Hungary decided to bank its future on the success of heavy industry.[69] This is a prime example of the communist reliance on industry and view of such crises as aberrations.

The most prominent example of communist environmental policy in Hungary is the 1976 Act on Environmental Protection, which was still in force until late 1995. It recognized the right of citizens to live in a healthy environment and gave society the responsibility of environmental protection. Before this act, most environmental legislation focused on the preservation of resources for industry. The 1976 standard, like similar measures in other ECE countries, was quite strict, but a lack of implementation and adequate enforcement led to little real change.[70]

The environmental movement became an active force in Hungary in the 1980s. The 1970s saw an increase in the information about global environmental problems. Scientists and intellectuals were the first to see such problems in Hungary. This sparked an environmental consciousness among groups of citizens and resulted in the decreased legitimacy of the government's environmental policies. The government had to enact

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[67] Ibid..
[68] Ibid..
[69] Ibid..
[70] Ibid..

environmental policies as a result of leaked information from government sources regarding quantified environmental problems in Hungary. Hungary had to both protect its international image and stop the spread of environmental movements. For these reasons, environmental policies were adopted in communist Hungary.[71]

The environmental movement of the 1980s became very visible in Hungary, especially in the Danube Movement, which was organized in 1984 to protest the Bos/Gabcsikovo/Nagymaros dam. A letter containing 10,000 signatures of citizens opposed to the dam was sent to Parliament. The movement resulted in the suspension of the project and had undermined the political and social structure of Hungary's environmental policy.[72] Today, several hundred environmental NGOs exist, though most are local, single-issue groups which are ineffective at national lobbying procedures.[73]

Since the fall of the communist regime, Hungary has been ruled by both conservative (pre-1994) and liberal (post-1994) coalition governments. Economic problems have been at the forefront of the political scene. Industrial output had dropped by about 30% by 1993, the GDP fell by 20% and unemployment jumped from almost zero to 12% in just two years (1990-92). Most experts believe that the environment will retain little public support for the foreseeable future, as environmental measures are seen as possibly harmful to the economy. Surprisingly, though, many Hungarian business executives support environmental measures in the forms of market incentives and indirect regulatory measures.[74]

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[71] Szirmai, 1993.
[72] Ibid..
[73] O'Toole, Jr. and Hanf, 1998.
[74] Ibid..

Given this lack of support for environmental legislation, there has been relatively little. The 1993 Hungarian Commission on Sustainable Development was created to incorporate sustainable development principles into several sectors and to increase citizens' awareness of the relationship between the economy and the environment. In the same year, Hungary committed to the UNCED sustainable development initiatives. Other than this fairly progressive foray into environmental policy, Hungary has focused primarily on end-of-pipe solutions to environmental problems. The support of Hungarian business sectors of innovative market incentives and indirect regulation has seemed to have little effect on the formulation of policy. There have been some immediate improvements, but lasting effects are probably few.[75]

The implementation of environmental policy contains several problems, as well. The Regional Environmental Inspectorates, of which there are 12, have considerable autonomy in the enforcement of policy. However, financial restraints keep their wages and resources low. Many work as both government officials and environmental consultants, often resulting in a conflict of interest. During environmental impact assessments (EIAs), they can be asked to both conduct the assessment and consult for the company wishing to develop the area, playing on both sides.[76]

The European Union views Hungary's progress in the environmental field as limited. It cites the lack of regional cooperation as a concern, as Hungary is so dependent on its neighbors. The main problem areas are waste management, water quality,

[75] Ibid..
[76] Ibid..

industrial pollution, and noise, as well as administrative capacity.[77] Without harmonization in this area, Hungary's accession will be delayed indefinitely.

Vari studies the use of the PHARE program in Hungary from 1990-1994. In the course of 5 short years, Hungary went from ECU 25 million in PHARE environmental aid to zero. The 1990-91 program funded 37 projects in fields ranging from air and water quality to nature protection. The 1992 program, however, eliminated water quality from the 24 funded projects, even though water quality was identified as the primary environmental problem in Hungary. 1993 saw water quality projects reenter the list of funded projects, but only one-third of the ECU 10 million budget went to project funding, with the other two-thirds used in loans for environmental investment projects. In 1994, no environmental funding was given to Hungary through the PHARE program.[78]

The number one variable affecting environmental aid, according to Vari, is the donor countries' environmental interests. Nature protection and air quality tend to be highly funded projects, since they are global in nature. However, many of the projects that made the EU problem list for Hungary in 2000 were problems that should be solved locally (i.e., water quality, land and soil problems, and noise problems).[79] Though such projects were included in the Environmental Action Programs for Central and Eastern Europe as inexpensive, attainable goals, they are more important to ECE countries than to donors.

Hungary has some unique problems regarding environmental policy. With its geographic and topographic restrictions, areas like water quality are extremely important

[77] European Union, 2000b.
[78] Vari, 1996.
[79] Ibid..

to its ecological health. This peculiarity makes horizontal cooperation between ECE countries vital for Hungary.

Poland

Poland was the first socialist country to seek and implement transition to a market economy. Like other ECE countries it was marked by several environmental problems. The use of coal as its primary source of energy (76.8% in 1992) led to high sulphur dioxide emissions in particular. In addition, only the United States and the former Soviet Union produce more industrial waste than Poland. However, Poland considers water problems its priority in environmental policy.[80] Therefore, Poland has various environmental concerns to be addressed in the post-communist era, especially with regard to harmonization of policies for EU membership.

Poland's pre-1989 history includes an important chapter, namely the Solidarity movement from 1980-1981. Solidarity was the first independent, self-governing trade union in ECE. It originated from Poland's ineffective social reconstruction plans and economic collapse resulting from declining economic growth. Through Solidarity the floodgates on secret information were opened, causing a new awareness about practically every sector of society, including the environment. As in the Hungarian case information was leaked from official government agents who were sympathetic to Solidarity's cause. Its main environmental success was the 1980 closing of the Skawina aluminum plant, called the "high water mark for environmental activism in communist Poland."[81]

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[80] Bundnikowski, 1996.
[81] Kabala, 1993:54.

Though the Solidarity movement was snuffed out after 16 months of action, it existed underground for years. By 1989 its emphasis was still strong enough to result in a final effort for cooperation by the communist regime. This effort consisted of Round Table discussions between the government and Solidarity. After 1989, however, the trend of environmental activism and awareness declined. The defeat of the Green party in the first free elections in 1991 marked the end of the extreme interest and activism promoted by Solidarity and other groups. Economic issues reigned supreme in public interest as unemployment and job insecurity increased.[82]

However, environmental issue salience remained in the most polluted areas of Poland (Upper Silesia, Krakow province, and the Lngnicko-glogowski and Tarnobrzeg regions). Often, as a result of higher infant mortality rates and lower life expectancies, these people saw the environment as a far greater problem than those living in less polluted areas. Those who lived in cleaner areas and supported environmental measures (about one-third of the population in the early 1990s) were mainly of the educated bourgeois middle class living in urban areas.[83]

Poland experienced frequent changes in government in 1989 with communist successor parties, the Social Democrats and the Polish Peasant Party, winning decisive victories in 1993. During the period after 1989 much of the environmental authority was decentralized and given to provinces and local communes, the regional and local governments in Poland. While some have failed miserably due to lack of initiative and/or

[82] Millard, 1998.
[83] Ibid..

resources, others have developed innovative, local, inexpensive approaches to environmental management.[84]

The post-1989 governments were left with many institutional problems. The Ministry of the Environment experienced financial and other obstacles to effective operation. There were also cases of corrupted officials in the public sector in general and misuse of funds (several of which were brought to trial in 1994).[85]

The European Union discusses the shortcomings of the Ministry of the Environment in Poland in its 2000 report on harmonization progress. The division of implementation between regions, counties, and municipalities is seen as possibly problematic. The regions "have responsibility for all activities which are particularly harmful to the environment," and the regions and counties "are responsible for issuing environmental permits." The municipalities "bear the main responsibility for carrying out decisions and have direct responsibility for waste management."[86] The EU expressed concern over the competence of these local governments.

The EU defines Poland as having achieved "very limited" progress in environmental standard harmonization. It urges for more environmental investment into EU directives' implementation. It also identifies the problem areas of air, waste, water, and industrial pollution as most important for the fulfillment of Poland's accession promises of 1999.[87]

Environmental funding in Poland has been fairly diverse. Several mechanisms have been used within the categories of multilateral and bilateral assistance. European

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[84] Ibid..
[85] Ibid..
[86] European Union, 2000c:69.
[87] Ibid..

countries that have given bilateral assistance to Poland (Germany, Sweden, and Denmark) are all neighboring countries. This indicates the interests of these countries in decreasing sulphur dioxide emissions originating in Poland that cause acid rain in their lands. Multilateral assistance has come from the World Bank and the EU (through the PHARE program).[88]

Much of the PHARE funding has gone to air protection, rather than water, Poland's number one priority. The focus on transboundary air pollution, an EU priority, is evident. The interests of donor countries play a greater role than Polish interests. Direct foreign investments also show such a trend. They are centered in light industry and services, economic activities that are usually environmentally sound. Even though such investments contribute to the possibility of sustainable development practices in Poland, they offer no improvement on existing environmental conditions.[89]

The most innovative form of aid given to Poland is the debt-for-nature swaps. These originated in ECE between Poland and the United States, then expanding to Poland and Switzerland. Such swaps involve a creditor forgiving a certain percentage of a debtor's debt in exchange for the equivalent amount being invested into environmental projects. Though they normally occur between debtor states and banks, both the United States and Switzerland have agreed to forgive 10 percent of Poland's debt in exchange for investments in environmental projects. This program is called EcoFund. A problem has arisen, however, as many Polish managers are unfamiliar with such economic approaches to debt reduction and are unable to choose options best suited to their needs.[90]

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[88] Bundnikowski, 1996.
[89] Ibid..
[90] Ibid..

Poland lacks much of the administrative capacity to implement good, effective environmental policy. Even though it has received fairly significant aid from Western countries, there have been problems. The failure of the environmental movement has also affected the lack of environmental measures passed. Poland has much to do with regard to environmental legislation harmonization with the EU and environmental policy in general.

V. Conclusions and Solutions

The enlargement of the EU is destined to have effects on environmental policy in both the EU and in the acceding states. It is important to study the ECE countries specifically for two reasons. First, they are highly likely to gain EU membership within the next five years. Second, they serve as important examples of the kinds of countries that will make up a large portion of EU membership in the not-too-distant future. In the area of environmental policy, these states are important to the understanding of policy harmonization and effective aid programs.

Several trends can be noticed regarding ECE countries' relationships with the EU. These are especially evident in the countries studied here, the Czech Republic, Hungary, and Poland. They can be divided into three general categories: economic concerns, Western influence, and government centralization.

Economic concerns plague ECE countries. After the fall of the communist regime, unemployment and job insecurity increased. Production decreased by huge amounts. Even today, none of their economies have fully recovered. In addition, the

transition to a market economy led to an increase in consumerism that, in turn, created larger amounts of waste and pollution (mainly through automobiles). Finally, ECE countries relied on the market as an automatic solution to environmental problems. Even many environmental NGOs believed that a change from socialism to capitalism would lead to the closure of energy-inefficient industries, which it has not yet done.

The Western influence on ECE has occurred in both the public and private sectors through investment and training. ECE governments have benefited from aid received from the PHARE program, among others, but problems with effective distribution exist. Western NGOs have supported their ECE counterparts, primarily with training, and put an emphasis on government lobbying rather than activism. This influence has led to a focus on Western and international problems, especially transboundary air pollution and nature protection, even when ECE countries see other environmental problems as more urgent.

Government centralization is an institutional remnant of the communist regime. While many environmental leaders and scholars, in the West and ECE, have urged local solutions to environmental problems, the infrastructure to do so is practically nonexistent. ECE countries lack the coordination of local and national governments necessary to such projects. Local governments rarely have the physical and financial resources to implement such policies, even though they are charged with doing so in some ECE countries. The focus on end-of-pipe solutions to environmental problems exacerbates this problem by sometimes leaving local governments with implementation, monitoring, and enforcement responsibilities, for which they are ill-equipped.

Some solutions do exist to these problems. First, the West should not underestimate the knowledge ECE officials and scientists can bring to the environmental field. Second, aid programs could be more effective by using newer policies, like debt-for-nature swaps, funding of small, localized projects, technology transfers, and a focus on projects aimed at sustainable development, rather than end-of-pipe, practices. Finally, infrastructure building and strengthening of administrative capacity are vital for the success of any environmental policies in ECE.

The example of green equity schemes highlights several ways in which such solutions have been implemented. Scandinavia and others have been involved in environmental investments, purchasing shares in industries like waste management and water supply. Such projects can lead to a fusion of Eastern and Western expertise, as well as sustainable economic development. Technology transfers occur, generating new, improved industrial processes in ECE.[91] Green equity schemes could be used in ECE countries to strengthen sustainable development practices.

The relationships between the EU and ECE have room for improvement. Referring to the relationship between the West and ECE, Waller writes,

> Liberation from Soviet tutelage has spelled dependence on Western financing, and the question has to be raised of the extent to which cleaning up the environment has come to be bound up with taking advantage of opportunities for investment.[92]

The same kind of question can be asked of EU membership and ECE. To what extent has cleaning up the environment become related to the attainment of EU membership? Furthermore, to what extent has the EU required the strict harmonization of policies to

[91] Kolk and van der Weij, 1998.
[92] Waller, 1998:38.

delay or even prevent ECE countries from joining? These are questions that deserve further research and study. However, one idea is clear. The EU has become the most important political quest for ECE countries, and they are willing to do as much as possible to become a part of it. For them, it signifies a return to Europe and a move away from Russia. It is important both culturally and socially. Environmental issues, too, have been important in the recent cultural and social history of ECE. The two areas show a possibility of new cooperation and experimentation in environmental policy.

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