

## **POLICY CHANGE AND POLICY LEARNING IN POST-SOCIALIST WILDLIFE POLICY IN SLOVENIA – A CASE STUDY OF HUNTING RIGHTS**

*Abstract.* The article is a case study of the formation of wildlife policy, taking hunting rights in Slovenia as a specific example. The main analytical goal is to identify the presence of policy learning in the formation of wildlife policy in the period 1990–2004. This was a period when, owing to the process of social and political transition, the dynamic of policy formation was particularly strong. The research model is based on the theory of policy learning and policy diffusion and incorporates a review of the existing body of research on policy learning in other transition countries and in Slovenia. To identify the presence of policy learning, we used indicators of instrumental, social and political learning. Our main hypothesis, namely, that policy learning was not the trigger of policy change, was tested by applying the following mechanisms of policy diffusion: emulation, coercion and economic competition. We demonstrated the presence of political learning which led to changes in hunting rights, corresponding to the concept of institutional adjustment or patching. Instrumental and social learning were not detected, nor were mechanisms of policy diffusion.

**Keywords:** public policy, change, learning, diffusion, wildlife policy, transition, hunting rights

### **Introduction**

Research into the phenomenon of policy change and the factors influencing them is one of the key research fields concerning public policies (Capano and Howlett, 2009; Knill and Tosun, 2012: 251). Approaches to or theories of the factors influencing policy change can be classified in three groups, namely: policy change either results from changes in the preferences and beliefs of policy actors, such as the approach of policy advocacy coalitions and policy-oriented learning (e.g. Sabatier and Jenkins-Smith,

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\* Milan Šinko, M. A., Senior lecturer, Biotechnical Faculty, University of Ljubljana; Doctoral Student at the Faculty of Social Sciences, University of Ljubljana.

1993) or changes in the institutional environment, such as the punctuated-equilibrium approach (True et al., 1999) and/or contingencies/conditionings such as the policy window approach (Kingdon, 1995).

Approaches that explain policy change with institutional changes are mainly adequate when we examine the stability of a public policy, while what is more adequate for studying policy change are the approaches stemming from changes in the preferences and beliefs of policy actors, which also includes learning (Knill and Tosun, 2012: 252–257). Policy researchers are paying ever more attention to learning and knowledge in public policies because these are believed to importantly complement the understanding of policymaking as a process based largely on conflicts and power (Grin and Loeber, 2007: 201; Heikkila and Gerlak, 2013). Facing growing uncertainty of how to respond to social problems, policy decision-makers are becoming familiar with policy problems, policies and measures in other countries (Freeman, 2006: 368).

Important encouragement in examining policy learning is provided by the concept of new modes of governance as an approach that has been ever more strongly asserted due to the change in the mode of governing, which deviates from the traditional hierarchical approach and moves towards a horizontal arrangement and multi-level approach. Among others, the relatively decentralised networks of state and civil-society actors are also included in the process of collective learning. Moreover, learning is closely related to governance when the latter includes epistemic communities and knowledge-based actors (Gilardi and Radaelli, 2012), which has also been pointed out by the European Union since learning is considered to be the mechanism that is expected to contribute to Europeanisation and substitute classical regulative instruments. The open method of co-ordination, for example, is an instrument of policy learning that accelerates the process of mutual learning of the member states (Hartlapp, 2009; Radaelli, 2008: 240–1). This is why research into the impact of learning on policy formation today is also important for a practical reason since it enables member states to gain an insight into learning mechanisms and consequently adopt instruments with which they can influence learning processes.

With empirical research studies of policy learning being rare in Slovenia, the main aim of our study was to describe the presence and partly the influence of policy learning on policy change in Slovenia. This will be done by considering a case study of wildlife policy or hunting rights in Slovenia. The process of forming a new wildlife policy was examined in the period from 1990 to 2004 when the Wild Game and Hunting Act (ZDLov-1) was adopted by the National Assembly. This period also marks the start of major international influences on Slovenian policies, which is why the concept of policy diffusion will also be used in the analysis.

This article first presents the role of learning in policy formation, and then attention is directed to research studies on policy learning in transitional countries, including Slovenia. An empirical analysis is introduced by presenting the methodological approach, and then the results of the analysis are outlined. In the conclusion, the findings are summarised and proposals for further research are offered.

## Theoretical framework

The theoretical framework for changes in wildlife policy we are addressing consists of theories of policy change, policy learning and policy diffusion. The policy process of changing wildlife policy started with the beginning of the period denoted as the democratic transition. The characteristics of the transition that also influenced the formation of new public policies in most transitional countries can also be recognised in Slovenia, namely: the consideration of urgent and central issues within a limited time frame, great uncertainty about processes and goals, a rapid change in the authoritative power structure with a new structure of political actors, focusing on elites; and a short period of mobilisation of the general public that quickly returned to the private sphere (Lavigne, 1999: 19; Welsh, 1994: 397). It is therefore expected that new public policies in transitional countries were mainly shaped by learning from countries with similar political and economic contexts characterised by capitalism, liberalism and democracy (Howlett et al., 2009).

Further, the processes listed above also encompass the integration of transitional countries in international activities, which led to co-dependence between countries and possibly influenced policy change. This explains why policy diffusion was included in the theoretical framework of our study.

### *Learning as a factor of policy change*

While during the early 1990s learning was the desired approach in policy formation, its conceptual definition was less clear and was still developing. Policy learning is the policy-related activity of state and social actors that can influence policy goals and measures (Howlett, 1999: 85). Policy learning is a process of the updating of beliefs concerning key elements of public policy (Radaelli, 2009) as well as the process in which individuals gain new information and ideas for decision-making (Busenberg, 2001). May (1992: 334–340) divided the learning process in public policy into policy learning and political learning. In its substance, policy learning consists of instrumental and social policy learning. Instrumental policy learning<sup>1</sup> refers

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<sup>1</sup> For the purpose of simplification, 'learning' will be used hereafter to stand for 'policy learning'.

to the lessons concerning the viability of policy measures or the design of the implementation of a public policy, and to social policy learning that includes lessons on the social construction of policy problems and/or the related policy goals. Social learning is mainly related to changes in policy goals (Hall, 1993: 279) and changes in a policy paradigm, which is the most significant result of social learning and yet one that is very rarely achieved (Hudson and Lowe, 2009: 58). Social learning is the activity of the common search for new ideas to resolve a policy problem, and expresses the nature of learning as a social construct. Both types of learning are not mutually exclusive and can lead to policy change both individually and together.

Political learning is based on lessons about policy processes and predictions about the possibilities of the successfulness of policy proposals (May, 1992: 332). Through the use of political learning, advocates of new public policies become more competent to raise problems and ideas and to politically realise their proposals.

### *Policy diffusion*

The period of the democratic transition in Slovenia also marks the start of the greater influence of the international environment on policy formation, leading to co-dependence. For this reason, our theoretical model for examining policy learning includes mechanisms of policy diffusion. These stem from the premise that policy choices in a given country are influenced by previous policy decisions in other countries (Dobbin et al., 2007: 450; Maggetti and Gilardi, 2015). Policy diffusion is also defined as the socially transmitted innovation of public policy between political systems and within them, including communication and processes of influencing (Knill and Tosun, 2008; Rogers, 2003: 13).

Policy diffusion can employ various mechanisms which are closed sets of assertions that determine how the policy choices of a given country influence policy decisions in other countries (Braun et al., 2007). Dobbin et al. (2007) classified the diffusion mechanisms in four groups: social constructivism, coercion, economic competition and learning. According to a more recent classification (e.g. Maggetti and Gilardi, 2015: 4), that is also used in our study, diffusion mechanisms are classified as: learning, emulation and economic competition, leaving out coercion while claiming that the concept of diffusion does not implicitly anticipate a central actor that would co-ordinate policy diffusion. While we agree with the argument about the controversy of coercion as a diffusion mechanism, we nevertheless checked for its potential presence.

Within policy diffusion theory, *policy* learning is a process in which information about the consequences of a public policy in one legal order influence public policy in another legal order. Within the learning process,

policy decision-makers change their beliefs about the impact of public policies due to acquiring new information (Gilardi, 2010; Maggetti and Gilardi, 2015; Meseguer, 2005). Policy decision-makers learn from either their environment or the regulations of other countries. In their own environment, they learn about the preferences of the public, the goals of interest groups, other public policies and the effects of past policies. In contrast, in the legal systems of other countries they acquire knowledge of successful public policies in those countries, which provides the basis for learning-based policy diffusion (Volden et al., 2008). New evidence of the success of a policy in another country changes the beliefs of local actors regarding key elements of public policy (Dobbin et al., 2007: 460; Radaelli, 2009), which can lead to policy change. The efficiency of a public policy can be related to the policy goals which it should achieve, the problems of its implementation, and political support (Maggetti and Gilardi, 2015: 4–7).

*Emulation*<sup>2</sup> is a mechanism stemming from the need of countries when they are adopting policy decisions to adjust to their normative environment and provide social acceptability of a new public policy. Emulation is not focused on the objective consequences of public policies in other countries, as with the example of learning, highlighting instead the key importance of the symbolic and socially constructed aspects (Maggetti and Gilardi, 2015). Policy diffusion requires a change in ideas. Factors influencing the acceptability of new ideas that are vital for policy diffusion are: imitation of countries ('following the leader'), theoretisations by experts and a perception of the countries' similarities. The *imitation of countries* includes different degrees of copying policy elements in the countries which seem to be working best in a certain domain. *Theoretisation* by experts in epistemic communities refers to the professional or theoretical examination of possible new policy solutions (Strang and Meyer, 1993: 494). A special content of the theoretical consideration of different countries' policies, which can lead to diffusion, refers to the *perception of similarities in public policies between countries* and is present in expert theoretisations about which countries should adopt the public policy of a given other country and in which conditions the adopted policy would work (Dobbin et al., 2007).

*Economic competition* encourages countries to strategically adjust their public policies to ensure economic competition in international economic connections based on the free flow of labour, goods and capital. A country responds to threats to transfer economic activities from that country with the lowest level of regulation, which can lead to a 'race to the bottom'. The opposite phenomena can also occur when in integrations, such as the

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<sup>2</sup> Like social constructivism, emulation (Dobbin et al., 2007) follows the example of sociological institutionalism.

European Union, countries with high standards of regulative protection strive for the adoption of equal standards also in other countries, which is defined as a 'race to the top' (Simmons and Elkins, 2004: 173; Unger and van Waarden, 1995: 18–19) to attract investors (capital) with favourable taxes, and to provide export markets.

*Coercion* can be an important factor of policy change when governments of strong countries, international organisations or non-governmental organisations impose the acceptance of a new public policy on another country (Dolowitz and Marsh, 1996; Dolowitz and Marsh, 2000) using: conditioning, policy leadership or hegemonic ideas (Dobbin et al., 2007: 455–456). *Conditioning* includes coercion of conditions in order to receive help, a loan and similar. *Policy leadership* occurs in a situation where the co-ordination of public policies between individual countries is needed, with the public policy of a given important (strong) country acting as a central point that defines the importance of a certain theme. The stronger country can unwittingly influence the policy decisions of other countries unilaterally by changing its status quo. *Hegemonic ideas* influence public policies through cultural means or ideological channels used by the dominant actors/countries to influence policy actors in other countries with regard to their definition of policy problems and classification of potential measures. The mechanism of hegemonic ideas, while slightly overlapping the emulation mechanism, differs from the latter by including an active dominant actor that influences policy ideas in a given country from the outside (Dobbin et al., 2007: 456).

### Policy learning in post-socialist countries

The examination of how learning influences policy formation has mainly been oriented to the development of theoretical concepts, while empirical studies on the influence of learning in the real world of policy formation are rare (Dunlop and Radaelli, 2013: 601; Freeman, 2006). In our estimation, this particularly applies to post-socialist countries.

Based on research on learning in policy formation in Russia, Poland, Estonia and Lithuania, it can be concluded that political learning was prevalent in post-socialist countries. For the domain of housing policy in Russia, Trofimov (2010: 297) thus finds that learning influenced governmental policy actors in four areas: it influenced the understanding of policy constraints, the control over the rapidity of policy change, changes in decision-making procedures, and the contents of public policies. During the transition, Russia saw a symbolic<sup>3</sup> formation of housing policy that included uncritical

<sup>3</sup> *The ceremonial nature of policy formation includes the use of symbolic values and the ensuing reference to tradition, myths and ideologies, which mystifies the origin and legitimacy of its existence. The*

acceptance of advice from neoliberal economists (Trofimov, 2010: 299), which excludes instrumental learning oriented to resolving social problems. Trofimov even estimates that there was more instrumental policy learning between the 1920s and 1950s in the otherwise non-democratic policy formation process during the Soviet Union.

In Poland, learning in the field of environmental policy in the 1990s mainly existed within advocacy coalitions and as political learning about the meaning of systematic readiness to co-operate in the process environmental policy formation<sup>4</sup> to assert the interests of advocacy coalitions. During this period, the basic characteristic of Polish environmental policy is its approximation to the legislation of the EU which, however, because of the prevalence of the copying of public policies, cannot solely be addressed through the concepts of learning (Andersson, 1999: 123). In the 1980s, Polish environmental policy also saw other forms of learning, namely instrumental learning. For the example of forming research policy in Poland, Jablecka and Lepori (2009) find that public policy learning existed in the field of technical aspects of problem-solving, and less so in defining the principal goals of research policy. During the early 1990s, an important factor of learning was the need to urgently find solutions, which limited the possibility of learning because policy actors faced sudden and unexpected changes within a short time.

Tavitsova (2003) finds that in Estonia and Latvia policy learning existed in the process of making a new pension policy in Estonia, while Latvia adopted the pension scheme from Sweden in the form of a policy transfer (copying).

Just as studies of policy learning in transition countries are estimated in our study to be rare, so too are studies of policy diffusion mechanisms in policy formation in transitional countries. In their research into policy diffusion mechanisms, Maggetti and Gilardi (2015) analysed 114 scientific articles in the field of policy diffusion written between 1990 and 2012, including three articles addressing transitional countries (Russia, Estonia, Lithuania and China).

### *Policy learning research in Slovenia*

Also in Slovenia past studies of policy learning are rare and estimated to mainly entail contributions to theoretical consideration of the field that express growing interest in the concept of learning in public policies. Moreover, like on a global scale also in Slovenia empirical studies about the presence of learning in policy change are scarce.

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*opposition to the ceremonial nature of policy formation is the instrumental nature of policy formation that is oriented to resolving social problems (Bush, 1989; Trofimov, 2010: 299).*

<sup>4</sup> *"In the 1980s it was much easier because all you needed to say was that the communists are stupid, that they had done the wrong things... It was not necessary to prove that we were right". (Andersson, 1999: 125)*

In the context of addressing the open method of co-ordination, Fink-Hafner (2010: 19, 29) mentions learning from others or selective policy importing and policy adjustment used elsewhere and/or with international policy co-operation as mechanisms of national policy adjustment to changes in national and global relations. Lajh and Štremfel (2011: 58–60) examine policy learning at the theoretical level within the open method of co-ordination which they consider a process of policy learning between EU member states, pointing out policy diffusion, transfer, change and convergence as constituents of policy learning. They denote policy learning as a central mode of governance or an essential constituent of it. Dobroti (2012: 36, 183) researched the formation of family policy on the harmonisation of paid work and family obligations in post-socialist countries and in Slovenia through the approach of learning from others. In the example of the open method of co-ordination in the formation of education policy, Štremfel (2013) finds the prevalent significance of policy (instrumental) learning and the presence of social learning.

In the continuation of the article the presence of policy learning and diffusion in policy change during post-socialism will be analysed through a case study of a change in hunting rights in wildlife policy.

### **A case study of policy change in wildlife policy**

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The purpose of the case study is to examine the presence of policy learning in the formation of wildlife policy in Slovenia during post-socialism, while taking the mechanisms of policy diffusion into account. In the light of the growing expectations concerning learning in policymaking, and the gaps in knowledge in the field, we posed the following research question: “What was the impact of forms of policy learning on policy change in hunting rights within the wildlife policy in post-socialism?”.

The chosen case study refers to wildlife policy in Slovenia in the period from 1990 to 2004, which is a suitably long enough period for examining both public policymaking and the impact of learning given that the examination should extend over one decade or longer (Radaelli, 2009; Sabatier, 1993).

#### *Methodological approach and data collection*

Learning is only one of the factors of policy change, which is why in our devising of the methodological approach we took account of the fact that the practice of research into policy learning rarely tests the zero hypothesis, namely, that learning was not present and that learning is a complex concept involving diverse mechanisms (Radaelli, 2009). Our study tested the influence of policy diffusion mechanisms as an alternative to learning as the factor of policy change.



Data on the presence of learning were collected in three steps. The first step involved examining policy change in the field of hunting rights. This was followed by an analysis of the presence of learning in wildlife policy formation in the period under study. Before the measurement, learning was defined in three forms: instrumental learning, social learning and political learning. For each of these forms, indicators were used through which the presence of the individual form of learning can be perceived 'at first sight' (*prima facie*). Only in the case the 'at first sight' presence of learning was perceived (which does not guarantee the actual presence of learning) was further evidence on the actual presence of learning analysed (May, 1992: 336). The third step involved testing the zero hypothesis, i.e. that in the process of wildlife policy formation learning was not the key factor because policy change was also decisively triggered by mechanisms of policy diffusion: emulation and economic competition and coercion (Dobbin et al., 2007).

Indicators of the presence of instrumental policy learning involve policy change at the level of policy measures and organisational structures. In the domain of policy instruments, evidence of the presence of learning consists of the existence of a formal evaluation of the past policy, the focusing of analyses on the success of the policy, cost-benefit analysis, the stakeholders' concerns for the quality of analysis ('watchdogs') (Radaelli, 2009), the existence of an analysis of feasibility, and reference to studies and analyses as the basis for learning from others (May, 1992). The indicator of learning from the policy diffusion mechanism aspect is the existence of data on the success or failure of the policy in another country that were available to policy decision-makers (Maggetti and Gilardi, 2015: 4-7).

Indicators of social policy learning involve changes of goals and/or fields of a public policy (such as its orientation, its perception by the target groups, granted and revoked rights related to the policy field) (Radaelli, 2009). Evidence of social learning is a change in the predominant beliefs concerning the causes of a policy problem or solutions in a certain policy field contained by a policy paradigm, and which can be operationalised with these elements: focus (the object of action, the time dimension, the mode of cooperation with other actors, the kind of action, the degree of institutionalisation, the inclusion of other sectors), the concept of the field, the responsibility for the object of action (individual/social; a certain group) and kinds of actions (policy measures) (Lewis, 1999).

Indicators of political learning are changes in the political strategies of policy advocates of individual proposals (such as a change of policy arena, new arguments, or the use of new tactics for drawing attention to a problem). The presence of political learning is proven by the policy actors' awareness of the relationship between a political strategy and political feasibility in a given advocacy coalition (May, 1992).

In examining the presence of policy diffusion mechanisms, indicators of *emulation* include the following: identifiability of the leading countries, the existence of a theoretical professional discussion on the effects of public policies and the perceived similarities between the countries (structural equivalence) (Dobbin et al., 2007). Indicators of the existence of *economic competition* in sectorial public policy include: the presence of competitors, the existence of economic fields important for the state, and the relatedness of policy decisions with competitive advantages (Dobbin et al., 2007: 459; Maggetti and Gilardi, 2015).

The indicator of *conditioning* is the identification of actors or states that exert coercion and of the connection between their efforts and an increased possibility of adopting a public policy. The existence of an active and dominant actor is an indicator of coercion through *hegemonic ideas*.

Our study includes an analysis of expert sources, primary policy documents, in-depth social-scientific interviews with important stakeholders, and debates between Members of Parliament in the process of adopting the Wild Game and Hunting Act in the 1990–2004 period. Articles from *The Hunter*, the professional journal of the Hunting Association of Slovenia, written between 1990–2004 were used and a base of digitalised selected articles (160) was made that addressed the formation of the legislation on wildlife policy or the related contents.

## Policy change in the field of hunting rights

Hunting rights are both a regulative and an economic policy instrument of wildlife policy. As a regulative instrument, they contain wildlife-related hunting rights and obligations that can be sanctioned in the event they are contravened (such as exceeding a planned culling). Hunting rights as an economic instrument act upon the target groups through the distribution or redistribution of wildlife-related resources (e.g. whose are the benefits and whose the costs), and contribute to realisation of the wildlife policy goals through value exchange. Legally speaking, hunting rights represent the whole of the wildlife-related benefits of a land owner (Podvršnik, 2004: 13) and can also be described as the range of benefits that can be enjoyed by the holder of rights to goods or assets (Pearse, 1990: 177–81).

Among the provisions of the Act Regulating the Protection, Breeding and Hunting of Wild Animals and the Management of Hunting Grounds (1976) and the Wild Game and Hunting Act (2004), a policy change of hunting rights is defined according to the classification of policy change (Hemerijck and Kersbergen 1999: 174) for the adjustment of institutions or more precisely their patching, and means an alteration of the existing institutions

with additional rules and procedures which, due to external factors, eliminate pressures in the existing institutional order.

From 1976 to 2004, hunting rights belonged to hunting organisations that carried out hunting activities and managed wildlife, including on private properties free of charge (without paying compensation to land owners). After the Wild Game and Hunting Act was adopted, hunting rights belonged to the state that transferred them in the form of concessions to hunting organisations. The concession fee for wildlife management is not shaped by the market, but is calculated as the difference between the income derived from wildlife meat sales and compensation for damage, and the value of biotechnical and biomeliorative works. Members of hunting organisations thus do not pay personally and directly for their hunting activities, as was the case before the Wild Game and Hunting Act was adopted, but the source of the concession fee is the income from hunting activity made in the market. Thus, in both the period of socialist self-management and in the post-socialist period landowners could not expect an income from the sustainable wildlife management on their land.

### *Social policy learning*

No indicators of social learning were perceived in hunting rights within the wildlife policy in terms of changes in goals or orientations of wildlife policy, changes in target groups' perception, and the granting or revoking of wildlife management-related rights. In comparing the general goals of wildlife policy comprised in the Act Regulating the Protection, Breeding and Hunting of Wild Animals and the Management of Hunting Grounds of 1976 and the Wild game and Hunting Act of 2004, we found that the goals have not changed significantly, which is why we cannot conclude that social learning was present. Both Acts are oriented to wildlife protection and related nature protection, while their goals do not include the economic aspect or the benefits of the wildlife or land owners, or a consideration of land owners as beneficiaries of wildlife management, which would be an indicator of social learning from the aspect of the target group's changed perception or a change in wildlife-related ownership rights. Further, hunting organisations maintained their hunting rights and decision-making powers in wildlife management.

The 1976 Act defined the goals of wildlife management with a provision stating that "within nature protection the balance of wild fauna and flora shall be maintained in space as one of the basic conditions for maintaining the natural human environment" (Article 1). The general goal of the Hunting and Wild game Act is the maintenance and protection of wildlife as a natural asset, the preservation and increase of biological and landscape diversity

and stability of biotic communities, maintenance of a balance between individual wildlife species and their balance with the environment providing their living conditions (Article 1). While the Act mentions the provision of the economic function of wildlife (Article 1), the executive level of the Act that defines the hunting rights does not give grounds for a conclusion that this goal is an important or a more important one than the past goal included in the 1976 Act.

### *Instrumental policy learning*

While changes were detected within hunting rights, which indicate instrumental learning, namely the payment of a concession fee and a determined time limit for the hunting rights (20 years), there is no real evidence to corroborate learning. According to the draft Wild Game and Hunting Act (EPA 995-III), these adjustments do not ensue from the evaluation that the former choice of instruments was inefficient for achieving the wildlife policy goals, but the cause of the change is the incompatibility of the existing instruments with the constitutional order and the regulation of the field under the Environmental Protection Act (1993). The payment of concessions for the management, use and exploitation of state-owned natural goods is stipulated by Environmental Protection Act of 1993 (Article 21), which is why we cannot regard the legal stipulation of the concession payment as either a policy innovation or the result of instrumental learning in the process of wildlife policy formation.

Concerning hunting rights, it can be corroborated that the choice of instruments is also a political choice rather than simply a technical procedure, as is often understood when the subject under discussion is a redistributive or distributive public policy (Howlett and Ramesh, 1993). In considering the proposed changes to hunting rights we did not detect any systematic assessment of the effects of the hunting system in socialist self-management as defined by the 1976 Act. The subject of instrumental learning is the policy community in the field of hunting whose assessment of the hunting regulations was mainly experiential and showed that the hunting field was adequately regulated in terms of the achievement of the basic goals of wildlife management<sup>5</sup>. Evaluation and cost-benefit analysis are also not included in the draft Wild Game and Hunting Act (EPA 995-III).

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<sup>5</sup> All political parties, except the New Slovenia party (Nsi) and Association of Forest Owners and Hunting Beneficiaries, agreed with the assessment of the conformity of hunting rights owned by hunting organisations. Discrepancies only existed in what is the role of local communities with regard to granting concessions (see *Državni zbor Republike Slovenije [National Assembly of the Republic of Slovenia] 2003b; 2004*).

### *Political learning*

In the process of adopting wildlife policy in post-socialism, the two prominent actors were the Hunting Association of Slovenia, which advocated the state ownership of hunting rights, and the Association of Forest Owners and Hunting Beneficiaries (*Zveza lastnikov gozdov in lovskih upravičencev*) that strived for hunting rights owned by landowners. What was most obvious was the awareness of the advocates of the Hunting Association's interests about the significance of the political strategies. Member of Parliament and hunter Igor Bavčar says (1996: 435): "To be sure, the success of our efforts will depend on our political power in the Slovenian Parliament". In being aware of the significance of political power, as indicated in Bavčar's statement, the Hunting Association acted strategically to increase this power. The interests of the Hunting Association were actively supported by its members who are also representatives of the parties that publically advocated the rights of landowners (Slovenian People's Party) (personal interviews with officials from the Ministry of Agriculture, Forestry and Food of the Republic of Slovenia, *Predstavnik\_MKGP\_1*, 2011; *Predstavnik\_MKGP\_2*, 2011; *Predstavnik\_MKGP\_3*, 2011; Toš, 1999).

The advocates of private hunting rights showed a limited understanding of what political action in policy processes is, which is expressed in the statement: "I have been repeating one and the same thing for 18 years, everybody knows it" (personal interview with a representative of the Interest group, *Predstavnik\_Interesna\_1*, 2011). When asked about the possibility to connect within a coalition, our interlocutor replied: "I have a different view, I see it as so self-evident that I find it abnormal to look for a coalition to support me. I do not demand anything abnormal, I only want what people already used to have, and to further taint this with ecological tones. I have never thought it appropriate to look for somebody to vote for me. I build on respect for nature, the Constitution and the international order". As part of political learning, we also understand the advocacy of programme ideas in which policy frameworks comply with the public mood (Campbell, 2002). The interest group for private hunting rights has not learnt in this field since, despite the remark that the financial aspect of hunting along with "what they will benefit from it" was overemphasised in their presentations, its communication with the public did not change (*Predstavnik\_MKGP\_1*, 2011). The advocates of private hunting rights did not change their strategy throughout the period of shaping the new legislation on wildlife policy, which points to the absence of political learning.

### *Mechanisms for policy diffusion in wildlife policy*

While an integrated regulation of hunting rights<sup>6</sup> does not exist in Europe, according to the main regulations hunting rights belong to the landowner. Hunting rights were denationalised and returned to landowners in some post-socialist countries, such as Latvia, Slovakia and Estonia.

Hunting rights belong to the landowner in the following countries: Austria, the Czech Republic, Denmark, Estonia, Finland, France, Croatia, Germany, Latvia, the Netherlands, Norway, Slovakia, Spain, Sweden, Great Britain, Ireland and Belgium, covering a total surface area of 3.4 million km<sup>2</sup>. Hunting rights are owned by the state in Bulgaria, Italy (for example, the province of Southern Tirol), Hungary, Switzerland and Portugal. In Poland, hunting rights belong to members of the Polish Hunting Association with the state being the owner of the wildlife. The surface area of these countries totals 0.813 million km<sup>2</sup>. The regulation of hunting rights in Slovenia is similar to that in Montenegro and Macedonia (FACE, 2012; Podvršnik, 2004; Ude et al., 2006).

The existence of *learning* as the policy diffusion mechanism could be corroborated if policymakers had access to the data on the arrangement of hunting rights in the countries in which they are regulated in the same way as in Slovenia, such as Bulgaria, in individual northern Italian provinces, Hungary, Montenegro or Macedonia, which could lead to conclusions that the decision-makers learned from these countries. However, the review of Slovenian expert literature on wildlife policy did not reveal a single article that examined hunting rights in the abovementioned countries, and therefore the learning mechanism cannot be corroborated. Similarly, none of the articles that were reviewed referred to countries in which the regulation of hunting rights is the same as in Slovenia under the draft Wild Game and Hunting Act. The Rules of Procedure of the National Assembly lay down that a draft Act should contain a demonstration of the proposed regulation in no less than three legal systems of EU member states (Article 115). The proposed Wild Game and Hunting Act contained a demonstration of hunting regulations in Germany, Austria and generally in Italy as EU members in the examined period; and in Croatia.

<sup>6</sup> *The ownership regulation of hunting rights is also called hunting systems. Regal or licensing and dominal-leasing or controlled hunting zone systems prevail in Europe. A rare form of hunting system is a state monopoly in which the state itself carries out all hunting-related activities (an example is the Swiss Canton of Geneva where hunters are civil servants). A regal or licensing hunting system is based on the division of wildlife ownership from land ownership, and hunting rights are independent rights unrelated to the land ownership right. Wildlife is either the property of the state (for example in Switzerland and Italy) or 'nobody's property' – 'res nullius' (such as in Portugal). Hunters can hunt in the whole territory of the country on the basis of hunting permits – licences. The dominal-leasing or controlled hunting zone system stems from the ownership relatedness of hunting rights and land, with wild game in this system in principle being free property (Podvršnik, 2004: 115).*

The study cannot corroborate the existence of *emulation* mechanisms since we could not perceive a leading country in the hunting rights domain in Europe, which Slovenia would imitate, and no indication was found of the existence of Slovenian theoretical professional discussions about the impact of the wildlife policy, nor of the examination of similarities between countries (structural equivalence). Slovenia adopted a regulation of hunting rights that is comparable to the regulation of countries having 20% of the surface area of all the countries presented above, which is why we can conclude that it is not following a leading country or accepting a dominating regulation in Europe. Further, Slovenian professional literature in the area of wildlife policy<sup>7</sup> does not reveal any systematic expert examinations of hunting rights in countries such as Bulgaria, Portugal or Switzerland where the holder of hunting rights is the state, and which would provide an adjustment to the normative environment and the ensuing social acceptability of the new regulation of hunting rights. During the process of adopting the Wild Game and Hunting Act in the National Assembly, the database of accessible data and information on the regulation of hunting rights in Europe was empty, which also explains why the MPs in their parliamentary debates<sup>8</sup> did not address regulations in other countries. The MPs who advocated a larger influence of landowners through hunting rights referred to the 'European' principles of the respect of ownership rights, while the proposers of the Act did not use examples of other countries in this field, and generally did not address the significance of the international comparability of the future regulation of hunting rights in Slovenia, which is expressed in an opinion of a proposer of the Wild Game and Hunting Act: "... if the state finds that we have any special regulation in an area, this would certainly be good, and if this proves unique in Europe and beyond, all the better, because this will make Slovenia better and right in something<sup>9</sup>".

Since no competitors or argumentation of policy decisions were perceived from the aspect of competitive advantages, no mechanisms of *economic competition* were detected in our study. Moreover, wildlife management in Slovenia is not considered an important activity and hunting-related services do not compete in international markets and do not require extensive investments within the free flow of capital.

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<sup>7</sup> Review of expert journals (COBISS, *The Hunter [Lovec] years 1990–2004*).

<sup>8</sup> National Assembly of the Republic of Slovenia. 2003. Verbatim record of Session 30 in 31. National Assembly of the Republic of Slovenia. 2004. Verbatim record of Session 33. National Assembly of the Republic of Slovenia. Committee on Agriculture, Forestry and Food. Sessions 44. 2003 and 45. 2004. Verbatim records.

<sup>9</sup> National Assembly of the Republic of Slovenia. Committee on Agriculture, Forestry and Food. 2003. Verbatim record of Session 44, 13 November.

## *Coercion*

Considering their subject matter, hunting rights can be classified within the regulation of ownership relations in wildlife policy, and there is no international actor in this field that would force Slovenia to make the choices that were enacted by the Wild Game and Hunting Act via the conditioning or enforcement of hegemonic ideas. While adoption of the Act took place during almost the entire period of Slovenia's accession to the European Union, which could have influenced Slovenia's decision-making, this did not happen. Since wildlife policy is not the subject of a common EU policy, and since during the accession process the ownership relations were not foregrounded due to the Treaty Establishing the European Economic Community (1957) and Article 222 thereof laying down that the "This Treaty shall in no way prejudice the rules in Member States governing the system of property ownership.", the EU was not active in the shaping of new forms of ownership in the accession states. From the outset, the EU accession process in post-socialist countries was based on technical and financial assistance (Sedelmeier and Wallace, 2000) and, later, on conditioning, but it lacked the political aspect or process of external governance, namely social learning and learning from others (Schimmelfennig and Sedelmeier, 2004: 667-668). This can explain the EU's small influence on hunting rights.

## **Conclusion**

Contrary to the expectations, the systematic analysis of resources (documents of the National Assembly, the Hunting Association of Slovenia, the Association of Owners of Forests and Hunting Beneficiaries etc.) for the period 1990-2004, and the comparison of legislation in the field of hunting rights of other (Eastern) European countries reveal the weak influence of policy learning on the formation of Slovenian hunting legislation in post-socialism, and the concurrent absence of policy diffusion mechanisms. The adjustments of the wildlife policy to the market-capitalist economy and democratic political regulation after 1990 were not based on integrated policy learning. The main factors in the formation of wildlife policy were self-interests, largely the concerns of the interested public (i.e. the hunters) that used political learning to achieve their goals, without this applying to other stakeholders (such as owners of forests and agricultural lands). Despite radical institutional changes to the political and economic system in the democratic transition, no indicators of social learning were perceived, including a change in goals and a redistribution of the benefits and costs with the owners of agricultural lands and forests also in the new regulation remaining not entitled to income from wildlife management on their land properties.



While individual signs of instrumental learning were detected, they were not provable in the same way as they were for political learning. We may conclude that changes in the institutional framework of policymaking during the social transition are not a sufficient condition to provide a major role for integrated policy learning in policymaking processes. This conclusion can be further corroborated by the dominant presence of political learning in some other transitional countries (e.g. Russia, Poland).

The policy change in hunting rights was mainly influenced by internal factors in the Republic of Slovenia since no policy diffusion mechanisms, such as emulation, economic competition or coercion, were detected. For the first time in Slovenia, this research study employed the policy diffusion approach, which is why we cannot compare our results with any other research findings in Slovenia. To generalise the findings for other sectorial policies, further research into the policy diffusion of sectorial policies of natural resources management would be needed.

This research study was mainly descriptive in nature in terms of detecting the existence of learning at the macro-level of the wildlife policymaking process. To further interpret the factors of learning, micro-mechanisms of learning should be included, as more recently developed by researchers (e.g. Dunlop and Radaelli, 2013; Frantz and Sato, 2005; Heikkila and Gerlak, 2013). We also estimate that the explanation of changes in the contents of hunting rights could benefit from approaches based on institutional changes that account for the stability of a public policy.

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