

# **New Modes of Governance for Sustainability in Austria - Assessing the Legitimacy and Effectiveness of the Austrian Biodiversity Strategy and the Austrian Forest Dialogue**

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## **1.) Introduction**

At the UN summit in Rio de Janeiro (1992), governments worldwide committed themselves to sustainable development as a goal of international and national policies. With Agenda 21, a new strategic concept was adopted at the same time. This new strategy for sustainable development includes the formulation of long-term goals and operative targets as well as instruments to monitor and evaluate the results. It calls for the participation of non-state actors in political decision-making processes, inter-sectoral coordination and the integration of different political and administrative levels. At the same time, planning is not understood as a one-off event, but as an iterative and adaptive approach which is open for learning effects.

The new strategic approach has found its way into numerous political programs, not only as overarching National Strategies for Sustainable Development, but also into more targeted strategies like National Biodiversity Strategies and National Forest Programmes. Despite the rapid international diffusion, only few studies analyse the legitimacy and effectiveness of this kind of national strategies. This paper, therefore, aims to compare two national strategies in Austria with regard to their effectiveness and procedural legitimacy: the Austrian Biodiversity Strategy and the Austrian Forest Dialogue. It deals with the question how the normative criteria of legitimacy are met in the two governance processes under study and if and how these criteria affect the problem-solving capacity of these processes.

First, we will develop analytical criteria to measure the degree of legitimacy and effectiveness of national strategies for sustainability (Chapter 2). These criteria will be then applied to our case studies on the Austrian Forest Dialogue and the Austrian Biodiversity Strategies (Chapter 3). Based on our analyses of both national strategies, we then discuss how the two dimensions of legitimacy and effectiveness are interrelated (Chapter 4).

## **2.) Assessing the legitimacy and effectiveness of new modes of governance**

In the last decade the concept of “governance” emerged and has taken a central place in the contemporary debate in the social sciences. The concept has been widely used, but often with different meanings (Rhodes 2001; van Kersbergen and van Waarden 2004). Basically, governance refers to sustaining co-ordination and coherence among a wide variety of actors with different purposes and objectives such as political actors and institutions, civil society, corporate interest and transnational organizations (Pierre 2001: 3). What has been previously

regarded as roles and tasks for the government are now interpreted as more common, societal problems that can be solved by political actors and institutions, but also by other actors.

For the operationalisation of effectiveness and legitimacy of governance processes we draw on two identified core concepts: input and output legitimacy (Scharpf 1970; 1999). Moreover, we use an additional third criterion: throughput legitimacy. It describes procedural features of legitimation in governance processes and has been used in other conceptual frameworks on legitimacy (Papadopoulos 2003; Klinke 2006; Dingwerth 2005; Beisheim and Dingwerth 2005; Wolf 2006).

## Legitimacy

Legitimacy is regarded as one of the fundamental prerequisites for and characteristics of democracy. The abovementioned shift from government to governance has raised some questions of democratic legitimacy (Benz and Papadopoulos 2006: 1). Legitimacy is often defined as the acknowledgement of the processes as such and the compliance of the participants to the process and its implementation as being legitimate (Ansell 2001). In governance processes problems arise as regards democratic legitimation because they often leads to less formal modes of decision-making, and traditional political institutions for democratic control (i.e. parliament) play a less important and powerful role in such processes (Benz and Papadopoulos 2006: 7). Despite these democratic deficits or trade-offs in governance processes it can be argued that the main potential of legitimate governance processes is the possibility to democratize policy-making which even can be seen as a prerequisite for their problem-solving capacity.

**Input legitimacy** refers to legitimation through participation ('inclusion') and balanced representation of relevant stakeholders. Scharpf defines input legitimacy as follows: "political choices are legitimate if and because they reflect the 'will of the people' – that is, if they can be derived from the authentic preferences of the members of a community" (Scharpf 1999:6). In this article we further operationalise input legitimacy according to two criteria: inclusivity and representation.

*Inclusivity* deals with the question, if all relevant actors and interest groups are included in the decision making process. Moreover, the question of scope and quality of participation also concerns the involvement of experts and expertise as an additional source for legitimacy in decision-making processes since policy-makers are said to be increasingly relied upon expertise. However, the inclusion of science and scientist in policy making does not ensure legitimacy per se. The use of experts and expertise is still contested as regards confidence, transparency and accountability (Benz and Papadopoulos 2006: 277).

As a second aspect, inclusivity also refers to the question of *representation* of interests, asking if the representatives in the process are also authorized representatives of their clientele. In other words representation means the inclusion of high-ranking officials with a mandate and the possibility to influence and take decisions (Beisheim and Dingwerth 2005: 7).

**Throughput legitimacy** regards the transparency, fairness and responsivity of the structure, topics and procedures of a process. Throughput legitimacy asks how a decision is taken, who is responsible for them and which issues are at stake.

*Transparency* and *fairness* are seen as important criteria for throughput legitimacy, because they identify the quality and accessibility of gathering information or the equal opportunities to participate in decision-making, by means of transparency of procedures, negotiation and decision-making processes, public access to documents, information and participation via Internet and Intranet fori, etc. *Fairness* refers to a fair participation and communication process, in which all participants can participate on an equal basis (e.g. making issues understandable to non-specialists, external moderation, equal share of information and voice, fair voting, etc.) or the participants accept the rights and possibilities of participation as justified (Beisheim and Dingwerth 2005: 7).

Procedures and structures to guarantee fairness and transparency also include the criteria of *responsivity*. Responsivity questions whether governance processes clearly deal with relevant issues reflecting preferences either by the public or by the organisations' or institutions' clientele, members and constituency (e.g. defining relevant targets, dealing with relevant topics and problems).

## **Effectiveness**

Policy makers generally claim that policies are formulated and implemented in order to solve specific problems. Evaluation assesses the extent to which a policy achieves its objectives. It focuses on outputs and outcomes, including unintended effects, to judge the effectiveness of regulations, plans, and programs, but may also assess the whole decision-making process of a program in order to understand how outputs and outcomes are produced.

Political scientists interested in the evaluation of public policies typically distinguish between "output", "impact" and "outcome". According to this frame, *Outputs* are defined as the "products" that a governance process produces, i.e. the adoption of new political strategies, programmes or plans (as a "document"); new laws or the reform of existing laws; and the introduction of new policy instruments or changes in the predominant type of policy instruments. The policy output can be described through its goals, the instruments going to be used, the institutional arrangement for implementation, and available financial resources. A fundamental requirement to evaluate the effectiveness of a national strategy as policy output is the formulation of clearly defined targets, tangible measures, and clear responsibilities for their implementation. This includes especially the commitment in terms of goal-setting (qualitative vs. quantitative goals), the definition of timelines and responsibilities for implementation of measures, and foreseen mechanisms for monitoring and evaluation. The objectives and targets of a strategy should thus be specific, measurable, achievable, result-oriented, and time-bound.

The term *Impacts* addresses changes in actor's behaviour as a result of the governance process. This can involve changes in the behaviour of key actors and target groups, but also

changes in interest intermediation, the solution to existing conflicts, or the development and creation of new coalitions and networks.

Finally, *Outcomes* are defined as the consequences in terms of biophysical changes which have materialised because of outputs and impacts of a governance process. Sometimes this information is not available and evaluation must be even more tenuously based on the quantity and the quality of resources used, assuming a definite relation between output, impact and outcomes. Regarding our empirical studies on the Austrian Forest Dialogue and the Biodiversity Strategy to evaluate the outcome is the most difficult. The Forest Dialogue has not yet produced any outcome as the process is currently at the early stages of implementation. And the Austrian Biodiversity Strategy, despite being in place as a governance process for almost ten years now, has hardly any qualitative targets that could be assessed in such a formal way. Thus, we will not use this third criterion on effects in our case studies and instead put more emphasis on evaluating the output and impact of the two national strategies for sustainability.

### **3.) National Strategies for Sustainability in Austria**

#### **3.1.) *Austrian Forest Dialogue***

The ‘Austrian Forest Dialogue‘ (AFD) is a process on the national level in forest policy with the aim to elaborate and implement a ‘National Forest Programme’. The process has been initiated by the Federal Ministry of Agriculture, Forestry, Environment and Water Management (BMLFUW) in April 2003 as a “long-term oriented, participatory, multi-stakeholder and inter-sectoral dialogue platform on the future perspectives of forest policies of Austria [...] to reach a social consensus with respect to an ecologically, socially, and economically sustainable forest management, but also to highlight the vital role of forestry within the framework of sustainable development (BMLFUW, 2003).” After a formulation phase of about three years, a “National Forest Programme” and a “Work Programme 2006” were presented in December 2005 (BMLFUW 2006).

Both programmes were elaborated in working groups in about 27 (two or three days) meetings. On average about 40 organisations attended the meetings, workshops and four round table conferences. The round table has been the main decision-making body of the Forest Dialogue where political reconciliation and adaptation of interests took place. The round tables consisted of about 80 organisations representing forestry, economics, social and environmental interest groups organised at national level, nominated and chaired by the Minister of the BMLFUW. The main body for the elaboration of the Forest Programme and Work Programme have been three expert working groups. The participants of these expert working groups were representatives of Ministries, interest groups, NGOs, and academic organisations. A coordination group consisting mainly of representatives from the BMLFUW

was responsible for the administration and coordination of both bodies and the process in general.

The implementation of the first Working Programme is supported through a newly established platform called “Forest Forum” (BMLFUW 2005: 12). It is planned that the Forest Forum will meet twice a year to further elaborate the Forest Programme and to monitor the implementation of the measures listed in the Work Programme (BMLFUW 2006). Moreover, further round table meetings are planned to take place once a year.

### **3.1.1) Inclusivity and Representation**

The Austrian forest sector has been known for its corporatist policy networks and ‘clientelistic’ behaviour. Within the forestry sector actual power and communication were focussed in a very close circle of high-ranking representatives of the administration and forestry associations, known as “Green Pillarization” (Pregernig and Weiss 1998: 28) and its policies strongly supporting economic interests of their clientele, the forest owners (Voitleithner 2002: 316). However, the Austrian Forest Dialogue left these pathways and has been declared in its mission statement as a participatory, multi-stakeholder and inter-sectoral dialogue process open to all “national, governmental and non-governmental organisations and interest groups, which are interested in forestry related issues” (BMLFUW 2003: 2). Thus, participation has been declared as one of the main principles of the process.

The level of participation of public officials, interest groups, NGOs, and academic organisations has been very high during the first two years of the dialogue process. High ranking officials and representatives from diverse ministries, a wide range of non-state actors, i.e. business interest groups, labour unions, environmental NGOs and scientists, but also delegates from the sub-national level, provinces and communities representing a broad range of sectors relevant to forests and forestry have been invited and nominated as participants to the working groups and round table meetings. The members of the round table were officially nominated by their respective organisations. The broader public has been informed by Internet, press releases and by public events organised by the BMLFUW.

The intensity of attendance and of active participation by oral or written statements in the working group sessions and at the round table meetings has been different among the participating organisations. Some actors have always brought in written or oral statements and some have acted only as observers of the process. However, this different level of engagement can in almost all cases be explained by differences in capacities. For instance, Greenpeace was forced to quit the AFD at an early stage of the process due to a lack of personal capacities. Nevertheless, a substantial involvement of most relevant state and non-state actors in forestry policy has taken place in the AFD.

At the final stage of the AFD process a short survey among participants of the working group sessions has been undertaken (Voitleithner 2005). This survey, but also our experts interviews with about 20 participants of the AFD, show that the majority of participants regarded the dialogue process as successful in terms of participation, and especially the NGOs as good

represented. However, a more active participation of representatives from other sectors was missed by several participants. Generally, the integration of other sectors and the inter-ministerial coordination has been the biggest challenge for the AFD. Despite an invitation from the responsible Minister some sectors were rather weakly represented in the dialogue process such as tourism, hunting, water management, and agriculture.

Although experts and expertise have been brought into play from the beginning, for instance for the set up of the process structure, but also for the formulation of the Forest Programme or the elaboration of indicators, this aspect has not been regulated by clear rules. All experts or scientists nominated for the expert working group sessions have been acknowledged as “experts” without inquiring the differentiation of the role of being a stakeholder or an expert. An explicit boundary between the participant’s role and status as experts and/or stakeholders has not been made. However, this was not regarded as a shortcoming of the process by any participants.

### **3.1.2.) Fairness, Transparency and Responsivity**

“Openness and transparency” has been declared as one of the main principles of the Forest Dialogue (BMLFUW 2003: 6). Thus, rhetorically and practically the initiators and coordinators of the process put a lot of emphasis on their claim for transparency. For the participants of the process most of the documents, such as protocols of the discussion and the process in the working groups or round table meetings, input papers of experts and official statements have been made accessible by an Intranet web page. All participants were informed about updates of textual materials and at request differing views have been inserted for instance in protocols or in the final Forest Programme.

Most of the participants were generally satisfied with the transparency of the procedures, for instance that agreements or differing statements have been highlighted in the textual draft versions (Voitleithner 2005: 8). However, some participants were still critically towards the overall participation process, particularly with the in-transparent procedures of the formulation of the Forest Programme. It was criticised that the coordination group was aiming for the utmost consensus and thus a couple of deviating opinions, expressed by participants during the sessions or by written statements, have not been included in the final paper. In addition, it was argued that textual changes have not been made visible or traceable so that it was not easily feasible to follow where new statements have been included in a revised version. Moreover, due to a perceived illogical sequence of and confusing correlation between the different drafts, comprising mission statements, targets, indicators, measures and so on, the review or management of the enormous amount of text had almost been unmanageable and fairly time consuming for many participants.

Another highly emphasized principle of the AFD process was its fair procedures and that participation takes place on a fair and equal basis. For instance, the codes of conduct for the working groups (BMLFUW 2003b) refer to aspects of fair and open-minded behaviour by the participants that respect different positions and interests. The procedural rules include that

discussions are moderated and that in plenum joint decisions are rather reached by mutual accommodation to aim the outmost consensus and not taken by majority vote. The possibility to give in written papers or actively participate in discussions during the expert or round table meetings was also given at any stage of the process.

According to our interviews, the participants view their opportunities for participation in the process as good and the overall procedural structures are perceived as a good basis to enable fair discussions. Although a good atmosphere for discussions was observed, some NGOs still blamed the process coordinators not having always stuck to the rules of the game and also felt of being instrumentalised by the process coordinators' primal aim to reach consensus on even highly disputable issues. In this regard they accused for instance the submission of protocols not in due time or the emission of protocols or press releases reporting on consensus on relevant issues that has in fact never been reached. Besides, concerns over the mix up of the roles of the coordinators as working group leaders, moderators and at the same time leading representative of the BMLFUW have been mentioned.

It was criticised that the moderators in the working groups occasionally controlled the line of discussion too strictly and that they tried to decide which issues should be dealt with without enabling feed-back by the participants (e.g. bunching all topics to five core issues) (BMLFUW 2004: 6) or to keep some 'disputable' topics out of the process: i.e. endangering of virgin forests, FLEGT, and the new Programme on Support for Rural Development 2007-2013. Some organizations even linked these issues with their further attendance in the process. For instance, the WWF Austria vetoed against these 'non demand responsive' procedures and announced at many stages to leave if some topics further on will not be dealt with (BMLFUW 2004: 7).

Consequently, the participant's perceived responsiveness of issues, reflecting and representing likewise the preferences and interests of their clienteles or constituencies, was quite ambiguous at some stages in the process. Generally, the perceived legitimacy of the AFD as a fair, transparent and responsive process basically depends on the actors' institutional interests and expectations of and fears towards a participatory process.

### **3.1.3.) Effectiveness**

The aimed output of the AFD, the Forest Programme, has been defined at the start of the process as a "non-binding document for decision-makers as basis for their policy decisions and contains recommendations for decision-makers on important fields of actions which shall be seen as a framework for measures in forest policy." Despite the declared non-binding character of the envisaged programme it was announced that the main aim is the elaboration of a programme with a high grade of concrete objectives and measures associated with responsibilities of implementation, time frame and availability of resources. The declared endeavour of the process was the collection of common points of view regarding main problems in forests and forestry and the search for their solutions.

The AFD was defined as a problem-focussed and result-oriented process and after a period of about three years of formulation the Forest Programme consists of a mission statement describing principles and targets of the process, a description of the actual-state, trends and main problems in relation to forest and forest policy in Austria and indicators linked to defined targets and measures (BMLFUW 2006). The Work Programme 2006 lists 50 single measures including the main responsible leading and co-leading organisations that are in charge of the implementation of the measures, but also a time frame and financing of the measures. Moreover, so-called 15 best practice measures are part of the Work Programme and are defined as ideal measures. Most of the measures are loosely defined, not linked to quantifiable goals, and concern “soft instruments” such as information, advice, research or education. Consequently their goal attainment will hardly be measurable. Several measures listed in the Work Programme include already existing measures or measures which have been implemented without the elaboration of a Work Programme. About 90 indicators have been elaborated and are linked to 52 policy targets. Even though this set of indicators shall function as a check for the elaborated targets and how and if the measures taken facilitate to achieve the defined targets (BMLFUW 2005b), until now there are no organized mechanisms or mandatory reporting requirements to track the progress of measures taken. Moreover, some indicators only describe the status quo without defining target values.

Since the adoption of the Work Programme in December 2005 its implementation has not been fully started for several reasons:

First, there are no clear guidelines how the implementation of the measures listed in the Work Programme shall take place. According to the BMLFUW the implementation of the measures has to “take place as independently as possible” by the leading or co-leading organizations in charge for specific measures listed in the Work Programme. Hence, no central coordination mechanisms or a contact point has been established for the implementation of measures.

Secondly, it was signaled from the beginning that the responsibility for financing the implementation of the proposed measures has to be taken by the respective actors. (BMLFUW 2003b: 5). This lack of available funds restricts the implementation of measures since not all participating organizations possess adequate resources of finances or personal to implement the listed measures.

Third, adequate mechanism for monitoring and evaluation for the implementation stage of the process have not been fully developed yet. As indicated in the Forest Programme the Forest Forum shall play the role as a monitoring body, where the progress of the implementation of measures will be discussed in plenum and reported on twice a year. If the Forum will act as a long-term institution and forms hence a sufficient monitoring tool can not be assumed at the moment.

Generally, we presume that the implementation of the Forest Programme and its Work Programme will suffer by the abovementioned shortfalls in terms of lacking coordination, ill-defined duties and responsibilities, rather weakly elaborated measures, no adequate funding and lack of monitoring and evaluation mechanisms.

Although it is still too early to analyse any behavioural changes of target groups, a certain change in key actor's behaviour as a result of the governance process can be observed. The most prominent change has been the good climate for dialogue and exchange of views, which has been perceived as a novelty in Austrian forest policy with its strong antagonistic coalitions (Hogl 2000: 6).

### **3.2.) Austrian Biodiversity Strategies**

Soon after the Austrian Government ratified the UN Convention on Biological Diversity (CBD) in 1995 work began to determine measures required to meet the obligations of the convention. Recognizing the diverse legislation and divided responsibilities for biodiversity in Austria a "National Commission on Biodiversity" was entrusted by the former Federal Ministry of Environment, Youth and Family in the same year. The Biodiversity Commission was set up as a policy coordination mechanism. It should fulfil three functions: (1) guide efforts on implementing the CBD; (2) facilitate coordination and cooperation between different activities and programs in the field of biodiversity; and (3) play an important platform for information exchange on various issues related to biodiversity.

As Article 6 of the Convention calls upon governments to develop national strategies, plans, and programs to maintain and sustainably use biological diversity, the Biodiversity Commission has drawn up the first Austrian Strategy for the Implementation of the Convention on Biological Diversity in 1997. This national biodiversity strategy serves as the basis for the coordination and implementation of measures for the conservation and sustainable use of biodiversity in Austria.

The first strategy has been evaluated in a two-step approach in 2001 and 2003. Based on this evaluation the national biodiversity strategy has been revised and updated after 2003, and a new strategy was adopted by the Biodiversity Commission in 2005, but not by the Austrian government. This "Advanced Austrian Biodiversity Strategy" will form a long-term framework for conservation and sustainable use of biological diversity in Austria and seeks for a compromise between necessary long-term goals and financial and political opportunities. Here, attaining the so-called "2010 target", which aims at a considerable reduction of the current loss of biodiversity, presents a special challenge. As a new instrument for its implementation the strategy will make use of action plans for specific themes, of which the first on neobiota has already been published in 2004.

#### **3.2.1) Inclusivity and Representation**

The Biodiversity Commission has almost 40 members and is composed of various actors, including representatives of administrative departments (Federal Ministries and Provincial Authorities), public and private interest groups (Landowner Associations, Chamber of Commerce), science (Universities, Austrian Academy of Science, Natural History Museum), and NGOs (WWF, Naturschutzbund, Arche Noah). The commission has no rules of internal

procedure, thus there are no strict rules on membership. Its function is more like an advisory expert panel than a political body and it has no authority and power to make politically binding decisions.

The half-yearly commission meetings are attended on average by 20 people, most of them public officials from ministries, provincial administrations or other public authorities. The representation of science and research organisations is in principle good, but with few exceptions representatives seldom attend the meetings in reality. The participation of interest groups and NGOs in the commission has declined over the last decade. Important interest groups are missing and only a few attend the meeting regularly, e.g. the Austrian Association of Forest Enterprises (*Land&Forstbetriebe Österreich*). Also, big NGOs like Greenpeace or Global 2000 do not participate in the commission. Some other NGOs, especially Naturschutzbund and the Umweltdachverband participate only irregularly. The exceptions are the WWF and certain smaller NGOs (e.g. Arche Noah) who are actively involved in the work of the commission. As a negative consequence of this limited participation of economic interests and the civil society, the potential for participation in the strategy processes is also limited from the outset.

The intra- and interministerial coordination in the Commission is rather limited. Whereas representatives from other sections of the Ministry of Agriculture, Forestry, Environment and Water (BMLFUW) do participate in the Commission meetings on a regular basis, especially from the forestry section and other environmental departments (climate change, water management), is the overall involvement of other ministries not satisfying. Important ministries like the Ministry of Economics and Labour do not actively participate in the commission meetings. Only representatives from the Ministry of Foreign Affairs regularly attend. The strategic behaviour of most sections within the BMLFUW and the other ministries with regard to the Biodiversity Commission and also the biodiversity strategies is passive observation and avoidance of any progressive goal-setting.

The involvement of representatives from provincial administrations and the overall coordination between the federal and provincial level in the Commission can be regarded as sufficient. Representatives from two provinces (Salzburg, Styria) attended the meetings regularly. Additionally, the coordination between the nine provinces and between the federal and provincial level is secured by an institutionalised liaison body (*Verbindungsstelle der Länder*).

Since the political weight of the Biodiversity is in general low representatives attending the meetings are not high-ranking officials, but lower ranked officials with a lot of expertise in their specific field. This is also true with regard to the representatives from interest groups and NGOs. In this sense, the Biodiversity Commission consists of members from the public administration, interest groups, NGOs and academic organisations that are experts in the field of biodiversity and as such represent much more the operational working level and not a body where political negotiation takes place. Accordingly, the members of the Biodiversity Commission aren't nominees of their organisations in a formal way.

### **3.2.2.) Fairness, Transparency and Responsivity**

A range of stakeholders have participated in the preparation of this first biodiversity strategy in the year 1997, and also during the drafting stages of the second advanced Biodiversity Strategy between mid 2004 and mid 2005. Participation has taken place in several forms: (1) attending the meetings of the Biodiversity commission, (2) written reports and statements as part of the evaluation process on the implementation of the biodiversity strategy, and (3) written comments on the drafts of both biodiversity strategies. Also, there exists an Internet website as national Clearing-House-Mechanism ([www.biodiv.at](http://www.biodiv.at)), mainly providing information to the public. Nevertheless, the whole process seems to be very much driven by only a few people, mainly public officials.

Stakeholder participation in the formulation of the biodiversity strategies from 1998 and 2005 has been organised in a very similar way. A first outline of the biodiversity strategy was presented in the Biodiversity Commission and send out per e-mail. The members of the Commission were asked to give comments and propose changes. In the next step, a first draft of the strategy, which was mainly written by a small group of public officials, was sent out to the members of the commission via e-mail. The public and private stakeholders, e.g. various ministries and public authorities, interest groups and NGOs, send in their written comments and suggestions. These statements were then more or less integrated in the next draft of the strategy. The work flow was presented in the meetings of the Biodiversity Commission, but the content of the strategies has not been discussed in detail in these meetings. The number of comments received during the drafting process was reasonable high. For instance, the total number of written comments during the formulation of the 2<sup>nd</sup> Biodiversity Strategy has been 29.

Comments on the draft were predominantly received from federal and provincial public administrations. This includes statements from six divisions within the Ministry of Agriculture, Forests, Environment and Water Management as well as from five different divisions of the Ministry of Economics and Labour, and two statements from provincial nature protection authorities. The number of comments received from interest groups and NGOs is moderate. The Presidents' Conference of Chambers of Agriculture, the Association of Forest Enterprises, and the Austrian Curatorship for Fishery and Water Management were the only interest groups commenting on both drafts. The WWF only gave comments to the second draft. Interestingly, some important stakeholders who delivered written comments on the drafts actually do not participate in the commission meetings.

The communication model used in drafting the first biodiversity strategy can hardly be labelled as dialogue. Communication happens in a bilateral way either between the Ministry of Environment, Youth and Family and other ministries or between an interest group/NGO and the Ministry of Environment, Youth and Family. An open discussion between all stakeholders at one place, for instance in the Commission meetings or another forum, never happened. Neither were common positions and/or different opinions discussed between the participating stakeholders. As a result of this bilateral communication, and the influence individual ministries had on "their" chapters, the first strategy has no common framework and

inherent logic. It lacks a clear definition of biodiversity, it has no overall objective for the strategy, and the individual chapters differ substantially in style, length, and concreteness.

However, the first Biodiversity Strategy contained most of the problem issues relevant in this policy field for Austria and outlined measures and targets to solve these problems. Also, it mentioned a large number of thematic areas in connection with the targets of the CBD and their achievement. In this sense the strategy can be regarded as responsive to the stakeholders and the objectives of the CBD. Nevertheless, experts interviewed for the evaluation of the implementation first strategy mentioned some critical points (Röhrich 2003: 76): (1) genetic biodiversity as one dimension of biodiversity was clearly underrepresented in the strategy, (2) the issue of access and benefit-sharing, one of the three main goals of the CBD, was totally sidelined and only mentioned in the last chapter, (3) stakeholders and targets groups were only indirectly approached in the strategy, none of the actors were claimed to be responsible for the implementation of measures. The evaluation concludes that the high number of proposed changes articulated by the experts during the evaluation proved the urgent necessity for regular adaptation and review of the strategy.

Whereas most of the problems related to the structure and internal logic of the biodiversity strategy have been solved in the formulation process of the 2<sup>nd</sup> Biodiversity Strategy, some major problems still remain. First of all, the organisational model was different and a small editorial group in the Federal Environmental Agency was responsible for drafting the second strategy. In result, this organisational change has greatly improved the internal consistency of the strategy. However, the mode of communication has not been changed. The whole drafting process is still mainly based on e-mail exchange without any real dialogue and discussion. This has led to a situation where the second Biodiversity strategy has improved in content, but obviously lost political power. The criticism that important target groups are only indirectly addressed by the strategy has not been solved. Indeed, these groups not even deem it worth to participate in the drafting process and negotiate objectives and targets. This leaves little hope with regard to the future implementation of the second strategy. Furthermore, while the first strategy was adopted in the Council of Ministers in 1998 this is not planned for the second strategy at all. The final draft adopted in June 2005 in the Biodiversity Commission has not been officially published since and is currently blocked within the BMLFUW, and kept in a almost deadlock situation.

### **3.2.3.) Effectiveness**

The first Austrian Biodiversity was officially adopted by the Council of Ministers and published in April 1998. It consists of ten chapters and its structure generally follows the articles of the Convention on Biological Diversity: In-situ conservation (Art. 8), Ex-situ conservation (Art. 9), Sustainable Use (Art. 10), and Research and Monitoring (Art. 7). Furthermore, the strategy includes additional chapters on Species conservation and Landscape protection; Tourism und Recreation; Mining, Industry, Transportation, and Development Cooperation, Indigenous People; and the Ecological Approach. However, the structure of the strategy has several flaws and the individual chapters do not follow the same internal

structure, the distribution of topics over the individual chapters is inaccurate, and the coverage of topics sometimes overlaps.

An evaluation and review process was already foreseen in the strategy itself which states that “an important future task of the National Biodiversity Commission will be to evaluate, improve and update the strategy based on the dynamic, evolutionary progress in this field (BMUJF 1998: 5).” The Biodiversity Commission monitored the implementation of the first Biodiversity Strategy from 1998 in a two-step evaluation between 2001 and 2003 (Götz 2001, Röhrich 2003). At an initial stage, relevant activities were identified, assigned to the measures outlined in the strategy and transferred to a database (“Living Document“), which permits regular entry of new activities as well as specific research. In a second step the implementation of the strategy itself was evaluated. In the course of the evaluation it became soon clear that a review of the contents of the Biodiversity Strategy in the above outlined sense would not be possible due to the lack of data and in absence of a national monitoring network for biodiversity in Austria. (Röhrich 2003: 7). Furthermore, the strategy itself contributed to significant evaluation problems because of several flaws relating to its content. Not all problems are described in adequate depths, targets and measures are also described with varying precision. The strategy does not contain quantifiable targets, timeframes, interim targets or indicators. Legal backgrounds or competencies are not presented in adequate depth nor are responsibilities of actors for the implementation of suggested measures clearly defined. Furthermore, the strategy lacks clear priorities with regard to the implementation of measures and priority research topics (Röhrich 2003: 7).

As of February 2003, the “Living Document” included 501 activities relevant for biodiversity (Götz 2001, Röhrich 2003). Grouping the activities according to the articles of the CBD, the databank comprises a large number of activities in the field of research and monitoring (39 percent). Two other fields comprising many activities were “in-situ” measures (21 percent) and financial/legal measures (23 percent). Thus, both of these fields were reported in balanced scope. However, only 34 projects, which mean (7 percent), were reported in the field of ex-situ measures and 50 activities dealing with information, communication and education (10 percent).

The big majority of activities collected in the “Living Document” covers measures related to the chapter on the sustainable use of the biological variety (with its sub-chapters on agriculture, forestry, hunting, and fishery) as well as measures related to the chapter about species conservation and landscape protection. Therefore on those chapters of the Biodiversity Strategy, that deal with the classic forms of land-use and the protection of species and landscapes. On the contrary, activities in the sectors of tourism and recreation, industry, mining and energy as well as traffic and development cooperation were very under-represented. No activities were reported for the chapter on indigenous people.

Despite the fact that many organisations and institutions reported on-going activities in the various thematic areas in the first phase of the evaluation, the connection of these activities to the Biodiversity Strategy remained somewhat unclear. The majority of our interview partners concluded that the strategy has a low implementation profile, i.e. activities are seldom

initiated because of targets and measures formulated in the strategy. Sometimes the strategy is referred to and used as source of legitimacy, especially by research organisations applying for funding of research projects. Beyond that the strategy seems to have had little impact. The content of the strategy, its targets and measures were simply too general to have any direct impact in terms of behavioural changes of addressed target groups.

#### **4.) Interlinkages between legitimacy and effectiveness**

In this chapter we would like to draw together the two strands of our assessment on national strategies for sustainability – the debate on the input- and throughput-legitimacy of these national strategies for sustainability as governance arrangements, and the debate about the conditions for success of national strategies. Thus, we will explore the hypothesis that the legitimacy of national strategies for sustainability influences their success.

The relationship between legitimacy and effectiveness is complex and participatory processes inherently own positive and negative potentials. Favouring the one-dimensional increase of participation and inclusivity in the political decision-making process, could lower the political costs and risks in terms of its input-legitimacy. However, the arbitrary expansion of participatory rights would lead to a necessity for more aggregation and consensus among actors, and thus the problems in decision-making increase. According to the higher number of stakeholders more costs and problems occur in finding collective preferences, and we see rising risks as well as costs because of ineffective solutions as compromise. Vice versa, the risks and costs of effective problem-solving sink to the extent, in which the number of participants decreases.

In table 1 we have assessed our case studies along the three dimensions of inclusivity, fairness and transparency, and effectiveness. For the assessment we use an ordinal scale with three categories: low, moderate, and high. In case of the Austrian Biodiversity Strategies the input-legitimacy in terms of inclusivity and representation is low to moderate. A number of important actors were missing, not only with regard to interministerial coordination, but also many important groups from civil society. The fairness and transparency of the formulation processes for both biodiversity strategies were low, mainly because of the inadequate communication model used for drafting both strategies. The effectiveness of the first biodiversity strategy in terms of the quality of targets and measures set and its impact on the target groups is also low. In fact, the majority of actors interviewed neglect that an effective implementation of the Biodiversity strategy has happened at all. Many on-going activities were reported to the Biodiversity Commission that do fit into the thematic areas and targets of the strategy, but these activities were not stimulated by the strategy and there is no direct connection between these activities and the strategy content.

Table 1: Legitimacy and effectiveness of national strategies for sustainability in Austria		
	ABS (1998)	AFD (2005)
Inclusivity	Low to Moderate	High
Fairness and Transparency	Low	Moderate
Effectiveness	Low	Low to Moderate

On the contrary, the Austrian Forest Dialogue has managed to mobilise a wide range of stakeholders and high ranking participants, and thus newly established and constituted good participation and discussion platforms to give different views and interests a voice. Still, the criterion of inclusivity, does not only concern active participation of stakeholders, but shall also imply the inclusion of the public, at least by transparent information and fair communication tools. Here some shortcomings could be observed. Secondly, as regards the empirical legitimacy of throughput criteria such as transparency and fairness some participants experienced some drawbacks as regards the fair style of moderation, selection of experts, and exclusion of themes. The set up of the Forest Forum as an institutionalised continuation of the AFD, but also the set up of rather well defined goal definitions and instruments for goal attainment (i.e. time frames, indicators, and responsible organisations) build a quite good framework for the further implementation of the Forest Programme. However, in a prospective view the abovementioned barriers such as the lack of central coordination and funding, but also missing evaluation and monitoring tools jeopardize its implementation in practice.

Both of our empirical are somehow at odds with the theoretical considerations outlined above. While the input legitimacy in the drafting processes for the biodiversity strategies is low, equally is their effectiveness. The low number of participants has obviously not reduced the political costs and risks in these processes. Rather contrary, since no high-ranking representatives were involved in drafting the biodiversity strategies and major target groups were not participating, the risk of failure in the implementation phase has risen dramatically. Whereas the first Biodiversity Strategy has failed in the implementation, the second Biodiversity Strategy hasn't even been officially adopted until now. Instead it is blocked by some parties in the intra- and interministerial coordination and needs to break that deadlock first to ever become successful.

In case of the Austrian Forest Dialogue the input legitimacy is high and also the throughput legitimacy was rather good, but the effectiveness until now and the future outlook for implementation of the working programme does not match the high input legitimacy. While the higher legitimacy of this dialogue process has increased the effectiveness at least with regard to the output criteria, it is rather questionable under the current circumstances that the Forest Dialogue will have a major impact in terms of changing behaviour of the target groups.

In conclusion, we cannot establish a causal relationship between our two analytical dimensions of legitimacy and effectiveness. Based on our empirical analysis of two national strategies for sustainability in Austria we can conclude that a higher legitimacy does have a positive effect on the output effectiveness of national strategies for sustainability. However, the effectiveness does obviously not increase in parallel to the input- and throughput-legitimacy. Thus, the effectiveness of a national strategy for sustainability is not simply determined by its input legitimacy in terms of the number of participants. According to our empirical analysis other intervening factors have an influence on the effectiveness of the national strategies. The case of the Biodiversity Strategies reminds us here, that factors like the political will to change policies and the political power to enforce change are examples of necessary preconditions for success.

## Literature

- Ansell, C. K. 2001 – Legitimacy: Political. In: Smelser, Neil J. (ed.): International encyclopedia of the social & behavioral sciences, Amsterdam, pp. 8704-8706.
- Benz, Arthur and Papadopoulos, Yannis (eds.). 2006. Governance and Democracy – Comparing national, European and international experiences.
- Benz, Arthur and Papadopoulos, Yannis. 2006. Introduction – Governance and democracy: concepts and key issues. In: Benz, Arthur and Papadopoulos, Yannis (eds.), pp. 1-26.
- Benz and Papadopoulos (2006): Conclusion: Actors, institutions and democratic governance: comparing across levels. In: Benz, Arthur and Papadopoulos, Yannis (eds.), pp. 273-295.
- Beisheim, Mariann and Dingwerth, Klaus. 2005. Legitimität als Erfolgsfaktor für private Governance? Erste Überlegungen zu Kausalmechanismen. DVPW-Sektionstagung, Mannheim.
- BMLFUW [Federal Ministry of Agriculture, Forestry, Environment and Water Management]. 2003. Der Wald geht uns alle an! Konzept für die Durchführung des Österreichischen Walddialogs. Vienna, March 2003.
- BMLFUW. 2003b. Vorschläge für die Arbeitsweise und die Spielregeln in den Modulen [Proposals for procedures and codes of conduct for the working group sessions], Vienna, May 2003.
- BMLFUW. 2003c. Grundsätze für den Österreichischen Walddialog – Generelle Zielsetzungen und Spielregeln zur Erarbeitung eines Österreichischen Waldprogramms. Wien: Juni 2003.
- BMLFUW. 2004. Protokoll des zweiten Runden Tisches des Österreichischen Walddialogs. [Protocol of 2nd round table of the Austrian Forest Dialogue], Vienna, March 30, 2004.
- BMLFUW. 2005. Protokoll des vierten Runden Tisches des Österreichischen Walddialogs [Protocol of 4th round table of the Austrian Forest Dialogue], Vienna, December 5, 2005.
- BMLFUW. 2005b. ÖWAD-Indikatoren – Indikatorenvorschläge zu den im ÖWAD-Leitbild definierten Zielen, May 2005.
- BMLFUW. 2006. Österreichisches Waldprogramm [Austrian Forest Programme].
- BMUJF [Federal Ministry of Environment, Youth and Family]. 1998. Austrian Implementation Strategy for the Convention on Biological Diversity. Vienna.

- Dingwerth, Klaus. 2004. *Democratic Governance beyond the State: Operationalising an Idea*. Global Governance Working Paper No 14, Potsdam: The Global Governance Project.
- Dingwerth, Klaus. 2005. *The Democratic Legitimacy of Public-Private Rule Making: What Can We Learn from the World Commission of Dams?* *Global Governance* 11 (2005), pp. 65-83.
- Götz, Bettina. 2001. *Evaluierung der österreichischen Strategie zur Umsetzung des Übereinkommens über die biologische Vielfalt. Auswertung von Berichten und Fragebögen für die Nationale Biodiversitätskommission*. Wien: Umweltbundesamt GmbH.
- Hogl, Karl. 2000. *The Austrian domestic forest policy community in change? Impacts of the globalisation and Europeanisation on forest politics*. *Forest Policy and Economics* 1, pp. 3-13.
- Klinke, Klaus. 2005. *Demokratische Legitimation und Effektivität durch deliberatives Regieren jenseits des Staates. Beitrag für die Konferenz „Wandel des Staates – Transformation von Herrschaft?“*, Bremen.
- Klinke, Klaus. 2006. *Demokratisches Regieren jenseits des Staates – Deliberative Politik im nordamerikanischen Große Seen-Regime*. Opladen: Barbara Budrich.
- Papadopoulos, Yannis. 2003. *Cooperative forms of governance: Problems of democratic accountability in complex environments*, *European Journal of Political Research*, Vol. 42, pp. 473-501
- Pierre, Jon and Peters, Guy B. (eds.). 2000. *Governance, Politics and the State*, London: Macmillan.
- Pregernig, Michael and Weiss, Gerhard. 1998. *Forest Policy in Austria: Policy Making by the Sector for the Sector*. Paper presented at the European Regional Meeting on “The Underlying Causes of Deforestation and Forest Degradation in Europe”, 28-29 October, Bonn, Germany.
- Risse, Thomas. 2006. *Transnational governance and legitimacy*. In.: Benz, Arthur and Papadopoulos, Yannis (eds.), pp. 179-200.
- Röhrich, Tanja. 2003. *Evaluierung der österreichischen Strategie zur Umsetzung des Übereinkommens über die biologische Vielfalt*. Wien: Umweltbundesamt GmbH.
- Scharpf, Fritz W. 1999. *Governing in Europe: Effective and Democratic?* Oxford: Oxford University Press

- Schmitter, Philippe C. 2006. Governance in the European Union: a viable mechanism for future legitimation? In.: Benz, Arthur and Papadopoulos, Yannis (eds.), pp. 158-175.
- Voitleithner, Johannes. 2002. The National Forest Programme in the light of Austria's law and political culture. *Forest Policy and Economics* 4, pp. 313-322.
- Voitleithner, Johannes. 2005. Meinungen der ModulteilnehmerInnen zum Österreichischen Walddialog. Unpublished manuscript.
- Voitleithner, Johannes. 2005b. Zwischenevaluation der ersten zwei Jahre des Österreichischen Walddialogs. Unpublished manuscript.
- Wolf, Klaus Dieter. 2006. Private actors and the legitimacy of governance beyond the state – Conceptual outlines and empirical explorations. In.: Benz, Arthur and Papadopoulos, Yannis (eds.), pp. 200-228.