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Pierre Alphan  ry, Agn  s Fortier. Can a territorial policy be based on science alone? The system for creating the Natura 2000 network in France. *Sociologia Ruralis*, 2001, 41 (3), pp.311-328. hal-02673910

**HAL Id: hal-02673910**

**<https://hal.inrae.fr/hal-02673910>**

Submitted on 23 Aug 2023

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# Can a Territorial Policy be Based on Science Alone? The System for Creating the Natura 2000 Network in France

Pierre Alphan ery and Agn es Fortier

The Habitats directive, approved by the European Economic Community in 1992, is aimed at preserving biodiversity. To achieve this, the directive envisages the conservation of natural habitats, wild fauna and flora on European territory. This nature policy, seeking to rationalise environmental conservation measures, distinguishes itself from previous methods of protection. Indeed, its originality lies in the wish to reconcile a scientific objective, biodiversity preservation, "while taking economic, social, cultural and regional requirements into consideration" (*Official Journal of the European Communities* 1992). An initial policy involving setting nature aside has been replaced with a different rationale aimed at incorporating human activities that are no longer considered a constraint to biodiversity but rather a requirement for the production of biodiversity. Lastly, another distinctive feature of the Habitats directive is that an ecological network, christened Natura 2000, was developed at the European level, based on sites harbouring species and natural habitats recognized as being of Community importance.<sup>1</sup> In other terms, the areas to be protected are not considered in isolation but must contribute to the construction of a closely-knit whole within the European territory, divided into five biogeographical regions (Alpine, Atlantic, Continental, Macaronesian and Mediterranean).

In order to reach the objectives set out in the Habitats directive, the EEC adopted a schedule organized into three phases: In the first phase, each member state was to propose a list of sites on which criteria, defined at the European level, would be based. This list had to be transmitted to the Commission by June 1995. Then, in agreement with each member state and on the basis of proposals received from each one, the Commission would establish a draft list of sites of Community importance. Lastly, the third phase is aimed at the designation of these sites by each member state and their classification into Special Areas of Conservation (SAC). As part of this operation planned over a period of 6 years, from 1998 to 2004, the states must set out management methods necessary for the protection of these sites.

This paper focuses on the problems posed during the first phase involved in implementing the directive in France, i.e. the identification of sites at a national

level. This phase was only completed in 2000 and numerous difficulties – administrative, scientific and social – were encountered along the way. Firstly, the procedures defined by the French Ministry for the Environment<sup>2</sup> were used as a prescriptive framework for the scientific practices on which the inventories were based. This knowledge made it possible to define boundaries, and its use in the territory was very rapidly criticized. The approach taken then, in a second phase, supported the need for consultation, or even consensus, with the local and national players involved. Eventually, the Ministry for the Environment had to relate, more rapidly than it would have wanted, the work involved in producing knowledge about nature on the one hand with the use of this knowledge in a territorial management programme subject to local and national controversy on the other. Evidently, the difficulties in combining the scientific and social dimensions of the Habitats directive have incessantly posed problems as can be observed from the changes made to the procedure. Besides this there were recurrent issues of a political nature: who was to hold sovereignty with respect to nature conservation, who was to deliberate and who was to take the decisions? Here we therefore lay down a hypothesis that the difficulties specific to the first phase of Natura 2000 in France were related to the confrontation between various forms of legitimacy regarding nature. To what extent is it possible to build a territorial policy based on science, and how can the different players concerned by the uses of such a policy be involved in the nature conservation procedures? An analysis of the changes in the Habitats directive system,<sup>3</sup> presented as a move away from previous nature policies, provides some elements towards obtaining an answer to this question.

The approach taken consisted in drawing links, from a chronological perspective, between changes in the procedures on the one hand and the combination of players<sup>4</sup> and institutions on the other, with the two exerting an influence on each other. Our analysis mainly involved holding interviews with representatives concerned by the Habitats directive, consulting administrative documents and interpreting texts or declarations issued by socio-professional organizations or by associations. In the first part we will explain the system initially devised by the Ministry for the Environment. We will then set out the problems of implementing the procedure, be they problems relating to administrative and scientific difficulties or disputes concerning its legitimacy. We will endeavour to analyze the types of dispute and the reasons why the Ministry became isolated, with a view to understanding the considerable modifications made to the system since 1996 as well as their repercussions.

### **The system as envisaged by the Ministry for the Environment**

The first phase of the Habitats directive, i.e. the identification of the sites nationally, was defined by each member state. In France, the Department of Nature and Landscapes of the Ministry for the Environment was responsible for this phase. The measures taken were organized according to a procedure consisting of several stages to be completed in June 1995, by which time the list of French sites had to be sent to the European Commission.

The first step began when scientists were entrusted with drawing up the inventories. In France, the Service du Patrimoine Naturel (Natural Heritage Department) of the Musée National d'Histoire Naturelle (National Museum of Natural History)<sup>5</sup>

was responsible for the scientific co-ordination of the operations. On a regional level the task was taken on by the CSRPN (Regional Scientific Council for Natural Heritage) whose mission – in collaboration with the DIREN (Regional Environment Department)<sup>6</sup> – consisted of identifying and defining the boundaries of the sites that harboured species and the habitats of Community interest. These councils, according to the administrative texts, represent the main elements in the scientific validation of the inventories.<sup>7</sup> In order to establish the list of sites, the CSRPNs relied on existing data, in particular ZNIEFF (natural area of particular interest in terms of ecology or wildlife) inventories conducted between 1982 and 1992, and they were given the chance to carry out additional investigations. Besides the communities of scientists and naturalists, the texts envisaged the involvement of different protected area administrators as well as specialized public establishments (Office National de la Chasse – French National Hunting Organization, Conseil Supérieur de la Pêche – Supreme Council for Fishing, Office National des Forêts – French National Forestry Organization etc.) in the preparatory work carried out by the CSRPNs. These lists then had to be narrowed down after having been sent back and forth between the regions and the Museum, in order to determine which regional proposals would be discussed during departmental consultation sessions. In order to ‘ensure transparency’ and disseminate the information concerning the objectives of the Habitats directive and the scientific work undertaken, the regional commissioners organized Natura 2000 conferences combining the state departments, socio-professional representatives, associations, local authorities and CSRPNs.

The organization of local and departmental consultation sessions corresponded to the following step. The departmental commissioners were responsible for setting up a consultation session with the partners concerned (district councils, nature protection associations, the Regional Council, socio-professional organizations, etc.) on the conservation measures required for the registered habitats. Formally, this did not involve discussing the justification behind the listed sites, but merely the measures to be taken to ensure the sites would be conserved. These measures are explained as follows: “The contribution of our country to the implementation of the Natura 2000 network does not imply attributing the status of ‘protected area,’ in the regulatory sense of the word, to all the sites incorporated in the network. The thought process should be focused on resources and measures of all kinds, and more particularly on the appropriate contractual management measures to be taken in order to ensure that the natural habitats and habitats harbouring wild fauna and flora species in the listed sites are maintained at, or restored to, a favourable conservation status according to the definition given in article 1 of the directive” (DNP Instruction of 21 January 1993). The Ministry for the Environment thereby endeavoured to demonstrate that applying the Habitats directive was more than merely a question of procedures, but also new concepts and different relationships with the local players. It set itself the goal of creating a system combining the production of scientific knowledge and a territorial policy. “Therefore, particular attention will be paid to the possible risks of abandoning or modifying traditional human activities that contribute to maintaining the habitats concerned at a favourable conservation status, whereas the conservation of biodiversity can, in some cases, necessarily involve maintaining or even encouraging human activity. In particular, the Agri-Environmental Measures should be put to full use to achieve this “ (idem).

Despite these principles being affirmed, the priority remained one of compiling the national list. This was done after consulting the CNPN (National Council of Natural Heritage), which would then transmit the list to the Commission. This procedure was thereby based, above all, on the action of the scientists entrusted with compiling the inventories. According to the Ministry for the Environment, the presence of socio-professional players at this stage would have meant running the risk of leading the work involved in defining the site boundaries in a different direction, by introducing socio-economic considerations into the equation. This is the reason for the clearly expressed desire, on the part of Paris and Brussels, to make a distinction between the inventory compiled by the naturalists and the consultation involving other rural area players in the implementation of measures for managing and conserving habitats and species. Nonetheless, changes were soon to be made to the procedure. The implementing decree dated 5 May 1995 indeed stipulated that “the departmental commissioner must consult the town mayors concerned in order to gather together their remarks and proposals concerning the boundary project, the measures that could be envisaged and the potential difficulties.” The possibility of being able to hold discussions on the site boundaries corresponded to a change that could be linked to the initial disputes already having occurred to date. More generally, the fact that the scope of consultation was widened was to be the source of most of the modifications made to the initial system.

### **The difficulties involved in implementing the procedure**

#### *The opposition movement and the creation of ‘group 9’*

The system described above did not operate according to the expected outlines and timetables. The scientific work, which should have made up the framework of the first step, was called into question from different angles, particularly with respect to its methods and use. The architecture of the system as a whole laid out by the administrative texts was therefore gradually transformed and it became impossible to respect the initial timetable for the inventories.

According to an official from the Ministry for the Environment, “we had overestimated our strengths and underestimated the difficulties inherent to the inventory.” These difficulties were diverse. According to an ecologist from the Museum, also a CSRPN chairman, “they wanted to speed things up. They should have analyzed the original aspects of the Habitats directive, and not have let this opportunity go. This would have prevented the inventories being compiled behind the backs of the foresters.” But the administration found itself under the pressure of the schedules laid out by the directive. As an official from the Ministry for the Environment explains, “our view was that the inventory phase would not overlap with the phase dealing with discussions on management measures. Each had his task to perform, the scientists were to compile the inventories and the administration was to do its own job. Drawback after drawback piled up due to the fact that these two phases overlapped. The inventory had not even been completed before the players had already begun disputing it. It was not possible to separate the phases set out.”

The opposition came first of all from the representatives of private forests: the French National Association of Regional Centres for Forest Property and the National Federation of Unions of Silvicultural Forest Owners. The action taken

by these bodies was generated by the dissemination of the first proposals relating to the site boundaries. The examination of the first list by the CNPN during the session of 19 June 1995 indeed demonstrated the extent of the surface areas concerned. Some 3.5 million hectares of forest were to be listed, i.e. almost a quarter of French forestland. The representatives of private forests, who had already expressed a certain number of reserves on finding out about Natura 2000, then publicly denounced the directive. One of them said that he feared the “excessive zeal of some for composing vast zones where normal management measures would be strictly controlled or maybe even forbidden” (*Forêts de France*, issue 386, September 1995). Criticism focused on area size, the possible constraints resulting from taking ecological objectives into consideration and the lack of consultation with representatives from private forests, both with respect to selecting the Natura 2000 sites and to determining the protection measures to be applied.

But the opposition was also the result of observations made here and there in different regions concerning the methods used to compile the inventory. Due to a lack of sufficient financial resources, says one forest official, the CSRPNs worked on unreliable foundations, “from bibliographies and memory,” without taking measures to carry out field checks. And he believes that the ZNIEFF inventories, which were widely used, were not particularly credible considering the heterogeneity of the knowledge applied, the lack of means deployed and the fact that the methods used were obsolete.<sup>8</sup> Criticism also centred on the lack of reliability of the work conducted during the site identification phase resulting from the composition of the CSRPNs that did not always combine the necessary scientific know-how. “Apart from a few real scientists, many CSRPNs had to make up their numbers with naturalists who were above all militant ecologists . . . The main issue for these militants, and more widely for the Ministry for the Environment, was one of extending the territory under control” (forest official). Lastly, the foresters condemned the lack of information available during the inventory compilation phase. “Boundaries were set with those involved in nature protection in a completely underhand way, stated a representative of the Institute for Forestry Development, as if they had sought to keep others in the background and not inform them of what was going on.” These considerations – which were confirmed to a greater or lesser extent depending on the region – call to mind the precedent of the ZNIEFFs. They had already generated sharp criticism from rural organizations that condemned the para-administrative technical structures for neglecting to undertake any consultation sessions during the compilation of an inventory, which had already been recognized, gradually, as having legal repercussions that could go against the interests of the towns or owners. The opponents of the directive’s procedure thereby feared that the ecologists and the DIRENS would, via the SACS modelled on the ZNIEFFs, try to “use force to obtain the right to inspect and intervene in a large section of the territory” (Le Grand 1997, p. 25).

Considering the extent of the land surfaces concerned and the threats that this directive posed to the production function of the wood-based sector, foresters strove to incite other players in the agricultural world (who were also affected) to take action. They were soon to receive the support of huntsmen who, in a certain number of regions, were expressing their deep concerns. The conflicts already generated by the Birds directive had given them reason indeed to fear the banning of hunting in the future SACS. Little by little the opposition movement gained ground

and it reached its peak in March 1996 following validation by the CNPN of most of the proposed Natura 2000 sites presented by the administration. The final list at that point included 1316 sites covering a surface area of 7 million hectares, i.e. 13 per cent of the national territory. This decision, taken against the advice of representatives from the agricultural world in place at the time, incited these representatives to join forces and take action. On the 10 April 1996, 'group 9,'<sup>9</sup> including important representatives from the agricultural, forestry, game and fish-breeding sectors, drafted a declaration taking up the main protests previously expressed by the foresters. While reasserting the fact that they were not opposed to the principle of conservation, they objected to the methods used to compile the list of sites and the extent of surface areas involved ('dangerously excessive fanaticism' states the text of the communiqué). They demanded that the surface areas of the Natura 2000 sites be reduced and that financial resources be allocated so as to compensate for the loss of earnings due to the new management measures. The message sent out was a clear one: such a directive should be implemented "not against but with the owners and users of nature" (press release from the National Union of Departmental Hunting Federations, 10 April 1996).

The creation of 'group 9' generated some surprise because it was the first time that such an alliance had been forged between influential players of the agricultural world whose relationships had until then often been considered to be confrontational. It was clear however that the hostility towards Natura 2000 was expressed extremely differently from one organization to another. In the case of private forest representatives, the Habitats directive was mainly deemed to be a blow for heritage and property. This was not necessarily the case for farmers who, for the main part, did not have owner status or otherwise owned only a section of their farmland. The reaction of the FNSEA, the majority agricultural union, strove rather to condemn, as of 1996, the accumulation of 'ecological constraints' due to the concomitant application of the Habitats and Nitrates directives. Fully implicated in the negotiations and joint management of the public policies, this union was most concerned about financial compensation for the two directives and the increasing influence of the Ministry for the Environment in agricultural practices (Alphandéry and Bourliaud 1996). With regard to the huntsmen, they put forward the precedents relating to the Birds directive to incite considerable action on behalf of their fellow huntsmen. Generally speaking, the Habitats directive was used by 'group 9' as a convenient means of taking action against European green' technocracy and its influence on a local level.

Nonetheless, over and above defending a multitude of interests, one essential topic did unite the different partners of 'group 9': the questioning of the legitimacy of the procedure implemented by the Ministry for the Environment and its consequences on the management of rural areas. This questioning should be put back in a general context characterized by the 'environmentalization' of the increasingly vast areas of rural land previously used mainly for production activities. While such activities are the sole responsibility of the owner or the farmer, action related to nature conservation is part of the process that Hervieu and Viard have qualified as a process of countryside 'publicization.' "Thereby the right to inspect an area of land is granted to someone other than the owner, and this method of appropriation supported by a multitude of laws and regulations – creation of parks, zoning regulations, landscape laws, coastal conservatory, etc. – is replacing the patrimony

appropriation method of the republican countryman as well as that of the farmer" (Hervieu and Viard 1996, p. 114). Considered to be the product of the urban environment, these new measures supporting the protection of the landscape and the environment rekindled the old town/country conflict in France, as expressed by the words of a huntsman representative: "Through Natura 2000 we are witnessing the battle between field rats and town rats. The field rats have their customs, their culture: hunting, fishing, and farming, from which they make their living. And all this nature protection business stems from the 85 per cent of the French population corresponding to the town rats. For them nature represents an idyllic place in which to relax, and they fail to realize that 15 per cent of the French actually live there."

The electoral weight of 'group 9' enabled it to acquire a political voice, firstly in the Senate and then via the publication of the *Le Grand report* (1997) which condemned the difficulties of implementing the Habitats directive. And subsequently through the then Prime Minister, Alain Juppé, who decided to suspend the directive (July 1996). This suspension shows how much this government, and those previously, had found themselves on the receiving end of protests from some of the agricultural sector organizations. But 'group 9' also found itself in a stronger influential position thanks to the little support given to the Ministry for the Environment from the other public departments and the lack of Ministerial influence locally, even among its usual partners. The difficulties encountered in applying the Habitats directive procedure can therefore be summed up by these two questions. In whose name and how should the methods for applying this scientific nature conservation policy in the field have been negotiated? And how could the Ministry for the Environment have involved its administrative, associative and socio-professional partners, and find associates in the field?

#### *The Ministry for the Environment short of associates*

With respect to the Ministry for the Environment, the difficulty of implementing its policy was first of all enhanced by the inadequacy of its associates. As opposed to other Ministries such as those of Agriculture, Public Works and Industry, the environment administration indeed did not have access to the operational tools (administrative system, professional bodies) necessary to implement the central decisions. Secondly, the Ministry's usual partners kept themselves in the background, particularly most of the protected area administrators who did not wish to sever links with their field representatives. The environmental protection associations too kept their distance from a concept of nature conservation they did not entirely support.

According to a former official from the Ministry for Agriculture, the Habitats directive proved – at least at the beginning – to be an issue for specialists. According to the speaker "it was a bit of a green issue" and he judged its procedure to be a highly awkward one. The fact that partners as vital as rural area administrators were ignored and isolated from the inventory compilation process, and the failure to clearly define the procedures, agreements, rights and obligations, were all conducive to the lack of interest, even the disapproval, on the part of the Ministry for Agriculture. And the same speaker adds that: "This is often the way in environmental issues: on behalf of the general public's interest, a certain number of people refused to take the right to property into consideration. Country people could not



accept this, because they are extremely cautious." Moreover, the Habitats directive was implemented in a context where the lack of institutional solidarity between the Ministry for Agriculture and the Ministry for the Environment was a real issue. The sharing and redistribution of skills generated by the creation of the latter in 1971 brought about difficulties in relations between the two administrations. Nonetheless, since the legitimacy of the actions of the Ministry for Agriculture in the agricultural world was consubstantial with the institution of the French Republic, the 'young' Ministry for the Environment struggled to obtain recognition for its own know-how in this field. In this context, the Habitats directive was the issue at stake in the battle for influence between the two Ministries: an official from the National Parks goes so far as to speak of a "terrible war between environment and agriculture." According to a forest representative, the minister responsible for agricultural issues, unhappy after not having been involved in implementing this directive, contributed to instigating the conflicts: "It was a way of getting even with the Ministry for the Environment which had acted alone. The Ministry for Agriculture killed two birds with one stone: firstly it resumed its foothold in environmental policy and, secondly, it strengthened its agricultural-forestry lobby." A former official from the Ministry for Agriculture sums up the situation in these terms: "The attitude of the Ministry for the Environment is one of being under siege . . . It has a 'bullied victim' and 'small ministry' culture. Hence the commando methods used. We keep our mouths shut and simply turn up."

We shall now have a look at how the state, region and departmental associates reacted to this directive. Generally speaking, the Habitats directive seems to have generated very different responses from the DIRENS, which represent the Ministry for the Environment's direct associates. The first circular sent in 1993, specifying the methods to be used in implementing the directive, appears to have met with little response. "People didn't believe it, including the DIRENS" says a Ministry representative. The reason behind this lukewarm support can be explained first of all by the meager material resources (50,000 francs on average per DIREN) and human resources made available to them to inform and convince the local partners of the benefits of setting up the Natura 2000 network. But it would appear that the caution shown by the DIRENS should also be related to their capacity – variable depending on the region – to win local approval for their position. For lack of departmental associates, they found themselves being represented by other administrative services, particularly those in the Ministry for Agriculture, some of which expressed hostility to the directive. Just like their authoritative ministry, the DIRENS were also isolated and often found themselves incapable of coping with the opposition from foresters, farmers and huntsmen. As for the commissioners responsible for coordination throughout the territory, their involvement also proved to vary greatly from one region or department to another.

Besides the state departments, the Ministry for the Environment had access to structures specialized in the preservation of sensitive natural areas: the National Parks, the Federation of Regional Natural Parks, Natural Areas of France, Nature Reserves of France, the Coastal and Lake Shoreline Conservatory etc. Moreover, the Ministry was in contact with an associated network that enabled it to lay down its area protection policy. How were all these partners involved in defining the methods for applying the Habitats directive?

Most protected area administrators reacted to the Habitats directive with some satisfaction, because it helped to promote a new perception of conservation. Nonetheless, they expressed reserve regarding the conditions under which it was to be applied in France. Although their national structures accepted to act as associates for this directive, the prevailing attitude locally was often one of standing back. Subjected to pressure from elected representatives, who saw Natura 2000 as threatening to extend public rights to their territory, the officials of the regional natural parks have not always 'played' the Natura 2000 card. The Coastal Conservatory, having acquired a rather consensual image in the eyes of the elected representatives, proved to be equally reticent. As for the National Parks, which represent the very heart of the system of natural area protection in France, their support also did not appear to meet the expectations of the Ministry. Certain protected area administrators expressed reserve with respect to the methods for compiling the inventory and identifying the sites set out in the Habitats directive, which did not involve the elected representatives or the socio-professionals with whom they often collaborated. According to a Coastal Conservatory representative, "putting the directive to public debate" was a vital prerequisite. It implied a second assessment involving administrative, political, associative, socio-professional representatives and the administrators, taking place at the same time as the scientific inventories.

The nature protection associations, while distinguishing themselves very clearly from certain protected area administrators that they accused of making compromises, also took little action. They did not really defend the project, even though some of their members participated in compiling the inventories. Their intervention was limited, initially, to condemning the shortfalls in the site designation process. But in more concrete terms, it appears that the very notion of the Habitats directive clashed with the profound convictions of certain associations and militants. They considered that making the system a contract, as planned, challenged their vision of nature protection, which was based rather on regulatory procedures.

To sum up, the Ministry for the Environment found itself isolated, not only from the opponents of the Habitats directive but also from its own partners. Besides, some of those who have spoken to us have condemned the fact that such a directive was not the subject of wider consultation, on a central level, via the institution of an inter-ministerial committee combining first and foremost the Ministries for the Environment, Agriculture and Finance. This lack of joint perspective of the nature conservation policy and the scale of protests caused the procedures to evolve, thereby modifying the overall equilibrium of a system increasingly based on consultation.

### **The modifications made to the procedure: institutionalization and consultation**

The demands from 'group 9' were partly met; on the 10th of April 1996, the minister for the Environment announced her intention to carry out consultation sessions on the Natura 2000 network with all the professions concerned. Firstly, she envisaged establishing a national monitoring committee<sup>10</sup> and then departmental committees of rural area owners and administrators.<sup>11</sup> These local committees were to make it possible to "undertake real consultation sessions on the sites, the management methods to advocate and the resulting boundaries." The minister specified, in fact, that the results of broader consultation "would be taken into consider-

ation in defining site boundaries and in the possible creation of an internal zoning system making a distinction between hard cores and buffer zones." The site boundaries, transmitted to Brussels, were considered as "reference enclosures" capable of being modified. One can thereby see that the subject of consultation, initially concerning management measures, broadened out owing to political and social events to include the selection of sites and their surface areas. Following the publication of the figures validated by the CNPN, the percentage of the territory involved as part of the Natura 2000 network became a subject of local and national debate.

These considerable modifications made to the procedure did not abate all the opposition. Nonetheless, when the Prime Minister announced on the 19th of July that the directive was to be suspended, this generated some surprise on behalf of the departments of the Ministry for the Environment. Above we have mentioned the political and social reasons for the suspension. Officially, however, the government spoke rather of the uncertainties relating to the site management methods, the types of activities that could be conducted and the corresponding financial resources. Without calling into question the directive's objectives, France requested that a certain number of detailed points be cleared up in a memorandum addressed to the European Commission in January 1997.

On the 5th of February 1997, the minister for the Environment announced that Natura 2000 was to be relaunched. She explained that the memorandum drafted for the Commission had made it possible to obtain answers that helped clarify the contentious questions. Moreover, her declaration tacitly recognized the validity of the criticism surrounding 'group 9', particularly with respect to two points. The delimited zones had to obtain general local consensus and it was asserted that lessons had to be learnt from the experiments conducted on the various pilot sites.<sup>12</sup> The need for negotiated management plans was confirmed, as was the fact the future SACS were not to be 'nature sanctuaries' and would not get in the way of already existing human activities. The government then relaunched the procedure by requesting that the commissioners establish a system for classifying the sites selected in April 1996 into three categories, to be completed on the 15th of March 1997: 'green light' for the sites that could be proposed to the European Union, 'orange light' for the cases where the results of the consultations remained uncertain and, lastly, 'red light' for the sites that were not to be proposed for the time being. In the summer of 1997, the aim was to present an initial list representing from 2.5 to 3 per cent of the territory. This estimation, which differed greatly from the surface area validated in the studies carried out by the Museum and by the CNPN, was a way of confirming the notion that the results of the scientific inventory were only indicators subjected to territorial negotiations.

For 'group 9', satisfied with the new direction being taken, such an inventory was worth nothing unless it had been validated in negotiations with players from the agricultural world for whom it had become the spokesperson. Some of those in the ecology sector on the other hand were outraged by the 'denaturation' of the inventory work. The presidents of the sixteen CSRPNs met up in June 1997 and announced that they were dismayed by the way in which their proposals of eligible sites "made in very little time and often with very limited means" had been "caricatured and sometimes systematically bad-mouthed by a certain number of pressure groups. They intended to reassert their wish for sufficiently widespread areas to be

designated on solid scientific bases in order to ensure that the territories harbouring the habitats and species targeted by the directive would be able to function over the long term. The CSRPNs disapproved of the technocratic methods and the obscurantism that presided during the suspension period and then when Natura 2000 was relaunched. They pointed out that they, with the Museum and the presidents of the 'biogeographical groups,' represented the guarantee of scientific validity of the proposals that were to be transmitted to the European Commission and that they would be extremely vigilant with respect to the quality of these proposals." For the nature protection associations, this drastic reduction in the surface area of the sites notified to the European Union was 'disastrous.' "With this interspersed carried out on a minimal scale, it was the worst solution that was kept. It was a museological vision, where one protected zone is selected and the others are left without protection" (The president of the FNE, cited in *Le Monde* of 6/2/97). In an article published by the ecological journal *Combat Nature* (November 1997), a director from the federation of associations in the Rhône-Alpes region wrote: "Once again, France will be seen as refusing to respect the objectives of a European directive, by replacing the scientific criteria required by the Habitats directive text with purely political ones." These words demonstrate the position of some of the active naturalists within the associations, for which nature protection should stem above all from a scientific approach.

Following the change in government after the results of the legislative elections held in 1997, Dominique Voynet, leader of the Green Party, the main political ecology organization in France, was appointed minister for the Environment. In August she sent her instructions to the commissioners. "To date, France is two years behind schedule with respect to the Habitats directive programme. She is therefore at risk of being brought before the European Court of Justice for failing to meet the obligations included in this directive." She specified that the scientific inventory had made it possible to define 1316 sites and that the unofficial consultation sessions held since 1996 had reduced this number to 1146 (corresponding to the former green and orange sites). An initial list had to be sent in the summer of 1997 with the sites that posed no problems.<sup>13</sup> The minister also pointed out the need to engage in consultation "while taking care to closely involve all the elected representatives as well as representatives of socio-professional bodies, owners, administrators, various users of nature and environmental protection associations in particular." No further goal was set for the time being in terms of percentage of territory, but nevertheless emphasis was placed by the minister on the "quality of local consultation." Under pressure from the European deadlines and the harshness of the opponents, the Ministry for the Environment recognized, without spelling it out, the fact that the use of the scientific inventory could be modified, as of the first phase, by negotiations and by local or national power struggles.

As for France Nature Environment (FNE), it drew up a gloomy assessment of this phase of the application of the directive in the autumn of 1998. "Besides the episodes involved in implementing the Habitats directive, it would have at least indelibly demonstrated a situation that the protectors of nature had been aware of and had condemned for a long time: the profound penury of the administration responsible for protecting nature in our country".<sup>14</sup> And the author, FNE's national secretary, reiterated the request to create an "environment and nature network depending solely on the Ministry for the Environment and not on the planning minis-

tries." As for the chairman of the permanent conference of CSRPN presidents, he highlighted the fact that that CSRPNs had been "ill-treated" and brushed aside from the consultation procedures engaged in the autumn (CNPV meeting, 23 October 1997). Indeed, they were not invited to the national monitoring committee that had nonetheless broadened out to include other organizations.<sup>15</sup> It is also possible to observe that this configuration managed to reverse the one that had prevailed at the beginning of the procedure, when the foresters and hunters had insisted on being involved in compiling the inventories.

In the first meeting held by the national monitoring committee on July 30, 1997, the minister for the Environment emphasized the difficulties of holding consultation sessions declaring that: "It is hazardous to want to maintain territorial variety in a world that is tending towards mundaneness on behalf of globalization and in a society where those who care are in the minority. It is even a technological hazard to restore practices and traditional know-how that have disappeared. If scientists have identified so many sites that deserve to be included in Natura 2000, it is because generations of countrymen and foresters have, perhaps subconsciously, managed land while leaving room for the diversity of living organisms." These words show how the minister intended to justify the scientific approach in social and ethical terms. Biodiversity conservation was linked to the action of private area administrators that the minister deemed had a fundamental role, one that they would not hesitate to evoke during negotiations. The scientific approach itself contributed to cultural diversity and to maintaining "the poetry of these French lands that are so rich in diversity" (editorial by D. Voynet, *Natura 2000 Infos*, 8, March 1999), and it took measures against the various ways in which things are becoming mundane as a result of globalization. To paraphrase Max Weber (1998), after having contributed to 'disenchaining the world,' science was thereby being called upon to re-enchant it.

The declaration of the minister delivered before the national monitoring committee recognized the fact that the scientific data in the inventory could not be applied mechanically. Use of the inventory was a matter for negotiation and confrontation between various rationales on the public stage. On the one hand, they concerned scientific criteria and the translation of these criteria into local reality. But on the other hand they applied to numerous concepts expressed through the management of territorial activities. In order to do this, the Ministry for the Environment diversified the consultation proceedings locally (site steering committees) and nationally (in particular with the composition within the monitoring committee of 'disturbance' and 'cost estimation' groups or with the creation of the 'habitats handbook'). This increase in the number of debating venues, combined with the considerable decrease in the surface area of the sites proposed to Brussels for Natura 2000, was to help in smoothing over relationships with certain members of 'group 9', foresters and farmers.

However, the nature of the Habitats directive, symbolically intolerable for those hunters who persisted in refuting anything issued by the European Union or the minister for the Environment, remained unchanged. Therefore, the demonstration organized in Paris by the Union of Huntsmen on February 14, 1998 rallying 150,000 people focused officially on three topics: the hunting periods envisaged in the Birds directive, the Natura 2000 network and the questioning of the Verdeille law organizing hunting in France. The huntsmen refused to make a distinction between Natura 2000 and other measures that they deemed to represent a threat

to their activity. They also developed a deliberately identity-related discourse via their president: "When an urban civilization becomes dominant, people no longer understand activities such as hunting. This is why it is under threat. It can begin with a decrease in hunting over time and in space. Over time due to Europe restricting hunting periods. In space with the protected sites network Natura 2000" (*Libération*, 15 February 1998). This hunting demonstration paved the way towards a period of lasting confrontation with the Ministry for the Environment and the ecological movement.<sup>16</sup> And little was heard about the contradicting points of view from the hunting world that pointed out the need for a conservation policy to sustain gaming activity. Thereby, the president of the National Association for Ecologically Responsible Hunting pointed out that: "The future of hunting certainly does not lie in the nostalgia of an old agricultural world, where the figure of the huntsman played its role to the full, but rather in the invention of ecologically responsible hunting contributing to the joint management of land and species together with the other users of nature. From this point of view, huntsmen have got their enemies and era wrong" (*Le Monde*, 19-02-1998).

The hostility of certain huntsmen was even more paradoxical in that the pilot site experiment appeared to have succeeded in resuming the dialogue between a large number of players involved. At each site entrusted to an operator, the commissioners had appointed a steering committee of local players and technical groups that then launched intense collective discussions and investigations. "Locally, the priority was to provide political answers to the questions asked: what financial resources would be made available? What are your expectations? Where would the sites be located? In the pilot sites there was constant shifting between experimental work and the need to provide precise answers" explains an official from the Natural Reserves of France. The pilot site experiments had considerable resources allocated to them due to the extent of the activity and expertise work and the number of meetings and discussions required. This pointed out everything that the other sites did not have access to in order to make the transition from inventory data to documents of objectives drafted jointly.

Subsequent to this first phase, the European Commission received on August 1, 2000 1028 proposed sites from France, representing a surface area of approximately 3,144,000 hectares and 5.7 per cent of national territory. It can be observed that this surface area corresponds to a very sharp decrease compared to that proposed in 1996 as part of the national inventory compiled by the scientists. Even before the proposals had been completely sent off, and without waiting for the list of sites to be designated officially by the Commission, the minister for the Environment launched a new step of the Natura 2000 procedure: the drafting of documents of objectives for each site concerned. The drafting of these documents had to meet a certain number of requirements: a steering committee, considered to be the key body of the consultation process, had to be established and an operator with recognized scientific know-how, designated as the project manager for drafting the documents of objectives, had to be selected. Once drafted, the documents of objectives had to be approved by decree and then contracts had to be signed by the committed partners.<sup>17</sup>

A bill was drafted but discussions on the bill in Parliament were considerably delayed.<sup>18</sup> It was to confirm the contractual approach to Natura 2000 and complete the transposition of the Habitats directive into French law. Within this context, the national monitoring committee has held debates particularly on the following ques-

tions: with whom and how should contracts be signed, what regulatory scope should the documents of objectives have? With this move towards institutionalizing the negotiations, one could ask how far the consultations on area protection could go?

## Conclusion

The journey towards the heart of the Habitats directive system that we have undertaken took off in 1993 from a framework inspired by the EEC and translated into procedures by the French Ministry for the Environment. We have seen how the initial architecture was based on the priority given, during the first phase, to compiling scientific inventories and identifying sites. Suspended in 1996 by the government, the procedure for applying the Habitats directive was relaunched in 1997. This new phase resulted in a considerable decrease in the surface area and number of sites transmitted to Brussels, compared to the areas identified previously. It also placed more importance on the consultation methods and thereby posed the question concerning the outlines and limits of negotiations on the subject of biodiversity protection.

Our analysis of the Habitats directive has taken a two-fold approach. The procedures first of all represent the tools used for reaching the goals set out in the Brussels text, within the time allowed, and based on scientific criteria. The second dimension refers to an interpretation of the debates and the conflicts generated when conservation measures relating to the directive were applied to the territory. This last dimension in fact would have been difficult to implement without a minimal amount of support from area administrators whose involvement was crucial. In such a context, we have interpreted the changes in the procedures and the role given to negotiations as well as all the questions posed by the nature conservation policies that can no longer restrict themselves to scientific criteria. Following the suspension of the Habitats directive, the state in fact gave greater importance to seeking a consensus and accepted the confrontation between the concepts relating to coexistence between ecology management of an area of land and the existing economic and social activities.

This search for joint standards may be linked to a two-fold process of declaration of legitimacy.<sup>19</sup> On the one hand, it concerns the resources implemented to encourage respect of the rules decreed. In this context, the tools used for scientific production and argumentation made up the justification for the action taken by the public authorities when they compiled the inventories without generating the support or the involvement of all the players. On the other hand, these players justified opposing the methods used for implementing the directive by producing other forms of legitimacy that we have analyzed here from a sociological angle. The first phase of the system (1993–1996) was therefore both the phase in which the scientific criteria were constructed and the phase involving opposition. Opposition became broader as it extended from questioning the inventory compilation methods, to questioning the use of the inventory on the territory, and then to a whole range of even more varied social phenomena, relating to the nature conservation policies.

In so doing, 'group 9' sought to reassert the particular legitimacy of its members in managing rural areas subjected, according to the group, to a process of environmentalization. It also deliberately shifted the Natura 2000 debate towards relations between towns and the countryside. Thereby, seeking to break away from nature



conservation policies that set land areas aside, the Habitats directive incited numerous players to redefine their identity. In this regard, the foresters were first of all at the forefront before giving way to the huntsmen who established themselves as the spokespeople for the rural world. Moreover, the opposition contributed to drastically modifying the initially planned system. New procedures sought to incorporate public and private administrators in discussions, and the Ministry for the Environment took pains to find a consensus concerning the sites identified and transmitted to Brussels. This way it was possible to measure the extent to which the Habitats directive system was bound to seeking a legitimate basis capable of unifying the players.

The suspension of the directive generated an acknowledged turning point focused on instituting negotiating procedures. The players compared their different points of view in local committees for managing the sites or in departmental and national monitoring committees. The separation of the scientific standards from those of the social debate, which had been provided for in the initial structure of the system, found itself becoming more and more problematic. This was because the players had already considerably modified the composition of the inventory and the inventory, conversely, had also shaped the positions of the players. The extent of the surface area of the zones in the list transmitted to Brussels was a recurrent matter of conflict between those who condemned the apprehension or, to the contrary, the determination with which the Ministry for the Environment approached the application of the directive. The Ministry therefore found itself trapped between the European instructions based on a scientific procedure<sup>20</sup> and the expressed desire to strike up negotiations with players each taking a very different stance.

According to a number of protected area administrators, the importance of the Habitats directive today lies in the split from the 'regulatory' dimension of previous conservation policies. "Natura 2000 is the chance to reinterpret the concept of Natural Reserve . . . The overall management of a Natura 2000 site meets the objectives of sustainable development since it can be applied to a very broad area of European territory, as opposed to the regulatory concepts that tend to isolate natural heritage from the economic and social world" (*La Lettre des Réserves*, second quarter 1998, p. 38). Such a project must draw links between the production of scientific tools and a debating framework, which would tend to register nature policies within a contemporary model of public action that Pierre Lascoumes has qualified as procedural. "The confrontation between collective action and issues that are surrounded by controversy, cross-disciplinary compared to the usual division of sectors and that incite diverse players to take action, has led to the utilization of action methods based on co-operation together with the usual normative tools . . . By procedural policies we mean a type of public action that operates by setting up (usually on the territory) instruments of knowledge, deliberation and decision-making that are, a priori, not specifically targeted" (Lascoumes et al. 1997, pp. 19–20).

In this context, we can indeed place emphasis on the importance taken on by the local consultation sessions relating to the implementation of the Habitats directive. They resulted in an often-oppressive increase in the number of meetings. But this process also took on the appearance of a social experiment where the players from diverse cultural worlds strove to compare their opinions with a view to developing a common direction structuring the objectives of the nature conservation policies. Nonetheless, the first observations made on these "local platforms" (Rémy et al.



1999) show that the content of these debates was not independent of national conflicts where the overall redefinition of the cultural initiatives and identities determining the use of land was at stake. Also, for the huntsmen, the Habitats directive reflected the questioning of the Verdeille law and the application of the Birds directive that they considered to be a threat. In other terms, the implementation of the Natura 2000 network was, in the eyes of those players who had come forward as the spokespeople for the rural world, indissolubly linked to an image of hunting within a society dominated by urban communities. The Habitats directive therefore called into play the relationship existing between certain groups and an area of land to which they intended to assert their legitimate rights, based on territorial affiliation or particular uses. And this legitimacy combines local and national factors.

The activities of 'group 9', the statements made by the ecologist associations, and the symbolic importance of the action taken by the Ministry for the Environment having become the target of huntsmen and certain farmers, show to what extent the institution of a debating forum is not a mechanical process. Most public policies go together with regulatory consultation procedures but the elements presented in this text show that the co-operation and consolidation of opinions on the part of the players involved still run the risk of being called into question. Indeed, the difficulties in implementing the Habitats directive strongly call to mind the fact that deliberation is the result of a process that is constructed often under complex and uncertain conditions (Alphandéry and Billaud 1996; Candau 1999). It is subject to the existence of a public arena, which, as Hannah Arendt noted (1983, p. 238), "unifies and, at the same time, separates men." The existence of this platform, where everyone can see and hear what is going on, implies that the players recognize what they jointly own, a prerequisite for going beyond the specificities of the role of each individual and for enabling each individual to participate in a confrontation that may pave the way towards collective action.

### Acknowledgement

This article is the result of research financed by the Ministry for the Environment and conducted by a network of researchers. These studies led to the publication of a joint report (Rémy et al. 1999).

### Notes

1. In order to compile the inventory of the natural areas incorporated in this network, the directive, in its appendices I and II, drew up lists of habitats and species of Community interest.
2. Instruction from the Department of Nature and Landscapes (DNP) of the Ministry for the Environment, 21 January 1993.
3. Following in the wake of Marc Mormont, we use the word 'system' to designate the combination of administrative procedures and groups of players involved. According to this author, in fact, a system is a group composed of "institutional structures drawing links between representations, standards, practices and players" (Mormont 1996, p. 29).
4. In this article, we have placed emphasis on the action of those players not considered to be scientists. For discussions and debates concerning the production of scientific knowledge, see Rémy et al. (1999).
5. Public scientific establishment under the joint authority of the Ministry for the Environment and the Ministry for Research, which also houses the head offices of a number of very long-standing 'learned' associations involved in nature protection.

6. Regional associates of the Ministry for the Environment.
7. Each one "is made up of specialists selected intuitu personae for their scientific know-how and their ground knowledge, from universities, learned societies, regional museums, etc. It covers, as much as is possible, all the naturalist fields and takes regional specificities into account." Circular of 14 May 1991 from the Department for the Protection of Nature (Ministry for the Environment).
8. This point of view is shared by a large number of players, including certain natural area administrators under the authority of the Ministry for the Environment. It is however, strongly disapproved by the representatives of the Nature Protection Associations and by Ministry officials.
9. It includes various organizations that could be classified into three main groups. The first group, which is agricultural in nature, combines the Permanent Assembly of the Chambers of Agriculture, the National Center for Young Farmers and the National Federation of Farm-holder Unions. The second of these three concerns the forestry sector with the National Federation of Unions of Silvicultural Forest Owners, the National Federation of Forest Districts, and the National Association of Regional Centres for Forest Property. The last group is more diverse and combines: the National Union of Departmental Hunting Federations, the National Federation of Agricultural Property, the National Union of Departmental Fishing Federations and Aquatic Environment Protection.
10. It includes the representatives of the organizations making up 'group 9' to which those of the French National Forestry Organization, the Natural Reserves of France and nature protection associations united in France Nature Environment were added.
11. Made up of local representatives of member organizations of the national monitoring committee.
12. Applied in October 1995 on thirty-seven test sites, this experiment, aimed at drafting documents of objectives and evaluating the financial requirements necessary for implementing the management measures, was granted European funding from Life and was coordinated by the association Natural Reserves of France.
13. This list was to enable France to be included in the work towards biogeographical consistency.
14. "Pour une véritable administration de la protection de la nature," *La Lettre du Hérisson*, July/August 1998, p 3.
15. It is possible to make distinctions between organizations uniting local elected representatives, the Association of Mayors of France, the National Association of Elected Representatives in Mountainous Regions, the Association of Regional Council Presidents, organizations of natural area administrators, the National Federation of regional natural parks and Natural Areas in France, farmers from the Confederation of Countrymen and walking enthusiasts assembled in the National Federation of Ramblers.
16. These conflicts were expressed particularly during the campaign for the European elections held in June 1999 led by the Hunting Nature Fishing and Tradition movement that put itself forward as the spokesperson for the rural world.
17. The process of drafting documents of objectives for the sites began in 2000 and we will conduct research on this theme. For reasons of chronology, we cannot here deal with this recent step in the construction of the Natura 2000 network.
18. Eventually, in December 2000, the National Assembly voted a bill authorizing the government to translate some fifty or so European directives into French law by order. This unusual procedure accounts for the exceptional delay accumulated in doing so; the order concerning the Habitats directive was planned for the spring of 2001.
19. For the debates generated on the subject of this essential sociological concept, one can refer to two journal issues. *Raisons pratiques*, issue 3, 1992, Pouvoir et légitimité, journal published by the EHESS; *Mana*, issue 2, second quarter 1996, journal published by the University of Caen.
20. Considering that France had failed to meet its obligations by proposing only an insufficient surface area of its territory, the Commission in July 1999 began an appeal to the European Court of Justice.

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