

St. István University Doctoral School of Environmental Sciences

PUBLIC PARTICIPATION IN HUNGARIAN BIODIVERSITY GOVERNANCE: THE ROLE OF NGOS IN NATURA 2000

Ph.D. Dissertation

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Goals

Biodiversity has been recognized as an enormous natural value and as crucial for human well-being. As its current loss can largely be attributed to human influences, people have a great responsibility for its conservation. Besides governmental actors, non-state actors, such as environmental non-governmental organisations (ENGOs) have been important advocates for biodiversity conservation at international and European level. Their participation in Hungarian biodiversity governance has not been studied thoroughly yet. To close this gap this study analysed their role in the case of the implementation of Natura 2000. Natura 2000, based on the Birds and Habitats Directive, is the EU's flagship programme in nature conservation and has had a huge impact on the Hungarian biodiversity governance system in recent years for new sites were protected and non-governmental organisations (NGOs) got new opportunities for participation in this European multi-level policy-making process.

By analysing what role ENGOs played during Natura 2000 implementation in Hungary, this research aims at contributing to the study of participation of non-state actors in biodiversity governance in a Central Eastern European (CEE) country (see figure 1: research goals). This dissertation thus addresses the following general scientific research objectives:

Objective 1: Understanding the participation of ENGOs in biodiversity governance.

Objective 2: Understanding multi-level governance dynamics in a new CEE EU member state.

To address these research objective this study tried to answer the following research questions, based on which the analysis was structured:

- 1. When and how did ENGOs participate during Natura 2000 implementation in Hungary? What roles did they play?
- 2. Why did and could ENGOs participate?
 - 2.1. What capacities did ENGOs have?
 - 2.2. What interactions and networking can be found among ENGOs and between ENGOs and other actors in Hungarian biodiversity governance?

An additional, more theoretical objective of this research is to test the applicability of the multi-level governance (MLG) concept, which was developed in Western European countries, for the Hungarian context. This study is therefore also an account of how one can analyse participation processes based on a multi-level governance approach.

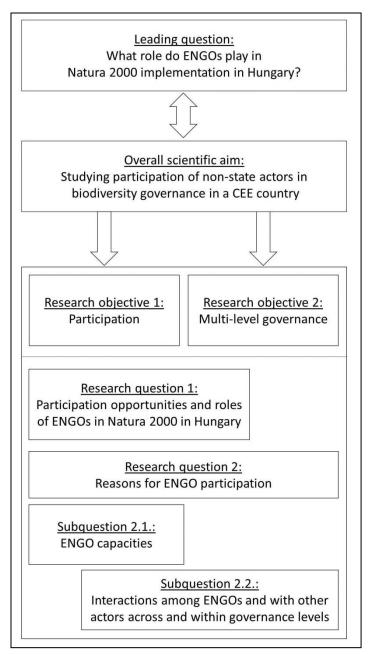


Figure 1: Research goals: leading question, overall scientific aim, research objectives and research questions and subquestions. Research objectives (abbreviated to the key concept in the figure): Objective 1: Understanding the participation of ENGOs in biodiversity governance. Objective 2: Understanding multi-level governance dynamics in a new CEE EU member state. Research questions and subquestions (abbreviated in the figure): Research question 1: When and how did ENGOs participate during Natura 2000 implementation in Hungary? What roles did they play? Research question 2: Why did and could ENGOs participate? 2.1.: What capacities did ENGOs have? 2.2.: What interactions and networking can be found among ENGOs and between ENGOs and other actors in Hungarian biodiversity governance?

Data and Methodology

A qualitative case study based approach was chosen because this method enables deeper insights into the dynamics of a specific policy process, and is especially suitable to answer "how" and "why" questions, which can contribute to improving the understanding of participation of ENGOs in a multi-level governance setting. The data basis for this qualitative case study research consisted of semi-structured interviews and a complementing document

analysis. To gain information on the perspective of state and non-state actors and from the different governance levels, ENGO experts from the European, national and subnational level, and state experts from the national and subnational level were interviewed. The sampling for this research was based on expertise of the case to be studied (Natura 2000); it was theory-based with respect to multi-level governance, as experts from all levels of governance were included into the study. The researcher, moreover, consciously tried to increase the variety among interviewees by asking experts from different ENGOs and different state bodies. In all, 28 expert interviews were conducted (from March 2009 to October 2010), among these there were two interviews with more than one person (group interviews of 2 and 3). The following groups of actors were interviewed:

- 18 NGO experts: 3 experts from the European level, 9 experts from the national level, and 6 experts from subnational NGOs
- 10 state officials: 2 officials of the environmental ministry, 1 official of the agricultural ministry, 7 national park officials

The interview languages were Hungarian (10, plus 4 part of the time), English (12, plus 5 part of the time) and German (2, plus one part of the time); the interviews were recorded, transcribed and analysed through coding with a qualitative data analysis software (MAXqda) and Word Office.

Documents available on the internet and provided by interviewees were used to gain some first information about the role and activities of ENGOs, to check the information from the interviews for its accuracy, and to expand and complement it. This analysis was performed manually with a computer using Windows to group the documents.

This research combined inductive and deductive elements. It was deductive in the fact that it was designed based on the presumption of the multi-level governance concept that interactions between state and non-state actors across multiple levels of governance are relevant for understanding the participation of ENGOs in Hungary. Yet as the multi-level governance concept cannot give explanations for why and how ENGOs participate at certain stages, based on the dynamics observed in the empirical research, which was designed in a way to be open for emerging issues, additional theories were looked for and included into the framework for analysis. The conceptual framework was thus completed inductively responding to concrete research findings.

Characterised by its attention to formal and informal interactions across governance levels, the multi-level governance concept constitutes a good basis for studying participation processes in an EU context. It serves as the conceptual framework which shows the elements to be included in the analysis (i.e. state and non-state actors, different levels of governance, their interactions). For understanding how and why certain actors interact in a certain way the author reviewed literature on the role of actors, especially of ENGOs, and theories on networking. The final framework for analysis was thus based on a combination of literature on the institutional structure, namely the multi-level governance concept, and literature on the role and influence of ENGOs, their capacities and opportunities for participating in policy-making and on policy networks including state and non-state actors. Figure 2 illustrates the framework: relations and interactions of non-state actors across levels and with different groups of actors (focus of the MLG concept) mediate between NGOs´ capacities and their participation opportunities in the governance system.

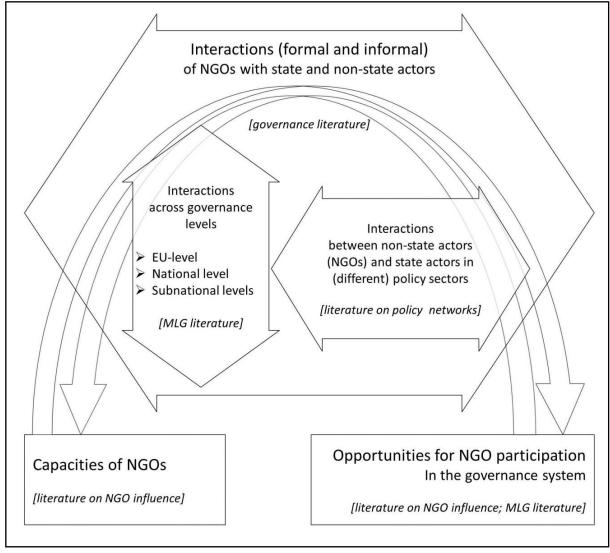


Figure 2: Framework for analysis: Relations and interactions across levels of governance and between different kinds of actors are analysed as an own category, for it is via these that NGOs can employ their capacities to use and open opportunities; they thus have a mediating function between the two factors for NGO influence. As interactions and links exist within one governance level, as well as across governance levels and sectors; they are analysed in a multi-level governance framework.

Results

1. The MLG concept, first applied to the biodiversity policy sector in Hungary by the present study, proved to be useful and applicable to explore and interpret the roles and activities of ENGOs in the Natura 2000 policy process, a prominent case of European multi-level biodiversity policy-making: Interactions across levels of governance and informal interactions were an important element and basis for ENGOs' participation.

The implementation of Natura 2000 occurred through the actions of actors at different levels of governance: The Hungarian national government was responsible for its implementation in Hungary: the sites to be designated as Natura 2000 were selected by the environmental ministry supported by its subordinate subnational bodies, namely the National Park Directorates. The EU checked the sufficiency of the country's site selection and observed the further implementation process. Local land users are the actors who through their management have to ensure the favourable protection status of Natura 2000 sites. A support

scheme for Natura 2000 maintenance was to be designed by the agricultural and environmental ministry. ENGOs could get engaged in the process at all levels of governance. So actors from all levels of governance played a role in the process. The multi-level governance approach proved helpful to capture the full dynamics of ENGO participation during the Natura 2000 implementation process. As stated in the governance literature informal interactions were an important part of the policy-making process: many participation opportunities of Hungarian ENGOs in Natura 2000 depended on informal interactions with state actors. Interactions across levels of governance, such as exchange with EU-level ENGOs, were important, too, for the participation of Hungarian ENGO in Natura 2000.

- **2. All major typical ENGO activities**, i.e. campaigning (lobbying and communication), operational (expert advice, site management and monitoring) and watchdog activities, could be **observed** during the Natura 2000 process:
- a. The activities of ENGOs **varied with governance levels**: While the major national nature conservation NGOs focused on national Natura 2000 policy-making, especially site designation, only subnational ENGOs were engaged in actual site management and acted as watchdogs in specific local cases.
- b. ENGOs acted as **informal service providers in public tasks** for which the state nature conservation administration lacked capacities; this included the preparation of proposals for site designation, site monitoring, communication of Natura 2000 policy, and management planning.

ENGOs lobbied the Hungarian government during site designation and for a Natura 2000 maintenance scheme. To increase awareness for Natura 2000 among the general public, ENGOs organised workshops and established a Natura 2000 website. Some ENGOs engaged in projects aiming at the development of a management plan for specific sites, or they themselves organised and conducted nature-friendly management of Natura 2000 sites. ENGOs collected and provided data on the occurrence of species and habitats. They not only monitored sites, but also acted as watchdogs by initiating court cases trying to prevent threats to Natura 2000 sites; one ENGO reported violations to the Natura 2000 protection status of sites to the EU.

As illustrated in figure 3 different ENGOs were active with different activities and at different levels of governance: only the four major national ENGOs (WWF, MTVSz, MME and CEEweb) were active in lobbying policy-making processes. Of these national ENGOs only MTVSz and MME had local member NGOs (like Nimfea) or groups respectively. As the actual maintenance of Natura 2000 sites occurs at the local level, of course only ENGOs with local experts or volunteers could engage in management and monitoring activities. MME was the only ENGO active at all levels of governance. Two subnational ENGOs were very active in reporting violations to Natura 2000 by initiating court cases or informing the EU.

While some activities, like lobbying and acting as watchdogs, are typical NGO activities, other activities performed by ENGOs were tasks conventionally assigned to state administration, in which the ENGOs assisted the state nature conservation administration. The selection of sites for the Birds Directive was based on an ENGO proposal; for Natura 2000 communication the state administration relied on ENGO engagement, e.g. for the establishment of a Natura 2000 website in Hungarian language; and a lot monitoring was completed by ENGOs which then shared the data with state bodies.

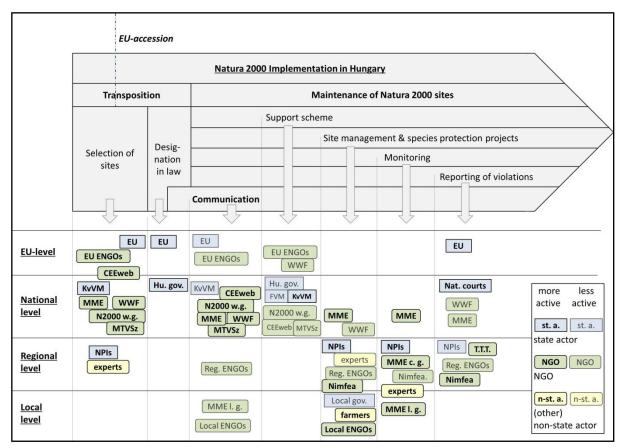


Figure 3: Participation of ENGOs at different stages of the Hungarian implementation process: State and non-state actors at different governance levels participated during the various stages of the process; the time of EU-accession is indicated with a dotted line. Actors who were strongly involved at a specific stage are shown in bold boxes, while less involved ones in fainter colour. Abbreviations: state actors: Hu. gov.: Hungarian government, KvVM: environmental ministry, NPIs: National Park Directorates, FVM: agricultural ministry, Local gov.: local government, Nat. courts: national courts; ENGOs: MME: BirdLife Hungary, MME c.g.: MME county group, MME l.g.: MME local group, MTVSz: Friends of the Earth Hungary, Reg. ENGOs: subnational regional ENGOs, N2000 w.g.: ENGO Natura 2000 working group.

3. As the designation of Natura 2000 sites was to be based on scientific criteria ENGO's **scientific expertise** on the occurrence of species and habitats was a **crucial asset** for ENGOs. Thanks to their good **procedural knowledge on Natura 2000 policy making**, ENGOs could provide information in the phase when it was needed.

Since many of their members and most of their staff are trained nature conservation experts (biologists or ecologists) NGOs have a high expertise on species and habitats at their disposal. The state administration did not have sufficient expertise on a number of species but needed this as according to the European Natura 2000 regulations the selection of Natura 2000 sites was to be based on scientific criteria and the status of the protected species and habitats is to be monitored regularly. The expert input in the designation process was particularly strong by MME as its list of Important Bird Areas (IBA) served as the basis for Hungary's proposal for sites to be designated under the Birds Directive. Thanks to the training and information Hungarian ENGOs received from their European umbrella organisations they learned about the Natura 2000 process and therefore could provide their expertise and other resources, like communication tools, at a time in the policy process, when they were needed by policy-makers.

4. Links among the ENGO community across and within governance levels were **important** for ENGO participation: Good working relationships between national ENGOs and their EU umbrella organisations were crucial for preparing Hungarian

ENGOs for the Natura 2000 process. National ENGOs involved in Natura 2000 cooperated in a complementary way. As links between national ENGOs and local groups were rather weak, ENGOs' engagement at the stages of site management and monitoring was less well-organised and could not cover the whole country.

All four NGOs active in Natura 2000 at national level have a European umbrella organisation (see figure 4).

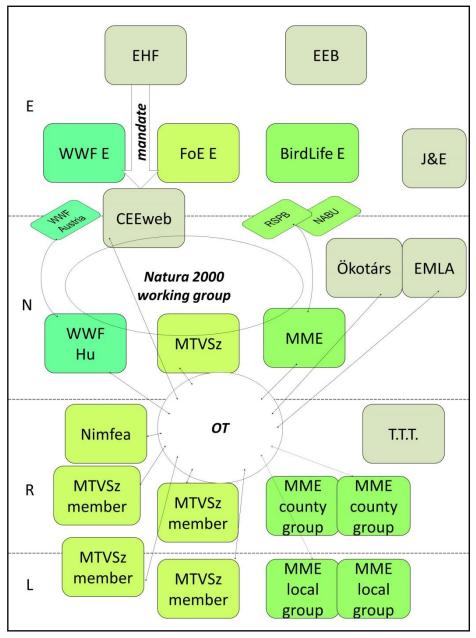


Figure 4: Cooperation among ENGOs: CEEweb received an official mandate by the EHF to prepare CEE NGOs for Natura 2000. The four NGOs most active at national level formed a joint Natura 2000 working group. For cooperation and exchange with regional and local ENGOs, the annual meeting of Hungarian ENGOs (OT) is an important regular event. As MME's local and regional groups are represented by the main office, these arrows for participation are dotted. Abbreviations: E: European level, N: national level, R: subnational regional level, L: local level; EHF: European Habitats Forum, EEB: European Environmental Bureau, WWF E: WWF Europe, FoE E: Friends of the Earth Europe, BirdLife E: BirdLife Europe, J&E: Justice & Environment, RSPB: Royal Society for the Protection of Birds, NABU: Naturschutzbund Deutschland, WWF Hu: WWF Hungary; EMLA: Environmental Management and Law Association; T.T.T.: *Tiszántúli Természetvédök Társulata*; for further abbreviations see figure 3.

CEEweb is an umbrella organisation in itself, namely for ENGOs of the CEE region – as such CEEweb was mandated by the European Habitats Forum (the EU-level NGO umbrella dealing with Natura 2000 issues) to prepare the ENGOs of the CEE region for Natura 2000. In this CEEweb was supported substantially by WWF Europe and ENGO partner organisations in Western European member states (like RSPB). Based in Hungary, CEEweb also acted as a national NGO in Hungary and could contribute its expertise on the Natura 2000 process in the Natura 2000 working group, which was formed as an informal platform for cooperation by the four major national ENGOs (see figure 4). As the four ENGOs had different capacities and areas of expertise, they cooperated in a complementary fashion. Cooperation among ENGOs was generally described as good, and competition hardly mentioned as a problem. The cooperative atmosphere within the Hungarian ENGO community was explained with the tradition of an annual gathering, in which ENGOs meet, exchange information and democratically elect ENGO representatives to commissions they are invited to. The links between the national ENGOs and local ENGOs or groups, however, were not considered as sufficiently strong by the interviewed experts. This was attributed on the one hand to a lack of stability and interest in Natura 2000 matters at local level and on the other hand to a lack of attention on fostering these links by national ENGOs, which had rather focused on exchange with EU-level ENGOs.

- **5.** ENGOs and officials of the state nature conservation administration have formed a **Hungarian nature conservation policy network** based on shared beliefs and policy goals. Being part of this policy network had an **impact** on the **extent of ENGOs participation** and on the **strategies** used by different Hungarian ENGOs:
- a. **ENGO influence** was relatively **high in sector-specific stages** of the Natura 2000 process dominated by the state nature conservation administration, whose officials relied on ENGOs' assistance to achieve shared goals; yet ENGOs' influence was low as soon as other sectors became crucial players in the policy process as members of the nature conservation network, ENGOs could hardly establish good links with state officials from the land using sector.
- b. While the **major national ENGOs**, being legitimate members of the nature conservation policy network, **interacted informally** with the Hungarian **nature conservation administration** to influence biodiversity governance, some **subnational ENGOs**, **less well-linked** into the Hungarian nature conservation network, took a **more confrontational** stance by initiating court cases and officially reporting to EU bodies. As most ENGOs relied on the internal ENGO network for interactions across governance levels, **scale-jumping** by informing the EU directly remained **rather an exception** within the Hungarian-European multi-level biodiversity governance setting.

ENGO experts and state nature conservation officials had a similar professional background and both stated that nature was important for humanity and that its protection should be a priority in decision-making processes. There were strong, also personal, contacts between national ENGOs and the Nature Conservation Secretariat of the environmental ministry (KvVM) and at subnational level especially between MME and the National Park Directorates (see figure 5). Regarding Natura 2000, state nature conservation officials, too, were interested in designating a high number of naturally valuable sites as Natura 2000 to protect them – NGO and state nature conservation experts thus shared a policy goal. In their lobbying efforts to ensure that enough sites were designated ENGOs, therefore, did not fight against state nature conservation officials but rather with them. Since the state nature conservation administration was rather weak in terms of staff and other resources, the assistance of ENGOs was often appreciated, especially in cases when ENGOs being non-state actors could strategically act differently or access other funds. There were severe conflicts between the

environmental and the agricultural ministry (FVM) about Natura 2000, especially concerning the development of a country-wide maintenance scheme, which could not be brought about because of a lack of cooperation between these two ministries responsible in this matter. ENGOs, too, could not easily establish links with land using authorities, by whom ENGOs were rather seen as outsiders with extreme opinions and demands (only being interested in nature but not in people). Through EU programmes for nature-friendly land management, some ENGO experts did, however, interact with agricultural authorities too — so there were in fact more links between ENGOs and the land using sector than there had been previously, yet these were not strong enough to give ENGOs a chance to influence policy-making decisions or priorities of the agricultural sector.

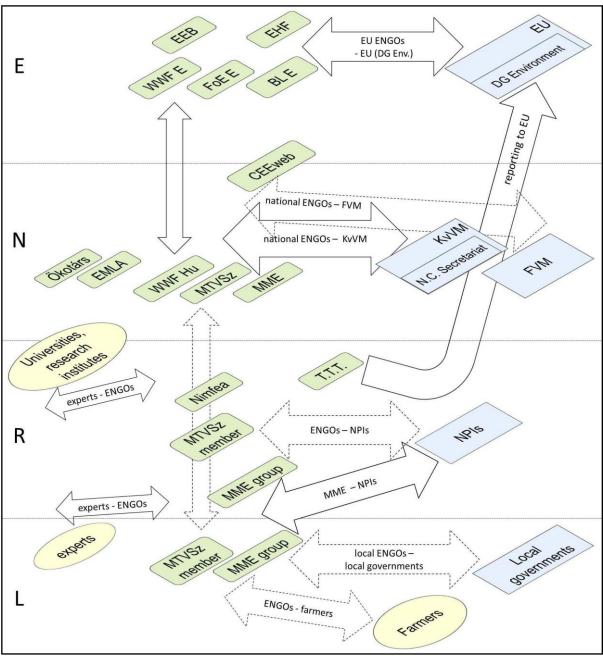


Figure 5: Interactions of ENGOs with state and other non-state actors: The intensity of the interactions is indicated by continuous (frequent, good interactions based on reliable contacts) vs. dotted (less intense, occasional interactions) lines. Interactions between NGOs across levels of governance are indicated, too, to complete the picture (for more detail on these see figure 4). Abbreviations: E: European level, N: national level, R: subnational regional level, L: local level; BL E: BirdLife Europe, N.C. Secretariat: Nature Conservation Secretariat of the environmental ministry; for further abbreviations see figure 3 and 4.

Thanks to excellent contacts with state nature conservation officials, not only based on shared policy priorities but also on shared career paths and personal friendships, the big national-level ENGOs could influence nature conservation policy-making well informally and hardly used strategies involving a direct confrontation with the state administration. The two subnational ENGOs which most actively acted as watchdogs officially, did not have such close contacts with state bodies – they were thus somewhat more independent; yet their more confrontational activities like initiating court cases did not always bring the wished success or the ENGOs could only report but not prevent the destruction of natural values that had already occurred. Only T.T.T., a subnational ENGO which was rather an outsider of the ENGO community (see figure 4), actually used the opportunity of the new European multi-level governance system to report directly to EU bodies (see figure 5). Most Hungarian ENGOs interacted only with state actors on the same governance level; the national-level ENGOs informed the EU rather via their EU-level umbrella organisations.

6. With their Natura 2000 site maintenance initiatives involving local stakeholders and the creation of new interfaces between citizens and authorities, Hungarian ENGOs provided **examples for synergies between legitimacy and effectiveness** in multilevel governance.

Legitimacy and effectiveness of policy-making processes are key requirements for "good governance". Especially with two types of activities ENGOs could contribute to fostering these for biodiversity governance in Hungary: through their communication activities, such as the establishment of a Natura 2000 website, ENGOs created platforms for exchange between citizens and authorities – the website for example not only provided information on Natura 2000 but people could also send an e-mail to the ENGO maintaining the website (MME), which was then forwarded to the relevant authorities. Management initiatives, if built on cooperation with local land users (e.g. by Nimfea), can bring about solutions to nature-friendly site management which enjoy the support of local stakeholders. These activities thus increased legitimacy by helping to gain citizens' and stakeholders' support for Natura 2000 and fostered the effectiveness of implementation by making Natura 2000 regulations known and by actually protecting some sites through adequate management of habitats.

Conclusion and Suggestions

- 1. From a theoretical perspective a conclusion from this study is that the MLG concept provides an applicable framework for analysing the role of non-state actors in an EU policy process in a new CEE EU member state; for better understanding causal relationships for observed interactions the MLG concepts needs and can be combined with more specific theories, like in this study theories on NGO influence and networking within policy sectors.
- 2. Even though some dynamics, like scale-jumping, could not be observed in the Hungarian biodiversity governance setting as often as might be expected from the MLG theory, the existence of a supranational level of governance nevertheless had an important impact on NGO participation and the Hungarian biodiversity governance system, namely via the exchange with EU umbrella ENGOs, EU regulations and a strengthened negotiation positions of ENGOs based on the opportunity of informing the EU directly. The European level of governance should therefore be taken into account when analysing biodiversity policy-making in a CEE EU member state.
- **3.** A number of experts believed that the control exercised informally and formally by ENGOs did help in increasing awareness and respect for Natura 2000 protection by

- authorities and stakeholders. To keep the power of this argument that ENGOs could report to the EU it was essential that there were cases in which an NGO did actually inform the EU; the value of reporting thus lies less in the fact that the affected sites could be protected but more in the fact that it may prevent future violations to Natura 2000 protection. This watchdog role of NGOs is therefore important for Natura 2000 implementation and should be performed also in the future.
- 4. The existence of a policy network of state and non-state actors within the Hungarian biodiversity governance setting was an important factor for ENGO participation and strategies. Appreciated as assistants by the weak state administration ENGOs gained opportunities for participation and could informally advocate for Natura 2000 protection. Yet, as members of the nature conservation community, ENGOs had few chances to influence the policy process as soon as actors from other sectors became crucial players in the Natura 2000 implementation process. The dynamics of interactions or conflicts between different policy sectors should therefore be paid attention to when analysing the participation of non-state actors in multi-level governance processes.
- 5. ENGOs could help to increase the legitimacy of the Natura 2000 implementation process in two ways, first by enabling an informed analysis through providing expertise to improve the data basis for site designation despite this there was, however, no sufficient data for all sites. Secondly by communicating Natura 2000 to the public and stakeholders even though communication in general was considered as insufficient by agricultural and ENGO experts alike, it would have been even lower without ENGO engagement. NGOs can therefore be viewed as important agents for communication.
- 6. Paying attention to all governance level further revealed that the local level played a rather marginal role in Natura 2000 policy-making. As local management initiatives by ENGOs can be responsive and adaptive to the local social context and natural environment, they can create synergies between the need for legitimacy and effectiveness of governance processes. National and European level ENGOs and donors should therefore pay more attention to local level groups and support local initiatives, because these local initiatives are promising for engaging local stakeholders in protecting Natura 2000 species and habitats, and thus for conserving biodiversity.

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Antunes, P., Quillacq, P., Rauschmayer, F., Santos, R., Videira, N. with contributions from Catrin Egerton, Oliver Fritsch, **Cordula Mertens**, Mireia Pecurul, Matteo Roggero, Minna Santaoja, Raphael Treffny, Sonja Trifunovova (2010): WP2: Assessing multi-level activities in Water and Biodiversity Governance, Final Report. Multi-level Governance of Natural Resources: Tools and Processes for Biodiversity and Water Governance in Europe. UFZ-Discussion Papers, Leipzig, 23 pp. URL: http://www.governat.eu/files/files/dp governat 11 ufz 7 2010.pdf