

The governance of cultural landscapes in the EU:

A Comparative Analysis of the Nature Restoration Law and the LULUCF Regulations

Abstract

This paper explores how the EU's evolving climate regime complex impacts cultural landscapes, focusing on the Nature Restoration Law (NRL) and the revised LULUCF Regulation. Using Multi-Level Governance (MLG) and regime complex theory, it analyzes how these policies, now legally binding, influence governance across multiple levels. Through case studies on the transformation of the Habitats Directive into the NRL and the 2023 LULUCF revision, the study highlights the pivotal role of NGOs in integrating climate, biodiversity, and land-use goals. The findings underscore the ongoing challenges in balancing EU-wide directives with local adaptation needs.

Keywords

EU Climate Policy ; Nature Restoration Law (NRL) ; LULUCF Regulation ; Cultural Landscapes ; Multi-Level Governance (MLG) ; Regime Complex Theory ; Environmental Governance ; NGO Influence ; Biodiversity Conservation ; Sustainable Land Use

1. The change of EU climate policy instruments

In recent decades, the EU moved from climate policies that are more 'symbolic' to legally binding targets. At the European level a range of institutions developed to deal with climate policies. Today, these institutions oversee a large toolbox of policy instruments (Rayner et al., 2023). Knodt even identified three modes of European climate governance, ranging from hard to softer governance models (Knodt, 2023).

Changes of this magnitude to EU climate policies naturally impact cultural landscapes in the Union. This contribution sheds light on how the changes to EU governance shaped two EU policies: the Nature Restoration Law (NRL) and the Land Use, Land Use-Change and Forestry (LULUCF) Regulation. These two pieces of legislation are chosen due to their relevance for cultural landscapes across the EU. The NRL can transform the European landscape anew, and certainly in combination with other measures (Jackson, 2023b). The LULUCF Regulation not only impacts landscapes and forests in its name, but it also plays a crucial role in the overall timetable of the EU in achieving carbon neutrality (Romppanen, 2020, 2023). In the case of the NRL, the study specifically refers to the experiences learnt from the older Habitats Directive in the Netherlands. At the same time, the LULUCF is seen as more general in the context of alpine and boreal areas since it is a newer piece of EU legislation. The analytical framework for the analysis is provided by multi-level governance (MLG) theory and regime complex theory. These two frameworks are applied to the two case studies respectively. The contribution ends with a discussion of the findings.

2. The analytical framework: Combining multi-level governance and regime complex theories

The study's analytical framework is divided into a macro and level analysis. On the macro level, MLG deals with the distribution of authority across different levels of government—local, regional, national, and international—where multiple actors and institutions interact to shape policy outcomes. By applying MLG, the study explores how the interplay between various governance levels and overlapping regulatory regimes shapes the two case studies (Benz, 2007; Knodt & Hüttmann, 2005). On the meso level, Regime complexes refer to the loosely connected sets of institutions and norms that govern overlapping issue areas in global governance. Unlike a single, cohesive regime, regime complexes are characterised by their fragmented and sometimes conflicting regulations. The concept of regime complexes allows for the better analysis of the role of NGOs as they advocate for specific norms, providing expertise, and mobilizing public opinion, often bridging gaps between different governance levels and regimes (Gómez-Mera et al., 2020; Keohane & Victor, 2011). This look at the meso level is necessary as environmental and climate policies display a significant amount of NGO activity (Schoenefeld, 2021).

3. Case Study I: The evolution of the EU Habitats Directive into the NRL

3.1. Multi-Level Governance

The Habitats Directive (92/43/EEC), adopted in 1992, is a cornerstone of EU biodiversity policy, aiming to protect natural habitats and species across Europe. It created the Natura 2000 network, which includes protected areas that member states must manage to conserve habitats and species of European importance. The Directive operates within an MLG framework, requiring coordination between the European Commission, national governments, and local authorities. This necessitates collaboration across multiple levels of governance to ensure that conservation objectives are met while considering national and local contexts. The Habitats Directive is, in this regard, the extension of the global climate policy framework into EU environmental and climate policies (Trouwborst, 2011). The Directive operates within an MLG framework, requiring coordination between the European Commission, national governments, and local authorities. This necessitates collaboration across multiple levels of governance to ensure that conservation objectives are met while considering national and local contexts. Over time, it became evident that the Habitats Directive, while foundational, had limitations in addressing emerging environmental challenges. These included habitat degradation outside Natura 2000 sites and the lack of integration with broader land use and agricultural policies.

The Dutch nitrogen crisis underscored these gaps. The Netherlands faced significant issues with nitrogen emissions, largely due to intensive agriculture, which led to widespread habitat degradation. The crisis highlighted the inadequacies of the existing framework, where national policies were often misaligned with the original directive (Jacobsen et al., 2019). The Netherlands struggled to reconcile its intensive agricultural sector with the requirements of the Habitats Directive, leading to legal challenges and a halt in construction projects. In response, the Dutch government had to devise a comprehensive nitrogen reduction strategy involving collaboration across multiple governance levels, from local municipalities to the national government and EU institutions (Collet, 2023).

The NRL, proposed by the European Commission in 2022, can be seen as an evolution of the Habitats Directive, driven by the lessons learned from crises like that in the Netherlands. This new law aims to restore degraded ecosystems across the EU, with binding targets for habitat restoration beyond the protections offered by the Habitats Directive. The development of the NRL reflects an MLG approach, where the European Commission, influenced by member state experiences, proposed a more comprehensive framework. This framework integrates biodiversity restoration into broader land use and agricultural policies, addressing the gaps identified in the previous directive (Jackson, 2023a).

3.2. Regime Complexes

The regime complex surrounding the Habitats Directive is composed of various overlapping and interconnected regimes, including EU environmental policies (e.g., Habitats and Birds Directives), agricultural policies (e.g., Common Agricultural Policy), legal frameworks, and international biodiversity agreements (e.g., Convention on Biological Diversity).

In the Netherlands, NGOs were instrumental in bringing attention to the nitrogen crisis, particularly its impact on protected habitats under the Habitats Directive. Organisations such as Milieudefensie (Friends of the Earth Netherlands) and the Dutch Association for Nature Conservation (Natuurmonumenten) used legal avenues to challenge the Dutch government's failure to adequately address nitrogen pollution, leading to significant court rulings that halted construction projects and forced policy reconsiderations (Backes, 2023; Jaspers, 2023; Mathiesen, 2023).

The persistent advocacy and legal actions by NGOs in the Netherlands were critical in demonstrating the limitations of the Habitats Directive in addressing complex, cross-sectoral environmental issues like nitrogen pollution. This helped build the case for more comprehensive legislation at the EU level. The Dutch experience, amplified by NGOs, provided a clear example of the need for an EU-wide approach to ecosystem restoration, leading to the proposal of the Nature Restoration Law.

4. Case Study II: The impact of the EU Green Deal on the LULUCF Regulation

4.1. Multi-Level Governance

The LULUCF Regulation is primarily an EU-level policy designed to align with the EU's overall climate targets, including the European Green Deal and the Fit for 55 package, which aims to reduce net greenhouse gas emissions by at least 55% by 2030 compared to 1990. Member states are responsible for implementing the LULUCF Regulation. This requires each country to develop national forestry and land-use policies that align with the EU's overarching goals. The 2023 revision introduced more stringent national accounting requirements, including higher carbon removal targets. The implementation at the regional and local levels involves managing forests, agricultural lands, and wetlands to maximise carbon sequestration while balancing economic and

environmental objectives. Local authorities and landowners are crucial in executing these policies, requiring close coordination with national governments.

In 2023, the LULUCF Regulation underwent a major revision to align it with the Green Deal targets. The new LULUCF Regulation introduced rigorous monitoring, reporting, and verification requirements (MRV). Member states must regularly report on their progress toward the targets, and the European Commission monitors compliance. It set binding targets for each member state regarding carbon removals in the LULUCF sector, and to ensure compliance, includes provisions for penalties and corrective actions if member states fail to meet their targets. (Romppanen, 2020, 2023). This creates a feedback loop where national actions are evaluated at the EU level. This marked a major shift in the vertical integration of LULUCF policies in the EU.

4.2. Regime Complexes

The LULUCF Regulation is situated at the intersection of several major international and EU regimes, including climate change (e.g., the Paris Agreement), biodiversity (e.g., the Convention on Biological Diversity), and agricultural policy (e.g., the Common Agricultural Policy - CAP). Each of these regimes has its objectives, norms, and governance structures, which sometimes overlap or conflict.

The 2023 revision of the LULUCF Regulation reflects efforts to harmonise these overlapping regimes. It seeks to integrate carbon sequestration goals with biodiversity conservation and sustainable land use, addressing the synergies and tensions between these regimes. NGOs have been instrumental in shaping the LULUCF Regulation by advocating for stronger links between climate and biodiversity regimes. NGOs often act as bridges between regimes, facilitating communication and coordination among different governance structures.

NGOs acted as norm entrepreneurs during the revision process by promoting the idea that land use should be managed for carbon sequestration and broader ecosystem services, including biodiversity and water regulation. This norm has been increasingly adopted within the LULUCF framework, particularly in the 2023 revision. The organizations lobbied for more stringent monitoring, reporting, and verification (MRV) processes to ensure that member states' contributions to carbon sequestration are transparent and verifiable. NGOs also pushed for accountability measures to address non-compliance, which were incorporated into the revised regulation. NGOs are crucial in monitoring the implementation of the LULUCF Regulation across the EU. Acting as watchdogs ensures that member states adhere to their commitments and that the interactions between different regimes remain aligned with overarching environmental goals. (Savaresi et al., 2020).

By acting across multiple regimes—climate, biodiversity, and agriculture—NGOs have helped to transform the LULUCF Regulation into a more comprehensive and coherent policy instrument.

5. Conclusion

The evolution of EU climate policy has shifted from symbolic measures to robust, legally binding targets, exemplified by the NRL and the 2023 revision of the LULUCF Regulation. These policies illustrate how the EU has strengthened its governance framework to address climate change, biodiversity, and land use challenges.

Using Multi-Level Governance (MLG) and regime complex theories, this study highlights the critical role of coordinated governance across multiple levels and the influence of NGOs. The NRL, shaped by the Dutch nitrogen crisis and the LULUCF Regulation, aligned with the European Green Deal, demonstrate how integrated approaches and NGO advocacy have transformed these policies into powerful tools for achieving EU climate and ecological goals. Yet, this transformation inherently curbed the ability of member states and local governments to shape their environmental and climate policies. Meanwhile, meta-studies highlight the necessity of adapting climate and environmental policies to local geography, regional preferences, and the needs of local communities (Suprayitno et al., 2024).

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