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# SEARCHING FOR GREEN INTERESTS

AN ANALYSIS OF WHETHER FINNISH  
ENVIRONMENTAL ORGANIZATIONS FULFILL THEIR  
POTENTIAL ON THE NATIONAL AND EU LEVELS

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The main theme of my thesis is environmental interest groups and how they navigate in multiple levels of decision making. It is the purpose of this study to find out if environmental NGOs operating on the national level are fulfilling, or even aware of, their potential on both the national and EU level. Since the establishment of the EU the power relationships of the different actors have been changing. Today, interest groups have potentially more power than ever before. Although, when observing the situation from the outside it appears as if the organizations are not taking a full advantage of the situation.

In the research most attention is paid to the lobbying activities of the NGOs on both levels and if anything is achieved by it. Also, the plan is to find out if environmental organizations in Finland are aware of the, mostly legal, opportunities they have on the European level: Finland has been brought in front of the ECJ for infringements of the EC law, in the policy area of environment, by the Council numerous times, but extremely rarely has an environmental organization taken legal action against the state. The question arises why not? Do they not have the resources or knowledge to do so? Or could it be the case that they are supplying the Commission with the evidence needed to pursue legal action?

The main theoretical concept used in this research is multi-level governance. Environmental interest groups act successfully on many different levels ranging from the local communities to the international level. Multi-level governance inspects how different actors, varying from institutional to non-governmental, act and impose their influence on different levels of governance. The secondary theory deals with interest groups and how they interact with other actors on multiple levels of the decision making. This theory concentrates directly to interest groups and the possibilities they have on the EU level.

For the purpose of this research, seven Finnish environmental organizations were interviewed. The list of seven includes all the major environmental NGOs based or branched out to Finland. They are all nationally influential and have a great potential to act internationally, if they are not doing so already. These interviews also constitute the main research material for this thesis.

The amount of resources available to the organizations plays an immense part in how well these nongovernmental organizations fulfil their potential in any level. The larger organizations with bigger pool of resource do seem to be aware, and take advantage, of the possibilities they have on both the national and EU levels. However, on the EU level it is possible for a smaller national level organization to belong to an International or EU level organization and, hence, have relatively more power on the EU than on the national level.

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## **Introduction**

Originally, when the European Union (EU) was established in the 1958 Treaty of Rome, there was no mention of environmental policies of any kind. This is not really that surprising considering that originally the purpose of the Union was purely economic and integration was only in its infancy. Also, at the time environmental issues were not high up in the agendas, if they were there at all, of the decision makers.

It took almost twenty years, and a major shift in the public opinion, for the EU to develop its own environmental goals in the form of Environmental Action Plans. Although it was not until the beginning of the 1990s when the Union's environmental policy was substantially expanded and sustainable development added as one of the central objectives. The change in public opinion happened in the 1980s, when suddenly ordinary citizens' environmental awareness began to grow. This translated to the increased popularity of the green parties all over Europe. As per usual, the legislators were somewhat behind, and it took almost a decade for the EU to develop its legislation to match the attitudes of the people.

Although, it is not only legislation that has increased during the last few decades, the Union's opportunity structure for interest groups has also expanded as well as deepened alongside with integration. At the time of Treaty of Rome, lobbying was very much concentrated on the national level. Today, several decades later, lobbying the European Union's institutions is an everyday occurrence in the lives of numerous advocacy groups and Brussels is a host for numerous offices of several different kinds of interest groups.

The Green movement has also developed for a small group of activists to a true counter force to commercial interests. The biggest environmental organizations today are as well resourced and have the same opportunities of influence as any advocacy group. The theory is that most environmental nongovernmental organisations (NGO) have utilized that opportunity and lobbying, for example, has become an important 'tool' to achieve policy and legislative goals. Although it

must be noted that for environmental NGOs lobbying is never the end itself, as it might be for some other advocacy groups, but a way of achieving whatever goals they have set out to reach.

Lobbying on the national level is of course very important. Regardless of the actions of the EU, member states can and should still develop their own legislation and policies. Also, minor local disputes should be resolved on the lowest level possible, as unnecessary bureaucracy has a tendency to complicate matters further. The EU level, however, has opened up a whole range of possibilities to interest groups. All of the EU institutions are open for lobbying, except the European Court of Justice (ECJ), which has effectively created an opportunity for advocacy groups to influence the European level legislation.

At least that is the theory. It is the purpose of this study to find out if environmental NGOs operating on the national level are fulfilling or even aware of, their potential on both the national and EU level. Since the establishment of the EU the power relationships of the different actors have been changing. Today, interest groups have potentially more power than ever before. Although, when observing the situation from the outside it appears as if the organizations are not taking a full advantage of the situation.

In the research most attention is paid to the lobbying activities of the NGOs on both levels and if anything is achieved by it. Also, the plan is to find out if environmental organizations in Finland are aware of the opportunities they have on the European level: Finland has been brought in front of the ECJ for infringements of the EC law, in the policy area of environment, by the Council numerous times, but extremely rarely has an environmental organization taken legal action against the state. The question arises why not? Do they not have the resources or knowledge to do so? Or could it be the case that they are supplying the Commission with the evidence needed to pursue legal action?

The general topic of interest groups interaction with the European Union has been somewhat, but not overly, researched, and most of the relevant research data is used in the theory section. However, as for the specific research question, of Finnish NGOs fulfilling their potential on the EU level, no practical study has focused on it. Also, the question of national NGOs possibly feeding information to the Commission has been widely theorized (Greenwood, 2003; Börtzel, 2001) but never proven in practice. Hence, a gap on the previous research material was established.

In order to find answers to these questions a series of interviews were conducted. A total of seven environmental organizations operating in Finland were interviewed:

- Dodo
- Friends of the Earth Finland
- Animalia
- BirdLife Finland
- Greenpeace Nordic
- WWF Finland
- The Finnish Association for Nature Conservation (FANC)

The list contains all the major environmental NGOs based or branched out to Finland. They are all nationally influential and have a great potential to act internationally, if they are not doing so already. More detailed introduction to the environmental organizations will follow later in this chapter.

Interviews were chosen as the method for this research as the information that was needed could be classified as ‘unofficial’. For example, just by going through the ECJ’s Eur-LEX database, it is obvious that there have been many legal infringement proceedings, in the main area of environmental law, initiated. However, just by reviewing these documents it is impossible to know if the local environmental organizations have been involved with the cases. The same principle applies to lobbying: most of it happens away from the public eye, for example in the form of unofficial meetings. In order to gather the needed information, there was no other choice than to go straight to the source of information,

As for the theoretical framework of this study, multi-level theory was an obvious choice. Multi-level governance was developed as a contrast to the more traditional state-centric theories. It takes into account a variety of actors, including interest groups, and emphasizes their role in the European decision making process. The theory of multi-level governance inspects how different actors, varying from institutional to non-governmental, act and impose their influence on different levels of governance. Although, the theory is less focused on the actions of states, it has to be noted that multi-level governance does not exclude states as important actors nor does it exclude EU institutions. The existence and development of EU environmental policy, with its complex decision making processes and the involvement of state and non-state actors, is considered as a good example of multi-level theory in action. In fact, Fairbrass and Jordan argue that “environmental policy is a case *par excellence* of the dispersion of authoritative decision-making across multiple territorial levels.” (Fairbrass & Jordan, 2005: 148)

Adding on to the Multi-level theory, my secondary theory deals with interest groups and how they interact with other actors on multiple levels of decision making. This theory concentrates directly to interest groups and the possibilities they have on the EU level. New social movements, such as the environmental movement, have gained influence through wide network of lobbying and, as an extreme action, litigation. Interest groups have a distinct role on the policy making process on both national and the EU level, making them a force to be considered by the policy makers.

### **Interviewed Environmental Organizations**

As mentioned before, for the purpose of this study seven Finnish environmental organizations were interviewed. The group contains all major and influential environmental NGOs operating in Finland. They are all of different sizes and have different areas of interests, perhaps overlapping in some instances.

#### **Dodo**

Dodo is undoubtedly the smallest, yet the most distinctive one of the group. Although it operates nationwide, it has 300 members, with most of them concentrated in the southern Finland (Interview, Dodo, 22.01.2010). What makes Dodo stand out from the group is, that it is targeted entirely for urban people and it is concentrated on urban problems and development cooperation projects. Dodo's main activities include the organization of discussion groups, projects, and public events. Its biggest annual event is the urban festival Megapolis that regularly draws big crowds with relevant speakers and urban activities (Dodo). Dodo's funding comes mostly from members. For different projects additional funding can be acquired from the government. As the resources are so limited, Dodo is run purely by volunteer workers and so has no permanent staff. (Interview, Dodo, 22.01.2010)



## Friends of the Earth Finland

With about five hundred members nationwide, Friends of the Earth (FoE) Finland can be classified as one of the smaller environmental organizations in Finland. Though small in terms of the number of members, FoE has been able to establish active local divisions around the nation. The organization is mostly funded by membership fees and subsidies from the state. FoE has employed some office personnel, and for some subsidized campaigns project managers, however, they do not employ any other personnel like executive manager. (Interview, FoE, 11.03.2010)

It is stated on the FoE webpage that the organization “has many objectives but one goal: a just, democratic and sustainable world, where economy and governance serve the people and environment and not the other way around.” ([www.maanystavat.fi](http://www.maanystavat.fi)) Their activities vary from grassroots level to the international level. FoE’s main areas of interest right now are climate change, GMO, and over consumption. However, as the organization is mostly run by volunteers, the areas of interests are mainly chosen according to the personal interests of the activists and are volatile. (Interview, FoE, 11.03.2010)

## Animalia

Animalia is the only organization in the group that is solely concentrated on animals, and more specifically production animals. The organization has about six thousand members and can uphold a staff of six members, including an executive director. (Interview, Animalia, 31.03.2010) The main idea behind all the activities for Animalia is “to enhance the recognition of animal rights as well as to improve the status and the wellbeing of animals in our society. Animalia is against any treatment, breeding and use of animals that causes suffering or prevents them from exhibiting their natural behavior. “ ([www.animalia.fi](http://www.animalia.fi)) The organization has three main areas of interest for both national and international level: animal experimentation, factory farming, and fur farming. The main activities that Animalia practices are campaigning, publishing of information, and influencing the legislation, attitudes and practices. ([www.animalia.fi](http://www.animalia.fi))

Animalia is a member of three international environmental organizations: Eurogroup for Animals, European Coalition to End Animal Experiments (ECEAE), and Fur Free Alliance. From the three organizations, Eurogroup for Animals is the biggest and perhaps the most influential on the EU level. (Interview, Animalia, 31.03.2010)

## BirdLife Finland

BirdLife Finland is an umbrella organization for more than 30 local bird societies nationwide. The organization has more than ten thousand members (Interview, Birdlife Finland, 08.02.2010), although, as with all ceiling organizations, the members have foremost joined the local bird society and as a byproduct gain the membership of the umbrella organization. The main area of interest for BirdLife Finland is birds and the main goals of the organization is to “promote bird watching, bird research and protection of birds, their habitats and biological diversity” ([www.birdlife.fi](http://www.birdlife.fi)) The strength of BirdLife Finland lies in the local societies as they are very active and full of bird enthusiasts. The organizations activities include numerous birding courses, tours and camps. Bird watching tours are also conducted abroad.

Birdlife Finland is also a member of BirdLife International, a worldwide network for national organizations. BirdLife International has 2,5 million individual members operating in over one hundred countries. Unlike BirdLife Finland, its international equivalent is concentrated on general nature conservation, including but not limited to birds. (Interview, Birdlife Finland, 08.02.2010) BirdLife International is said to be among the most influential environmental organizations operating on the European level.

## Greenpeace Nordic

Greenpeace has had offices in Sweden, Denmark, Norway, and Finland since the 1980s. In 1998, these offices were combined to create Greenpeace Nordic, with headquarters in Stockholm. Greenpeace does not accept funding from any government or a company, hence, funding relies solely on the ‘supporters’, that is, private citizens who chose to donate money on a

monthly basis to the organization. Greenpeace Nordic has more than 100 000 supporters ([www.greenpeace.org](http://www.greenpeace.org)), from which around 25 000 are located in Finland.

Greenpeace is a campaign organization with very specific areas of interest: climate and energy (including nuclear), preservation of forests around the globe, preservation of the seas, and environmental toxins (Interview, Greenpeace Finland, 05.02.2010). These campaign areas are global and it is the responsibility of each individual country office to implement the campaigns within local context. Greenpeace Nordic belongs to the umbrella organization of Greenpeace International. Greenpeace International develops and coordinates the global campaigns and upholds the offices in Brussels. ([www.greenpeace.org](http://www.greenpeace.org))

#### World Wildlife Fund (WWF) Finland

Like Greenpeace, WWF also does not have members in the traditional sense, but donors that donate money to the organization on a monthly basis. However, unlike the Greenpeace, WWF also accepts money from corporate and governmental sources. WWF Finland has over 65 000 private donors (Interview, WWF Finland, 22.02.2010), making it the largest environmental NGO in Finland in terms of ‘members’.

Although, WWF Finland acts independently from its international equivalent, WWF International has a set of global priorities: the conservation of forests, oceans and coasts, freshwater ecosystems, and key endangered species; stopping climate change and ending the use of toxic chemicals. It is the task of the national offices to work towards these goals along with any national conservation projects, for example the Baltic Sea.

WWF is the world's largest independent conservation organization with over 5 million supporters worldwide, working in more than 90 countries, supporting around 1300 conservation and environmental projects around the world. WWF Finland is part of WWF International and contributes funding to the global conservation program, “while all offices help contribute to an enormous pool of environmental expertise and knowledge.” ([www.wwf.fi](http://www.wwf.fi)) The role of WWF international is to “lead and coordinate the WWF Network of offices around the world, through developing policies and priorities, fostering global partnerships, coordinating international campaigns and providing supportive measures in order to make the global operation run as

smoothly as it can.” (www.wwf.fi) On the EU level, WWF is considered to be among the most influential environmental organizations.

### The Finnish Association for Nature Conservation (FANC)

The Finnish Association for Nature Conservation is the largest environmental nongovernmental organization in Finland. The FANC has over 33 000 members and, although technically, WWF Finland has got more ‘supporters’, those cannot be directly compared to active members. FANC also has about 200 local associations spread across the nation. Those local associations act as a foundation for all activities and are vital for the actions the organization takes. (Interview, FANC, 15.02.2010)

FANC has no particular areas of interest, simply to preserve the nature, but campaigns and themes vary. The organization has very good connections to the government, political parties and the media. They aspire, and often succeed in, to be part of the decision making process, on the field of environment, from the very first drafting right till the end. (Interview, FANC, 15.02.2010)

On the EU level FANC a member of as many as five different organizations: European Environmental Bureau (EEB), Coalition Clean Baltic, Climate Action Network –Europe, Green Budget Europe, and World Conservation Union. (www.sll.fi) However, from the five organizations, EEB is the one that FANC works with the most. That is no wonder as EEB is among the most influential EU level environmental organizations.

### **Structure of the Study**

The paper consists of five main parts. The first part, chapters 1 and 2, are dedicated to introducing the research topic and proving the necessary background information. Although EU’s history concerning environmental policy might not be particularly long, however, its rapid development can be perceived as quite remarkable. At the same time it is important to note, that historically the Union has based its environmental protection policy not so much on a belief in the

legitimacy of environmental protection as such, but rather on the assumption that environmental protection measures have economic and, particularly, trade consequences. The fact that economic considerations were one of the primary reasons for the Union's involvement in environmental protection policy is not surprising

The second part, chapter 3, introduces the theoretic background to the study. The main theoretical concept of this study is the multi-level theory. Considering the research theme, Multi-level governance was an obvious choice as the EU is a prime example of different levels of decision making having major effect on one another. In this part of the paper I will introduce the main features of the theory and point out the main types of multi-level theory. To compliment the multi-level theory, the secondary theory framework deals with interest groups: how they navigate through multiple layers of decision making processes and what type of opportunities this creates to them.

The third part, chapter 4, deals with the research method used in this research. As mentioned before, conducting interviews was chosen as the main method of the research. Chapter 4 lays out the main principles of conducting interviews and includes my own experiences from the interview process. As well as the main method, the secondary method of elite interview is also presented in the same chapter, along with its main characters and its differences from the main method.

The fourth part of the study, and chapter 5, is the main analysis. In this part I will go through the materials and present the findings. As the theoretic and methodological backgrounds have been established in the previous chapters, it is the intention of the fourth part of the research to combine the practice with the theory and answer the research questions. The fifth part is the last and concluding chapter of the thesis. In the last chapter the theoretical framework of the research is presented one last time together with the findings and end results of the thesis.

# Five Decades of European Environmental History

## Introduction

Environmental policy is a relatively recent EU policy area. Environmental protection was not initially mentioned in the Treaty of Rome (1958), and it was not until 1972 that the first of a series of European Environmental Action Plans (EAP) was launched. The Single European Act (1986) marked the beginning of a more prominent role for environmental protection in EU policy-making, introducing the principle that environmental protection should be considered in all new Community legislation. EU environmental policy was substantially expanded by the Treaties of Maastricht (1992) and Amsterdam (1997), which made sustainable development one of the EU's central objectives.

Internally, the EU has established a comprehensive system of environmental protection, covering emissions into the air and water, noise, waste disposal, conservation of natural habitats, chemicals and industrial accidents. In general, the EU's environmental policy is underpinned by the 'precautionary principle.' It is based on the 'polluter pays' concept and the management and control of pollution at source. (Johnson & Corcelle, 1997:17)

The EU is the leading authority in Environmental policy. It is one of the most important and far-reaching areas of EU legislation: for example, up to 80% of UK legislation on environmental affairs is estimated to come from the EU (Civitas, 2010). However, critics of EU environmental policy question the efficiency of some measures, arguing that the cost of complying with these regulations leaves European business uncompetitive, especially in the face of increased competition from countries such as China and India, which do not have such strict environmental rules.

## **The Beginning: Focus on the Common Market**

In the very beginning of the history of the European Union, then called the European Community (EC), the Community was considered as an experiment in economic integration, with relatively narrow and specific objectives. It is clear that in the beginning the process of European integration the project was driven primarily by a desire to promote economic cooperation and development. Although an improved standard of living in Europe was one of the main goals of the Treaty of Rome, priority was given during the 1960s to the development of a common market, common external tariffs, and common policies on issues such as transport, agriculture and investment. More related issues to the everyday quality of life of normal people, such as the improvement of working conditions and education, were considered as a much lower priorities. (McCormick, 2008: 183)

The environment was even further away from being a priority, as McCormick observes: “There was no reference to the environment in any of the writings or speeches of Jean Monnet, Robert Schuman or Paul-Henri Spaak, nor in the conclusions of the Messina Conference or the Spaak Committee which preceded the treaties of Rome, nor in the 1951 Treaty of Paris or the 1957 Treaties of Rome.” (McCormick, 2001: 43) As far as the national governments in Europe in the 1950s were concerned, the environment was a policy issue whose significance varied from marginal to non-existent. Article 36 of the EEC treaty even goes as far as to suggest that the protection of the environment should be considered as a national matter that the European Community has nothing to do with. In fact, it has even been argued that Articles 30-34, which prohibits the restrictions on trade, should not exclude restrictions on imports and exports on grounds of “the protection of health and life of humans, animals or plants” (Treaty of Rome, 1957), a clause which is interpreted by Rehbinder and Stewart (1988) as an implication that “the basic competence for environmental protection is vested in the member states.” (Rehbinder & Stewart, 1988: 16)

The first signs of interest in the protection of the environment on an institutional level can be found from the Euratom treaty. (McCormick, 2001: 42) Though the treaty was mainly concentrated on research, investment and supplies, there is a reference in Article 2(b) to the need to “establish uniform safety standards to protect the health of workers and of the general public.” More specifically, Article 30 of the Euratom treaty mentions the need to lay down basic standards “for the protection of the health of workers and the general public against the dangers arising from

ionising radiation” When drafting the first piece of European environmental law, in 1959, Article 30 was used as basis for it. The first binding environmental directive, Directive 59/221, established the basic standards for the protection of the health of workers and the public against the dangers arising from ionizing radiation. (McCormick, 2001: 42-3)

Articles 2, 100 and 235 of the EEC treaty were used as a basis for most of the early pieces of Community environmental law as well as some ”creative interpretations of the Preamble to the EEC treaty” (McCormick, 2001: 43) itself. While the treaty gave the Community competence over very few specific policy areas, and economic integration was clearly a priority, the Preamble did include reference to the importance of improving constantly the living and working conditions of normal people of the member states. (McCormick, 2001: 43) In Article 2 it is included as a task for the Community to promote “a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, [and] an accelerated rising of the standard of living”. (Treaty of Rome, 1957)

Article 100 authorizes the council of ministers, “acting unanimously on a proposal from the European Commission, [to] issue directives for the approximation of such provisions laid down by law, regulation or administrative action in member states as directly affected the establishment or functioning of the common market”. (Treaty of Rome, 1957) Hence, it could be argued that differences in environmental standards among member states formed an obstacle to free trade. This problem could be solved through the harmonization of practices. Originally the Article was interpreted to mean that the Commission could only react to an action by a member state that affected the common market. However, later legal scholars argued that the Commission could use the Article proactively to propose measures even in areas where no EU or national legislation already existed in the member states. (Rehbinder & Stewart, 1988: 21-3)

As for Article 235, for its part it allowed the Council of Ministers to take measures “if action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this Treaty has not provided the necessary powers”. (Treaty of Rome, 1957) This was considered as a loophole into the treaty that was looser in its requirements than Article 100, and has been described as a “juristic artifice” (Freesone, 1991).

It is quite clear that these early measures taken by the Community had no real influence and were not considered effective by any measures. By the end of the 1960s, however, it



was becoming increasingly clear to the leaders and scholars in Europe that hopes for an improved standard of living would come at a cost of severe environmental deterioration. (McCormick, 2001: 45) The realization of this fact made it difficult for the Community to ignore the problem any longer, and ultimately forcing it to approach the environment as a policy issue in its own right.

## **The Environmental Revolution**

One of the consequences of the political, economic and social changes that took place in industrialized states in the late 1960s was that environmental issues moved further up in the agendas of international organizations and national governments. (McCormick, 2001: 46) The Western Europe's public opinion began to turn against the post war ideology of material growth and affluence. As awareness of the limitations of material growth spread, questions began to rise about the quality of life, especially in the middle classes. For example, the civil rights movement gained a lot of competence in relatively short period of time as well as the movements against the Vietnam War, and all that it represented. Scholars too turned their attention to what the ever growing material wealth means for the health of the environment. It was concluded that the underlying reason for the environmental crises lay in sudden and exponential growth of wealth, as well as in the fact that the exhaustion of resources would lead to catastrophe. This particular point was proven true by the economic and energy crises of 1973-74. (McCormick, 2001: 46)

With this new focus it was hardly surprising that the general public was becoming more interested in, and more aware of, environmental deterioration. Public attention was drawn to the issue by influential writers and scholars but also a series of disasters drew the attention to what kind of consequences human activities can have on the environment. (McCormick, 2001: 46)

As for political focus for the newly found interest in the environment, that was provided United Nations Conference on the Human Environment, held in Stockholm in 1972. (McCormick, 1995: 45) The conferences brought together for the first time representatives from over 110 national governments to meet and discuss the problems of the environment. It was agreed that that the scale of the aforementioned problems was worsening and that the need for international cooperation in formulating a response was growing. (McCormick, 1995: 45) The direct consequence of the conference was that the domestic Environmental laws of the EEC member

states were strengthened, especially in Germany and the Netherlands. This development in turn led to a growing realization among Community leaders that the strengthening of the national environmental law was “accelerating the creation of actual or potential trade distortions that would pose as a threat to the construction of the common market.” (McCormick, 2001: 46-7)

The summit conference in Paris in 1972 can be seen as the beginning of a more structured EEC approach to the environment. More substance was given to the policy area in 1973, when three benchmark initiatives were created: a small Environment and Consumer Protection Service (ECPS), a Committee on the Environment in the European Parliament, and the request from its members that Community institutions draw up an environmental action programme. (Johnson & Corcelle, 1997:1-2)

Environmental action programme was drafted and adopted in November 1973, and was designed to run until 1976, as the Programme of Action of the European Communities on the Environment, currently known as the First Environmental Action Programme (EAP). However, the first EAP was not a legally binding document nor was it even a comprehensive policy statement. What it did manage to achieve was to outline principles and set objectives and, hence, was the first step towards the construction of a comprehensive Community environmental policy. (Johnson & Corcelle, 1997:13-4)

The Second Action Plan was adopted in 1977 to cover the period from 1977 to 1981. It was built on the general policy principles outlined in its predecessor. While neither Action Programme gave the EEC legal competence in the area of environmental policy, they established several basic principles that are still at the core of EU environmental policy. (Johnson & Corcelle, 1997:17) For example: as prevention is better than cure, environmental impact should be considered at the earliest possible stage in decision making; with some exceptions, the polluter should pay; activities in one member state should not cause deterioration in environment of another, member states should coordinate their national programmes rather than developing them in isolation, and national policies should be harmonized within the Community; according to the principle of subsidiarity, pollution control should be carried out at the appropriate level. (Johnson & Corcelle, 1997:17) And these principles are just to name a few.

These developments certainly gave the Community more powers, a sense of direction and were even influential when taking the first legal steps towards creating a functioning environmental policy of its own. However, at this point there was little political or legal foundation

on which to build on, so the “methods, tools and instruments for policy design and implementation had first to be invented and tested.” (Krämer, 1996: 298)

Creative interpretations of the Articles 100 and 235 of the EEC treaty still continued to form the main legal justification on environmental disputes. A landmark case on the validity of using Article 100 was upheld by the European Court of Justice (ECJ), in March of 1980, in *Commission v. Italy* (Case 92/79). (McCormick, 2001: 49) The case was about a directive on the biodegradability of detergents. The Italian government argued that it did not have to meet the deadline set out by the directive because it dealt with the protection of the environment, which was no part of the Community’s competence, and therefore less a directive than a special form of international convention. In its response, the Court argued that “provisions which are made necessary by considerations relating to the environment and health may be a burden upon the undertakings to which they apply and if there is no harmonization of national provisions on the matter, competition may be appreciably distorted.” (Eur-Lex, 1980)

Another important case decision was reached in the case *Procureur de la République v. Association de Défense des Bruleurs d’Huiles Usagées* (ADBHU) (Case 240/83), in 1985. (McCormick, 2001: 49) Under directive 75/439 on waste oils, which was based on Articles 100 and 235, member states were required to set up a safety system for their oil disposal, which meant establishing zones within which licensed companies could collect and dispose of the oil “where appropriate in the zone assigned to them by the competent authorities.” (McCormick, 2001: 49) This notion was challenged by the French association of oil burners (ADBHU) on the grounds that the imposition of a system of permits and zones was incompatible with the principle of the free movement of goods. This was overruled by the Court, which argued that the principle of freedom of trade was not absolute but was subject to certain limits, and that those limits had not been exceeded. It went a step further by stating that the directive “must be seen in the perspective of environmental protection, which is one of the Community’s essential objectives.” (Eur-Lex, 1985) Hence the Court established that environmental protection was a core concern of the Community, and confirmed that Article 235 could not only be used as a supplementary legal basis to Article 100, but as the legal basis for Community environmental policy. (Jans, 1996: 274)

At the same time as its legal basis was beginning to change, EC was forced to modify its institutional arrangements as well. Changes started at the same time as Greece entered into the EC in 1981 which “was instrumental in a decision to reorganize the Commission so that every member state could have a directorship-general; the ECPS [Environment and Consumer Protection

Service] was upgraded to become a directorate-general in its own right (DGXI), and its workload began to increase.” (McCormick, 2001: 52) The reorganization of the College of Commissioners led to the creation of a new portfolio for transport and the environment, which was awarded to Stanley Clinton Davis of Britain in 1985-89. In 1989 a separate environment portfolio was created for the first time, and was given to Carlo Ripa de Meana of Italy. (McCormick, 2001: 52)

The Community’s new interest in environmental matters become evident with the landslide of new legislation being put forward by the Commission: during the period of 1973-82, more than 110 regulations, directives and decisions were adopted, some of which to this day remain the most important pieces of European environmental legislation. (McCormick, 2001: 52)

By 1983 the institutionalization of Community environmental policy had began. Interestingly, there were three events on the same year that prompted the process to intensify: the first event was the adoption of the Third Environmental Action Programme to cover the period 1982-86. (Johnson & Corcelle, 1997: 17) This event was important because it introduced brand new concepts, one, and perhaps the most important, of which was that environmental policy should be integrated into the other sectoral policies of the Community. There was also a list of priorities, for the very first time, mentioned on the Action Programme, which included “the use of environmental impact assessments, the reduction of pollution at source with a view to preventing air, freshwater, marine and soil pollution in particular, the reduction of noise pollution, control of transfrontier pollution and chemicals, control of waste (especially toxic and dangerous waste), the development of clean technologies, the protection of environmentally sensitive areas and cooperation with developing countries on environmental matters.” (Johnson & Corcelle, 1997: 17-18)

The Second event occurred in 1983, when Drums of hazardous waste originating from Seveso in northern Italy went missing and surfaced in northern France. The European Parliament set up a committee of inquiry into the accident, called the Pruvot Committee, which censured the Commission for having failed to live up to its responsibilities in overseeing the implementation of Community law, more specifically a 1978 directive on the harmonization of arrangements for the disposal of toxic and dangerous waste. (Haigh & Lanigan, 1995: 22) This incident not only drew public attention to the threats posed to the European environment, but also led to a change in awareness within the Commission. As a result of the incident implementation of the environmental laws now become a new and very serious concern of the Commission and activity level on pursuing infringements to the Community legal order was considerably increased. (Haigh & Lanigan, 1995: 22-3)

The third event was the conclusion of the European Council summit in Stuttgart in June 1983. Germany had the presidency at the time and Community leaders were meeting against a background of rising concern about news regarding the effects of air pollution on German forests. Also, the Greens had been gathering support and, in fact, had won their first seats in the Bundestag in March. The Council adopted a declaration recognizing “the urgent necessity of accelerating and reinforcing action at national, Community and international level aimed at combating the pollution of the environment. It underlines in particular the acute danger threatening the European forest areas, which calls for immediate action.” (McCormick, 2001: 54)

In the 1980s, the environmental policy gained more competence with the accession of new countries into the Community and with the change in the balance of political power it brought with it. Before the enlargements, with just nine members, tension had been created by different takes on environmental matters by the members: Germany, the Netherlands and Denmark were taking an active stand on environmental matters, when as the UK and Ireland tried to slow the process. The remaining members declared themselves as ‘neutral’. (Johnson & Corcelle, 1997: 8) The accession of Greece on 1981, and of Spain and Portugal in 1986, combined with the backdoor accession of East Germany in 1990, changed the balance of economic and political interests towards countries for which economic development was a priority, where records on environmental protection were poor, and where bodies of national environmental law were weak. To assist the poorer member states a series of financial assistance programmes were created. (Johnson & Corcelle, 1997: 8-9)

The production of legislative proposals by the Commission meanwhile continued to increase, and their focus began to change. While those created in the 1970s had been aimed largely at limiting pollution and “nuisances”, and taking a curative or “command and control” approach, by the mid-1980s the EC had moved towards a preventative approach. (Johnson & Corcelle, 1997: 4-5) For example, prevention was behind the environmental assessment directive, and behind laws on the provision of financial aid for the development of clean technologies. In the period of 1983-86, almost 100 new regulations, directives and decisions were adopted. (McCormick, 2001: 55)

## The Establishment of Legal Competence

Until the mid-1980 the Commission was badly lacking in legal basis for environmental issues. This fact combined with a tendency to address problems as they arise, which is often too late, instead of focusing on prevention equal very slow and reactive, instead of proactive, approach. However, the turning point came in 1987, when a passage was included to the Single European Act (SEA) that declared environmental protection as a recognized part of the legal competence of the Community. Although the key objective of the SEA was the accelerated completion of the single market and the final removal of all remaining barriers to the free movement of people, money, goods and services by the end of 1992, the SEA was also very influential on how environmental policy was finally drafted. (Heinelt, et.al., 2001: 4)

Firstly, and perhaps most importantly, SEA established a new legal base for Community environmental policy by introducing a new Title VII (Environment) to the Treaty of Rome, the consequence of which was to “move environmental policy from being a *de facto* element of Community policy to a *de jure* element.” (McCormick, 2001: 56) Goals for the Community were defined in Article 130r as preserving, protecting and improving the quality of the environment, helping protect human health, and ensuring rational use of natural resources. These were very broad objectives, but they allowed the Commission to start making legislative proposals in areas where they had not yet been active, for example the protection of natural habitats, and freedom of access to environmental information. There was a reappearance of the principles of taking preventative action, rectifying environmental damage at source, and ensuring that polluters paid. (Heinelt, et.al., 2001: 4-5) However, maybe even more significantly in policy terms, the SEA also confirmed that “environmental protection requirements shall be a component of the Community’s other policies.” (Single European Act, 1987) In no other area of Community policy, at the time, was there such a sweeping provision, and it greatly increased the powers of the Commission both in initiating new laws and in checking on the environmental impact of laws and policies being developed in other parts of the Commission. (Heinelt, et.al., 2001: 5)

Second, the SEA extended qualified majority voting (QMV) in the Council of Ministers to environmental matters. Because most pieces of environmental legislation drafted before 1987 were based on Articles 100 and 235 and required unanimity, not only could one member state block legislation, but more time had to be invested in developing proposals that

would be acceptable to all the member states, and there was also the danger that the legislation might have to be watered down to the level of the lowest common denominator. (Heinelt, et.al., 2001: 5) In other words, the final content of the law would impose only minimal requirements on member states, leaving it to the individual countries to decide if they wanted to adopt tighter domestic measures so long as these were not a barrier to the creation of the single market. With QMV, it would be impossible for any one member state to block a proposal, so reluctant member states would be obliged to work harder to reach agreement.

Unfortunately, the relevant section of the SEA did not specify where QMV or unanimity should apply, and the Commission and the Council of Ministers applied different interpretations. It took a Court of Justice decision to clarify the matter. In *Commission v. Council* (Case 300/89), the Court ruled in June 1991 that directive 89/428 (establishing procedures for harmonizing the reduction and elimination of pollution by waste from the titanium oxide industry) was void, on the grounds that because its main purpose was the improvement of conditions of competition in the titanium dioxide industry, and because it therefore concerned the establishment and functioning of the single market, it should have been based on Article 100a, which could be approved by a QMV, rather than Article 130s, one of the environmental provisions added by the SEA. (Eur-Lex, 1991)

Thirdly, now that the environmental interests of the Community were much more clearly defined and expressed, the Commission had a stable ground of laws and regulations to stand on. Also, previously the role of the DGXI had been relatively minor in the Commission bureaucracy, but now it took on a new role by becoming more involved in tracking the progress of legislative proposals as they moved from one institution to another. Its role was also to be in liaising with those institutions to ensure that they considered the environmental impact of their deliberations. DGXI was able to extend its powers effectively by building on the already extensive body of EU legislation. As a result, other Directorate-Generals began to appreciate that the DGXI was not as weak and without influence as it previously had been, but instead was now making decisions that had an impact on the work of many other parts of the Commission. (Haigh & Lanigan, 1995: 31-2)

Fourthly, and finally, as the roles of the EU in environmental policy become more established, a new emphasis began to be placed on the importance of objective and reliable information as a foundation for effective policy. The importance of the preventive and precautionary approach to environmental management was emphasized and a need for more and

better scientific and technical information, including “more reliable assessments of current conditions and improved methods for monitoring change”, surfaced. (McCormick, 2001: 58) As a response to the changes and new challenges, a regulation was developed by the Commission in 1989, making a commitment to establish a European Environment Agency (EEA). (McCormick, 2001: 57-8)

The EEA began work in 1993 from offices based in Copenhagen, with Domingo Jiménez-Beltrán as its first executive director. The agency’s work is not restricted to the EU, but covers the whole of Europe. Its tasks include “to collect, process and provide the Commission in particular with the information needed to identify and develop new legislative and policy proposals, and to take up the work of CORINE [Coordination Information Environment]” (McCormick, 2001: 58) One of its specific obligations is to produce triennial reports on the state of the European Environment, the first of which was published in 1995. (McCormick, 2001: 58)

The impact of SEA on community environmental policy was strengthened by the publication of the Fourth Environmental Action Programme, in effect from 1987 to 1992. The Fourth Action Programme emphasized the need to set environmental quality standards, and the importance of implementing Community law. It shared the main principles of the earlier EAPs, but build on them a set of new goals including the management of natural resources and costal and mountain zones. (Johnson & Corcelle, 1997: 18-19)

Another important development since the late 1980s was that the European Commission emerged as an actor on the international environmental stage. “Several Community decisions and regulations dating back to the mid- 1970s had been agreed as a means of implementing the terms of international treaties of which the Community was a signatory; these included 75/437 on marine pollution from land-based sources, 81/462 on transboundary air pollution, and 86/238 on Atlantic tuna.” (McCormick, 2001: 59) The Commission moved from trying to negotiate the needs of the member states to actively helping negotiate and draft international agreements. The Commission has played a leading role in discussions at a forums such as the 1990 World Climate Conference, the 1992 UN Conference on Environment and Development in Rio de Janeiro (the Earth Summit), and the meetings among parties to the Climate Change Convention. (McCormick, 2001: 263-4)

Also, the Community’s ability to finance environmental management projects was strengthened. The first environmental fund set up by the Community was named Community



Operations Concerning the Environment (COE). COE had been established in 1984 and provided support for projects aimed at developing new technologies and protecting sensitive areas. (Johnson & Corcelle, 1997: 18-19) It was replaced in 1988 by Actions by the Community Relating to the Environment (ACE), which set aside 24 million over four years for environmental projects, but which was curtailed prematurely in 1990 to make way for an even bigger project: Actions by the Community for Nature (ACNAT). The program was focused on maintaining or re-establishing threatened habitats and endangered species. (Johnson & Corcelle, 1997: 342-4)

Meanwhile, more focused projects made funds available for the Mediterranean and the North Sea areas. These funds were all replaced by LIFE, which allocated 400 million over three years for projects that included the promotion of sustainable development, new clean technologies, waste storage and disposal, and habitat protection. (Salter, 1995: 91)

The growing importance of EU institutions in the protection of the environment has been reflected in the growth of activities by interest groups working at the European level. The number of interest groups lobbying in Brussels has been steady growing since the 1986, when Friends of the Earth established offices there, and today they form an impressive force. (Bell, 2005: 196)

The Commission has long been a supporter of the role of non-governmental organizations (NGOs) in the policy-making process, and it has provided them with considerable assistance. For example, it prompted the foundation in 1993 of the General Consultative Forum on the Environment, designed to provide representatives of NGOs, industry, business, local authorities, trade unions and academia with a channel through which they could advise the Commission on policy development. (Bell, 2005: 198) Today known as the European Green Forum, its membership has been expanded to non-EU states, and it has been given increased independence. Not to forget the three million set aside every year for funding of European-level environmental NGOs. (Bell, 2005: 199-200)

## **Consolidation**

The adaptation of the Treaty of European Union (TEU), in 1992, marked the final consolidation of the European environmental policy: finally the environment was listed as a policy

goal of the EU in the opening articles. In fact, Article 2 states that one of the objectives of European integration was “to promote throughout the community a harmonious and balanced development of economic activities, sustainable and non-inflationary growth respecting the environment” (TEU, 1993). Also, modifications to Article 130 meant that qualified majority voting was to be extended to include most environmental matters, the exception including decisions on environmental taxes, town and country planning, water resource management, and issues relating to energy supply.

In the next year, after the TEU was adopted, the fifth Environmental Action Programme (1993-2000) was launched. This time the EAP differed considerably from its predecessors both in content and its basic philosophy: “the Commission attempted to look ahead ten years and project the development of a true environmental policy.” (McCormick, 2001: 62) The new EAP moved beyond environmental protection and placed a new stress in sustainable development. In addition, the need for reuse and recycling, and the need for alteration of consumption and behaviour patterns of consumers were noted.

The Treaty of Amsterdam, adopted in 1999, was not as significant in the development of the environmental policy as SEA or TEU, but nonetheless had some implications. The Amsterdam Treaty almost eliminated the cooperation procedure, reducing the risk of disagreement on the legal base. (McCormick, 2001: 63) Although perhaps even more importantly, for the first time the principles of sustainable development and environmental protection were added to the reports and reviews.

### **The Nice Summit and Beyond**

By the twenty first century the European Union had been, and was still, expanding in a speed that had not been expected. The 1999 Amsterdam treaty had failed to deal with a number of important issues in need of resolving in order to ensure the effective functioning of the EU when faced with ever growing number of member states. (Jordan & Fairbrass, 2005: 59) The Nice Treaty was signed in February 2001, following a nine month intergovernmental conference (IGC). In order to tackle the issues left open by the Amsterdam treaty the Nice IGC “had to address three key issues: the size and composition of the Commission; the weighting of votes in the Council; and the possible extension of qualified majority voting to new areas.” (Jordan & Fairbrass, 2005: 59-60)

The Amsterdam treaty did not generate a substantive change in EU environmental policy making, however it did manage to strengthen the commitment to achieving sustainable development and environmental policy integration. It also managed to greatly empower the European Parliament by extending its co-decision making powers. (Jordan & Fairbrass, 2005: 60) Although, it is worth noting that Nice's impact on the substantive wording of the environmental section of the treaty is considerably less significant than Amsterdam's. (Jordan & Fairbrass, 2005: 60)

Prior to Nice, all environmental policy was subject to QMV except in five specific areas. At Nice, one of those areas, environmental taxation, emerged as the most popular candidate for reform. However, the reform was shot down by heavy opposition from the UK, Sweden and Ireland. Instead, states negotiated a declaration annexed to the new treaty, which states that full use should be made of incentives and instruments which are market-oriented and intended to promote sustainable development. (Jordan & Fairbrass, 2005: 60)

One of the major changes that come with the Treaty of Nice was the change in voting power. (Jordan & Fairbrass, 2005: 61) The number of votes held by each state was increased for all existing member states, with the ones with most citizens enjoying the largest relative increase. The five biggest states (the UK, France, Germany, Italy and Spain) increased their share of votes from 55 to 60 per cent, making it easier for them to block proposals unfavourable to them, which many of the most progressive environmental proposals are. (Jordan & Fairbrass, 2005: 61)

Many of the largest European Environmental groups condemned the Treaty of Nice as a failure for the environment of Europe. (Jordan & Fairbrass, 2005: 62) They were especially unhappy about the inability to extend QMV, believing that the imminent addition of new Member States with relatively weak environmental protection policies will cripple the EU's ability to do what it has done in the past: develop ambitious environmental policies. (Jordan & Fairbrass, 2005: 62) But Nice was primary an exercise in preparing the EU for enlargement and so, aside from revising Article 175, the scope for amending the wording of the environmental parts of the treaty was never really that great. Environmental policy is now a comparatively mature area of EU action, and much of the early work was completed by the Treaty of Amsterdam. The bigger and more challenging question of how the enlargement process is to be reconciled with the EU's sustainability strategy was not on the agenda at Nice. (Jordan & Fairbrass, 2005: 62)

Clearly the real winners at Nice were the three big states, whose power to block integration grew substantially. The smaller, and often 'greener', states found themselves shifted out of the way. Overall, it will be more difficult post-Nice to achieve the qualified majority needed to force through a new policy. (Jordan & Fairbrass, 2005: 63)

The EU has also taken a leading role in global environmental negotiations, especially the signing of the Kyoto Protocol. At the 1997 UN Conference on Climate Change in Kyoto, Japan, the EU committed its members to reducing greenhouse gas emissions 8% by 2012, compared to levels in 1990. In order to meet such commitments, the EU created the Emissions Trading Scheme (ETS) in December 2002. This includes limits on the amount of carbon dioxide firms can produce in six key industries: energy, steel, cement, glass, brick-making, and paper/cardboard production. (EU Environment Policy Brief, 2009) The 2008 EU Climate Change package added aircraft emissions to the ETS from 2012, and reasserted the EU's commitment to reduce CO<sub>2</sub> emissions through Carbon Capture and Storage (CCS). In 2008, the EU reasserted a commitment to reduce CO<sub>2</sub> from new cars by 2010, and to fine manufacturers for each gram of carbon dioxide they produce over the target. (EU Environment Policy Brief, 2009)

The EU's political leaders also agreed that 20% of the EU's energy should come from renewable sources by 2020, for example 10% of road fuel is to be composed of biofuel by 2020. However, in the UK the 2008 Gallaher report criticised that the increased use of biofuels might be contributing to rises in global food prices. (Civitas, 2010) The Commission launched an investigation into this link between biofuels and rising prices in April 2008. Controversially, the EU's targets are legally binding and theoretically enforceable in the ECJ. In fact, in 2007 the Commission proposed that environmental 'crimes' be punished by equal penalties across the EU. The EU attended the UN Climate Change Conference in Copenhagen December 2009, but the talks ended in disappointment when divisions between developed and developing nations hindered negotiations. (Civitas, 2010)

## **Multi-level Governance**

### **Introduction**

As concluded in the last chapter, the ECJ has enabled for private citizens, firms, and groups to press charges in the ECJ against a member state, in cases of non-compliance with EU regulations or legislation. These developments have opened up a whole new way for the interest groups to act and impose influence over both national governments and EU institutions. Though the European Commission is generally in charge of monitoring the compliance and prosecuting when infringement is detected, in recent years the Commission has become to rely on the environmental interest groups for evidence of infringements in the field of environment. The interest groups can also start up their own infringement proceedings against a member state, like for example WWF has done in many cases. (Graziano, 1999: 310) Environmental interest groups have also gained influence in the environmental policy making process and have even become sort of allies to the European Commission and to the European Parliament. (Greenwood, 2003: 194)

The main theoretical framework is multi-level governance. Environmental interest groups act successfully on many different levels ranging from the local communities to the international level. Multi-level governance theory inspects how different actors, varying from institutional to non-governmental, act and impose their influence on different levels of governance. The chapter starts with a short definition of the term multi-level governance. Gary Marks (2000) is considered to be among the creators of the term, hence it is only fitting that the definition comes from him.

The definition is followed by the main features of multi-level governance, how it relates to flexible governance, and a brief explanation of its two types. The main literature used in this section is by Marks and Hooghe (2001), both of which are main authors and scholars on the field referenced by many other scholars working on the field of multi-level governance. The last

section on multi-level governance addresses how it can be utilized in the environmental policy making process.

The second main section of this chapter deals with interest groups, as a secondary theory framework, and how they interact with other actors on multiple levels. New social movements, such as the environmental movement, have gained influence through wide network of lobbying and, as an extreme action, litigation. Interest groups have a distinct role on the policy making process on both national and the EU level, making them a force to be considered by the policy makers. The last part of the second section concentrates on the strategies of action that environmental organizations can choose and why they do so. For this section, examples are drawn mainly from the UK, as there is no shortage of material, unlike in the case of Finland for instance. The main author for the interest-groups section is Justin Greenwood, the main author in a field where not much specialized research has been done.

## **Multi-level Governance**

Gary Marks defines multi-level governance as “a system of continuous negotiations among nested governments at several territorial tiers.” (1993: 392) He developed this analysis by referencing analysis of domestic politics in describing how within multi-level governance “supranational, national, regional, and local governments are enmeshed in territorially overarching policy networks.” (Marks, 1993: 402-3) This means that as a concept, the multi-level governance includes both horizontal and vertical dimensions. When breaking down the concept, the word ‘multi-level, refers to the “increased interdependence of governments operating at different territorial levels”, when ‘governance’ refers to “the growing interdependence between governments and non-governmental actors at various levels” (Bache & Flinders, 2003: 3)

The study of the European Union was dominated from the 1960s to the 1980s theories and viewpoints that concentrated heavily on the state and actions taken by the state. However, as the international communities have developed considerably during and since that era, this state-centric way of looking at the world seemed old-fashioned and inaccurate in the modern world. Hence, Multi-level governance was developed as a counterview to those state-obsessed theories. Influential in the development of the theory in the post Single European Act-period

through the work on liberal intergovernmentalism was Andrew Moravcsik (Bache, 2008: 6). Moravcsik argued that the agenda setting control of state executive on the EU policy making process grants to them a power of 'gate keeping': "the power to veto proposed policies, permits executives to block negotiation or agreement at the international level, thereby imposing a *de facto* domestic veto." (Moravcsik, 1994: 9) Still Multi-level governance did not reject the central role played by state executives in EU decision making, but rather acknowledged them as important, perhaps even the most important, pieces of the puzzle (Hooghe & Marks, 2001: 3).

However, in the multi-level governance theory it is suggested that "when one asserts that the state no longer monopolizes European level policy-making or the aggregation of domestic interests; a very different polity comes into focus" (Hooghe & Marks, 2001: 3). The theory makes three claims on this issue: firstly, decision making competences are shared by actors at different levels rather than monopolized by state executives. Secondly, collective decision making among states involves a significant loss of control for individual state executives, notably through qualified majority voting in the Council. Thirdly Political arenas are interconnected rather than 'nested'. Subnational actors operate in both national and supranational arenas, creating transnational associations in the process. (Hooghe & Marks, 2001: 3-4).

In explaining why state sovereignty is transferred or lost, multi-level governance approach sees an important distinction between institutions and actors, contrary to the state-centric models. Hence, while "political institutions specify the structure and allocation of authority in a given territory, the political actors, individuals, and groups of individuals who operate in the context shaped by these institutions may also try to change them" (Hooghe & Marks, 2001: 70). To understand, therefore, how institutions change, it is important to focus on the preferences of actors within institutions who are the actual participants in decision making.

Dispersion of governance across multiple jurisdictions is more flexible than concentration of governance in one jurisdiction. For a governance to be efficient, it has to adjust its jurisdictions to the trade-off between the all the good things that centralization brings with it as well as all the negatives. Though, one must note that to say that multi-level governance is more efficient than centralized government is not to say that efficiency is a determinant factor in multi-level governance approach. "Causal explanation of multi-level governance must come to grips with political factors, including party-political or distributional coalitions, legal constraints, path dependence, and identity" (Marks & Hooghe, 2000: 802-3)

The advantage on territorially extensive jurisdictions is that they have the means of exploiting economies of scale in the supply of public goods by, for example, allowing for more efficient taxation, facilitating more efficient redistribution, and enlarging the territorial scope of security and market exchange. On the other hand, however, large jurisdictions have the tendency to impose ‘catch-all’ policies, in other words, to impose a one dimensional single policy on territorially heterogeneous population or on a diverse ecological system. (Pierre and Stoker, 2000: 29)

One of the main criticisms of centralized government is that it is insensitive to varying scale efficiencies from policy to policy. More extensive economies and jurisdictions are more likely to characterize the production of capital-intensive public goods than of labour-intense services, because economies grow from spreading costs over larger outputs. In other words, more extensive economies are more efficient in things like military defence and physical infrastructure but are considerably weaker in areas such as education, where, on the other hand, a smaller scale jurisdiction or economy thrives. (Hooghe & Marks, 2003: 6)

In order for a decision making process to be truly effective, one must be aware of the full effects, whether they are positive or negative, of the policy in question and the effects have to be incorporated in the decision making. (Majone, 1997: 141-2) For example, externalities arising from a policy to slow down global warming comprehend the entire planet, but those involving waste management, water quality control, nature preservation, or urban planning are local or regional. When creating jurisdictions according to multi-level governance, the jurisdictions can be designed so to take into consideration multiple variations that exists in societies world wide. (Majone, 1997: 141-2)

## Two Types of Multi-level Governance

In *Europeanization and Multi-Level Governance: Empirical findings and conceptual challenges* (2008) Ian Bache set out two types of multi-level governance. Though it has been agreed upon that for flexible governance arrangements such as multi-level governance are the most effective, and in fact the best, there is however no consensus about how it should be constructed in practice.



Type I multi-level governance describes jurisdictions at a limited number of levels. These jurisdictions include international, national, regional, meso and local. In this type, the jurisdictions are also general in nature, meaning that they pack together multiple functions, including a range of policy responsibilities and in many cases also a court system and representative institutions. (Bache, 2008: 8) The membership boundaries of such jurisdictions do not intersect. This is the case for jurisdictions at any level, and it is the case for jurisdictions across levels. “In type I governance, every citizen is located in a Russian Doll set of nested jurisdictions, where there is one and only one relevant jurisdiction at any particular territorial scale.” (Bache, 2008: 8) Territorial jurisdictions are intended to be, and usually are, stable for periods of several decades or more, though the allocation of policy competencies across jurisdictional levels is flexible. (Hooghe & Marks, 2003: 18)

Type II multi-level governance is distinctly different from type I in that it is composed of specialized jurisdictions. “Type II governance is fragmented into functionally specific pieces – say, providing a particular local service, solving a particular common recourse problem, selecting a particular software standard, monitoring water quality of a particular river, or adjudicating international trade disputes.” (Bache, 2008: 9) The number of such jurisdictions is potentially huge, and the scales at which they operate vary finely. These jurisdictions are not fixed in any way but instead they bend, flex, come and go as demands for governance change. (Hooghe & Marks, 2003: 21)

## Multi-level Governance and Environmental Policy

At the time when the European Economic Community (EEC) was founded in 1957, there were no laws, regulations or policies about the protection of the European nature and environment. The policies that might have touched the issue were in place merely for the protection of human health, instead of being concerned about the nature and its protection. The policies that were in place at the time, were also largely formulated and implemented within and by the individual states themselves. (Fairbrass & Jordan, 2005: 147)

Today, more than 50 years later, the EEC has evolved to the European Union and has created some of the most strongest and most progressive environmental policies of anywhere in the

world. This remarkable achievement has been accomplished with their involvement of a variety of state and non-state actors, such as environmental Interest groups, acting at different levels of governance ranging from the local to the global level. The issue of what part environmental interest groups play at the EU policymaking will be discussed in length later. It is clear that the EU's own supranational institutions, such as the Commission, Parliament, and the Court of Justice have played a decisive role in the development of these policies, but so have done a variety of national and subnational actors. (Weale et al. 2000: 15-6)

Although the Parliament, Commission and the European Court of Justice do possess considerable power over EU's environmental policies, they are ultimately forced to share responsibility for environmental policy decision making and implementation with a range of actors. For example, even though it is the Commission that has the power to initiate new policies and to oversee the implementation of those policies at the national and subnational level, disputes about compliance regularly heat up between it and individual member states. (Weale et al. 2000: 86-7) These disputes then have to be solved by the European Court of Justice. In many instances the Commission relies on non-governmental organizations (NGO) to provide the information to pursue such legal action. In other words, "the EU's environmental policies are typically the product of the competition and collaboration between state and non-state actors situated at the local, national, regional (i.e. European) and international levels." (Fairbrass & Jordan, 2005: 148)

Since the EU's environmental policy is characterized by such dispersed decision-making competences and the involvement of state and non-state actors it would seem to provide an excellent tool for analysing multi-level governance in general. In fact, Fairbrass and Jordan argue that "environmental policy is a case *par excellence* of the dispersion of authoritative decision-making across multiple territorial levels." (Fairbrass & Jordan, 2005: 148) As an example of that is the case of the Habitats Directive.

### The case of the Habitats Directive

The creation of the Habitats Directive can be credited to multiple different types of political actors operating at different levels of governance. The adaptation of the Third Action Plan, from 1982 to 1986, brought with it the recognition of a link between protecting species and the

habitats they live on. “This programme called for the integration of environmental considerations into other policy areas such as transport and agriculture, reinforced the preventative dimension of EU environmental policy, and highlighted a number of areas for action, such as fresh water and marine pollution, and the protection of sensitive areas.” (Fairbrass & Jordan, 2005: 157)

Numerous non-state actors were actively involved in trying to influence the EU to take action: from the early 1980s onwards, national and transnational conservation organizations continued to campaign for increased protection and pressured the European Union to implement fully the provisions of the Bern Convention. The Bern Convention is an international agreement adopted in 1979, on the conservation of European wildlife and natural habitats. (McCormic, 2001: 53) However, several environmental interest groups felt like its objectives had never really been fully realized by the European Union. These objectives included “the conservation of natural habitats, flora and fauna, the promotion of cooperation between states, and particularly, the protection of endangered and vulnerable species, including vulnerable migratory species.” (Fairbrass & Jordan, 2005: 157) The Commission and the European Parliament responded to the demands by drafting up a directive largely based on the Bern Convention.

The Habitats Directive was proposed in 1988 but because of the obstruction of the member states, it almost five years until the directive was finally adapted in 1992. In the early 1980s, there were increasing concerns among environmental interest groups that the member states were not fulfilling their EU responsibilities in the environmental sector by not implementing the policies properly. As a result, the Commission initiated infringement proceedings against every single member state. The EU level legal action concerned three main issues: non-designation of candidates Special Protection Areas; derogations; and the legal transposition of the Directive. (Freestone, 1996: 248) One of the most important case that the European Court of Justice ruled was the Commission v. Federal Republic of Germany with the United Kingdom (UK) intervening, a.k.a. *Leybucht Dykes*, in 1991. Importantly, the ECJ’s decision on the case lifted ecological considerations over economic ones during the designation and development of protected sites. The UK was not happy with the outcome of the *Leybucht* case and tried to use its influence to reverse its effects by doing everything it could to delay the implementation of the Habitats Directive. (Freestone, 1996: 248-9)

Amendments were made to the draft version of the Habitats Directive, which now resembled a UK central government circular that had been issued to local planning bodies in 1987. Hence, the UK had successfully imposed its influence over the EU policy making and managed to

change the wording of the directive to one that is more compatible with its national legislation. (Fairbrass & Jordan, 2005: 157)

## **Interest Representation in the European Union**

Public and private interests not only regularly contribute to the perception, presentation and definition of issues relating to the European Union policy making but they are also very much present in the everyday politics of EU policy making and implementation. Furthermore, they have been used to assist with explanations of the course of European Integration. (Greenwood, 2003: 1)

Because of the structure of the EU political system it is not possible for one type of interest, for example producer or civil society public interests, to routinely dominate. This is because of “the multiple levels of EU policy making, the diffusion of power between its constituent parts, its accessibility to a range of interests, and its sheer complexity.” (Greenwood, 2003: 2) These factors make policymaking difficult to predict and sometimes even shield it from private interest demands as policy making shifts venues between different institutions with different constituents.

The European Unions institutional structure is unique. Its fragmented system of powers creates a unique environment in which private and public interests operate. By studying the two-way relationship between political institutions and outside interests, a lot can be learned and understood about the Unions interest representation. “The first of these perspectives considers the impact of organized interests upon political institutions, while the reverse considers the impact of political institutions upon interests.” (Greenwood, 2003: 3-4) In the latter scenario the EU provides the forum in which interest groups have the opportunity to exchange ideas and influence those involved in the decision making process, while still regulated by a set of rules, commonly agreed upon. The EU institutions have a considerable role in developing European integration and the arenas in which interest groups want to, and in fact do, operate. This is true particularly in fields where the EU’s competences are contested, for example in public interest and labour market fields. On these fields issues such as environmental policy and equal opportunities have been driven forward by one or more of the following sections of the Union’s institutional structures: particular

section of the European Commission action as a ‘policy entrepreneur’ with interests in the policy field, simple bureaucratic expansion, or the European Court of Justice by delivering landmark rulings. (Greenwood, 2003: 4)

Though, organized interest groups have managed to infiltrate most of the Union’s political institutional settings, their impact varies greatly. In both European Council and the Council of Ministers, where the member states interact and make decisions involving the Union, organized interest groups are very much part of the general environment. The Court of Justice is an exception in that it can not be lobbied, but even in the court there are opportunities for interest representation. (Greenwood, 2003: 4)

“Organized interests are the ‘natural constituencies’ of the Commission and the Parliament.” (Greenwood, 2003: 4) In the role of allies in the drive for European integration, interest groups reduce the dependence of these institutions upon national administrations, and form a ‘demand constituency’ upon member states. They are also important agents in helping to build up the support for European integration. In fact, organized interest groups have historically been an important way of keeping in contact with their citizens for EU central institutions that are often seen as remote and lacking in democratic legitimacy. Lobbying in the European political system is seen as demonstrating its legitimacy, and in fact prior of the signing of the Treaty on European Union and before it hardly had any powers beyond consultation, the European Parliament spent time and recourses trying to attract lobbying to itself. (Greenwood, 2003: 5) Even though the European Parliament’s powers have steadily increased throughout the years the problem of remoteness still persists. Public support for the EU is highly variable across the member states and public participation in its activities, for example elections, is low and even declining. Without an increase in democratic legitimacy, the limits of European integration might be realised soon. (Greenwood, 2003: 5)

In addition to the aforementioned factors, interest groups provide other benefits to the European Commission as well: “they are a source of support for its role in drafting legislation; they are a means of ‘testing out’ proposals among stakeholders, and the ways these are likely to be received in different national settings ahead of the Council of Ministers; they seek out points of view about them; and, for the Commission’s role as guardian of the treaties, they collate information about the implementation of measures, and their impact.” (Greenwood, 2003: 5) The Commission is understaffed and under resourced relative to its tasks and functions, which makes it sometimes dependent upon the expertise that interest groups possess.

## Environmental Interests

It could be claimed that EU's environmental policies are the most advanced in the world (Greenwood, 2003: 186) and that environmental issues are now a central public interest concern, especially in the northern member states.

EU took its first steps towards environmental policy in 1972, when a landmark summit was held in Stockholm. The result of the summit was the first 'environmental action programme', of which many were to follow. The sixth 'action programme' has been running since 2001 and ends in 2010. Environmental action plans are no doubt the corner stones of EU's environmental policies; however, beyond them one finds issues relating to the single market: "...high environmental protection countries in Germanic Europe have sought to export their high cost production conditions to lower protection countries, on the whole successfully." (Greenwood, 2003: 186) In fact, the Single European Market brought about the first formal recognition of environmental policy in EU policy making. In the Treaty of European Union the use of qualified majority voting was extended to the field of environment. Since the treaties and the action plans environmental policy has become one of the centre policies of the European Union with estimates of the number of EU environmental laws ranging from over 200 to over 700. (Greenwood, 2003: 186-7)

The wide range and quantity of laws and policies in the field of environment means that equally wide range of actors seek to exert influence in environmental policy making. (Greenwood, 2003: 187) The public interest groups that are well resourced are highly capable of acting and engaging policy in the field and even rising to a highly scientific level. It is also their high dedication to the cause that gives them an advantage over business associations. It certainly seems that earlier times, when business lobbying on environmental issues swamped the efforts of other actors, have now passed. Though it can not be denied that when needed, business associations have a significant pool of resources to dip into for the purposes of environmental policy making. For example, "The family of EU chemicals association inside CEFIC can draw on the resources of 4,000 personnel in expert committees to supplement those of over 100 staff working full time under its umbrella." (Greenwood, 2003: 187)

Nevertheless, the interests of public interest groups and business associations are not always in conflict: a degree of collaboration has been found between business and 'light green'

interest groups. For example “...over renewables, or where one segment of business is seeking to impose higher production costs on another.” (Greenwood, 2003: 188) The same type of cooperation can also be found from voluntary industry-organized environmental schemes to promote good practices. Good example of this type of scheme is the certificates of good environmental practice to enterprises by the ‘Green Globe’ network. The idea behind initiatives such as this is to show that good environmental practices can also make good business sense. The environmental movement has also contributed to statutory framework initiatives that have contributed to wards changes in consumer behaviour, such as the 1992 Directive on eco-labelling. “...the key contributions of environmental public interest groups, at EU and other levels, are the influences they have contributed to the belief systems of policy makers and of business and consumer interests.” (Greenwood, 2003: 189)

### Environmental Public Interest Groups

Group of Eight (G8) is a loose but coordinated network of eight of the largest European environmental organizations that “coordinate joint responses and recommendations to EU decision makers.” (G8, 2002: 3) Table 1 sets out the interest groups belonging to G8 and their Brussels offices.

G8 claims that the collective number of their members is over 20 million, meaning that they represent at least 5 per cent of the European population. (G8, 2002: 3) Seven of the eight are traditional type “transnational direct member organizations”, when as the eight, EEB “has a membership so diverse that none of the G8 organizations is tied to any one member state.” (Greenwood, 2003: 189) These facts combined with skills acquired by European offices give environmental organizations considerable advantages in working at the EU level. Their strength lay in the way they have been able to combine institutional politics with traditional social movement activism. The organizations resource base, as well as their scientific base, enables them to act as guardians of the enforcement of the environmental laws, and being very efficient at that.

**Table 1:** *The 'G8' environmental NGOs*

<i>Organization (acronym)</i>	<i>Year EU Brussels office established</i>	<i>Number of staff in Brussels office</i>	<i>Core funding sources</i>	<i>Outreach office or number of members</i>
European Environmental Bureau (EEB)	1974	13	Commission, national governments, members	134 organizations in 25 countries
World Wide Fund For Nature (WWF)	1989	23	Commission, wider WWF movement	Outreach office
Friends of the Earth Europe (FoEE)	1989	10	Commission, wider FoE movement	Outreach office
Greenpeace	1988	8	Wider Greenpeace movement	Outreach office
European Federation for Transport and Environment (T&E)	1989	7	Commission, national members	41 organizations in 21 countries
Birdlife International	1993	3	Commission, wider Birdlife movement	Outreach office
Climate Network Europe (CNE)	1989	7	Commission, network partner organizations, trusts	Brussels HQ
Friends of Nature International (IFN)	n/a	3*	Commission, wider movement	Vienna-based (39 offices, 3 Belgian)

n/a = not applicable.

\*This is the Organization's estimate of the full-time equivalent staff working on EU affairs from its Vienna headquarters

Source: Greenwood, 2003: 190

The G8 organizations, however, are not the only ones acting on the European level. There are eight further environmental NGOs recognized by the G8 alongside of them as 'European environmental NGOs' (E-NGO). These eight E-NGOs are: the European Cyclists' Federation, the Seas at Risk Association (SAR), and six regionally-based environmental organizations. Almost all, 15 out of the 16, of the E-NGOs receive funding from the EU. The only exception is Greenpeace. Even still addition to the 16 E-NGOs, there are a number of smaller environmental organizations working in Brussels, for example: the World Conservation Union has a Europe regional office in Brussels. According to estimates there are over 70 staff members working on environmental public interest groups based in Brussels alone, supplemented by countless supporters willing to contribute expertise and voluntary assistance. (Greenwood, 2003: 190-1)

Despite some frictions arising from differences of style in addressing issues, the G8 are generally collaborative and well coordinated, whether they act separately or together. They



have a routine of meeting every six to eight weeks and swap information and coordinate their actions. The G8 also meets periodically with the Cabinet of DG Environment, and annually with the President of the commission. (G8, 2002: 5)

WWF and Birdlife International have come to be known as less confrontational than perhaps some of the other G8 organizations, notably Greenpeace. Their strong resource bases also enable them to engage in policy making at a highly technical scientific level. Especially the WWF has been active in using the ECJ when necessary to take actions against member states for environmental violations. (Graziano, 1999: 310) In addition it also makes use of its mass-membership base through letter-writing campaigns. Birdlife International is also very good at mobilizing its mass-membership base: it presented a petition to the European parliament with two million signatures in it, the largest ever of its kind. The petition was aimed at stopping the modification of the Birds Directive to extend hunting seasons. The proposal was withdrawn by the Commission and the petition was believed to be a contributing factor. (Graziano, 1999: 310)

WWF and Birdlife International are considered 'light' green, where as Greenpeace and Friends of the Earth Europe (FoEE) are more 'medium to dark' green. This is because Greenpeace and FoEE have become known for their more confrontational way of dealing with issues when as WWF and Birdlife tend to use science and softer methods. However, FoEE and the Greenpeace are also equipped to participate at EU policy making at a technical level. (Graziano, 1999: 311)

All of the G8 organizations, with the exception of Greenpeace, have worked with the European institutions by doing some investigative work for them. All of the G8 organizations have the technical and political ability to turn science into politics by influencing the ways in which issues are perceived and defined. (Greenwood, 2003: 196) Unlike so many other public interest groups, whose roles are primarily restricted to ideas dissemination, agenda setting and the politization of issues, environmental groups have the ability to engage policy making throughout its different stages, formulation, implementation and monitoring. Crucially, they have also helped shape not only the thinking of other policy actors, such as the Commission and producer groups, but also member states preferences towards environmental protection policies. (Greenwood, 2003: 196)

## **Strategies of Action**

There are many strategies, on different levels of governance, that the environmental movements can adopt when trying to achieve their goals. Several variables influence the process of deciding which course of action to choose. Some of the organizations choose to adopt conventional tactics such as political lobbying and bringing court proceedings, whereas some opt for a range of unconventional protest tactics, in other words, direct action. These unconventional tactics often involve “the purposeful disruption of lawful social or economic activity” (Hilson, 2002: 204) and can sometimes include violence. The choice of strategy for the organizations can be explained by the role that resources, identity, ideas and values play. (Hilson, 2002: 203-4)

The role that resources play in all actions of the environmental organizations has been mentioned before, however, when examining the choice of action and level of action, it is important to take it into consideration once again. It can be argued that organizations and NGOs adopt strategies that fit into their resources, with resources defined to include not only finances but also factors such as the professional and educational background of personnel. (Byrne, 1997:132-3) Hence, on both domestic and the EU level, political lobbying is likely to be a realistic strategy only for those with a professional background. On the domestic level political lobbying is often relatively costless and manageable even for the smaller organizations. However, on the EU level the story is often very different: EU level lobbying is associated with payment to a professional lobbying cadre who fit the specific policy-making mould and can be very costly. (Byrne, 1997:133) Although litigation can be even more financially burdensome: not only do you have to employ expert lawyers on your side, but also, if you lose, you are likely to be made to pay your opponents’ litigation costs. (Diani, 1997: 133-4) On the national level these costs might still be manageable for a NGO with a reasonable pool of resources. However, on the EU level, where court cases often stretch out for years, direct litigation is an option only for the largest of the organizations.

The type of strategy chosen by an NGO also depends upon its identity: the type of strategy adopted depends on whether the organization is instrumental or counter-cultural in orientation. (Kriesi, 1995: 58-9) For example, instrumental NGOs such as the Friends of the Earth and Greenpeace are likely to favour a strategy with which they will most likely reach their goal, whatever that strategy might be. On occasions, this may be protest, but it is increasingly likely to consist of conventional strategies such as lobbying or court proceedings spread over multiple

levels. (Kriesi, 1995: 59) In contrast counter-cultural organizations such as Earth first!, that draws upon anarchist ideas, define their identity through confrontational interaction with opponents. These groups prefer direct action as a chosen strategy and view it as much an expression of identity and lifestyle as it is one of seeking an instrumental goal. Counter-cultural organizations are more likely to act only on the domestic level. (Kriesi, 1995: 59)

## Political Opportunity

Political opportunity structures are also very influential in explaining the strategy choices of environmental organizations. The question of ‘openness’ of a political system is a trickier one than might seem at the first glance. For example, the UK or French political systems as a whole are often characterized as ‘closed’ rather than ‘open’, which overly simplifies the issue. For example, although it might be concluded that the UK administration is relatively open to environmentalists, it does not necessarily follow that this will be true in across all the sub-areas of environmental policy. (Hilson, 2002: 242) However, even the examination of sub-areas in terms of openness is often not sufficient. “Political opportunity must be seen not just in terms of openness (in other words *access* to the administration), but also in terms of political receptivity to the claims being made.” (Hilson, 2002: 242) Hence, litigation or protest as a strategy choice may arise from lack of success in conventional political arenas. Also, while access will typically be necessary for success, it is not sufficient. Political elites must also be receptive to the claims being made and willing to change policy accordingly. In other words, alternative strategies may be adopted despite a favourable political opportunity structure in access or openness terms. (Hilson, 2002: 242-3)

The political opportunity structure in the UK in the early 1990s was mixed for the environmental movement: although there were successes in certain areas of environmental policy, development planning was not among them. Despite the presence of access at various points in the administrative process, such as participation in local planning procedures including public inquiry, the fact that a pro-development Conservative government was in office meant that successes did not happen often. (Hilson, 2002: 245) The movement was thus driven to adopt a litigation strategy, which involved bringing judicial review proceedings before the English High Court to challenge the decision to give the permission to start developments without conducting a proper environmental impact assessment (EIA) in accordance with the EC law. (Hilson, 2002: 245)

However, there were problems of formal access to the courts, with environmental groups often being denied standing to bring review proceedings. (Hilson and Cram, 1996: 13-4) Even where standing was granted, the chances of success were remote as the English High Court was far from receptive to environmental actions. Instead of the judges using Article 177 as a weapon to attack flawed national legislation, they used it as a cover to protect the legislation: instead of referring cases to a pro-environmentalist ECJ, they avoided referrals and decided the relevant points of EC law for themselves. Their interpretations of the EC law never resulted in success for environmental applicants. (Hilson and Cram, 1996: 14)

An example of an environmental action spread over multiple levels is the case of Twyford Down. In 1989 a motorway was to be built through Twyford Down, a significant piece of English countryside. With the failure of national court action in October 1990, the local Twyford Down Association (TDA) proceeded to try an alternative legal strategy, by lodging a formal complaint with the Commission in November 1990. (Bryant, 1996: 8-10) However, the commencement of Article 169 EC (now 226) proceedings failed to discourage the UK government, which gave instructions for work to start on the motorway in January 1992. It was not long after, that protesters were mobilized to take direct action. Though in this case the action strategy did not pay out, a new sub-movement against road building was born. (Bryant, 1996: 13-15)

## **Interviewing the Green Elite**

### **Introduction**

In conducting interviews, as in social science generally, the best way to design and conduct a study is to concentrate on its purpose. The primary question one must ask before even designing a study is, "What do I want to learn?" (Aberbach & Rockman, 2002: 673) Appropriate method to use depends upon the answer. Conducting interviews is the right method to choose if it is paramount to know what a set of people think, how they interpret an event or series of events, what they have done or are planning to do. (Aberbach & Rockman, 2002: 673)

The general method of conducting face-to-face interviews was chosen, instead of a questionnaire for example, because from a very early on, it became obvious that it was impossible to anticipate the answers that the interviewees would come up with. Hence, a flexible and interpretive method was needed to conduct the research with. It was also important to be able to respond to any surprise findings right away by asking additional questions. Hence 'going to the source', that is to the NGOs themselves, is the best option of gaining reliable information.

The main method of this research is interviews and the secondary method is Elite interviewing. The two methods have a lot of the elements, even to the extent that Elite interviewing could be characterised as a subcategory. However they do differ in some ways that will be clarified in this chapter.

What makes the interviews 'elite' is the fact that my intent was to interview the executive directors of Finnish environmental nongovernmental organizations (NGO). The persons interviewed possessed an expert level knowledge of their organization's operations on both the national level as well as the European Union (EU) level. Hence the interviewees belong to the elite of environmental NGOs.

Defining the term 'elite interview' can sometimes be problematic. Most commonly the term is defined to mean the interview process of a person or a group of people in a leading position in a society. For example ministers and the president of a nation belong to the absolute elite group of a society, as well as the CEO or the president of a board of a company belongs to the corporate elite group. Then again, from any group of people, or field of research, individuals can be distinguished for their experience or expertise and considered as the 'elite' in that particular field. (Dexter, 2006: 19) For example the mothers of young children have the necessary experience to qualify them to be considered as the 'elite' in issues related to child care (Mykkänen, 2001: 109-10).

### **Preparation and Planning**

Before the actual interview process, and even as soon as in the planning stages of the research, it is important to pay attention to a few key issues. It is extremely important that the researcher has some kind of idea what type of research material might be needed for the study and how best to gather it. Especially it is important to decide at an early stage if interviews are the appropriate method of gathering information for the particular research, and if it is, how should one best prepare for them. In addition a realistic schedule has to be set up for the research. (Gillham, 2004: 4)

Using interviews as a research method is sometimes criticized for being 'unscientific' (Kvale, 1996: 59). As a method, interviews are sometimes classified as unreliable, putting too much emphasis on the interpretations of the interviewer and relying too much on the ability of the researcher to control the interview. Although there are great risks involved with the loss of control, sometimes they cannot, or maybe even should not, be avoided. For example in the field of political research, many questions relating to political decision making, such as different stages of preparation and unofficial practices, cannot be answered by just studying documents. If a more accurate view of the research theme is to be achieved, a supplementary material is needed. The most common way of supplementing a document-based research is to conduct interviews with the people involved with the decision making process themselves, the aim being at gaining first hand information about the relevant process. (Mykkänen, 2001: 110)

Furthermore, the process does work both ways: official documents can be used to compliment research based on interviews. In fact it is highly recommendable to not rely solely on interviews as a research material but to supplement it with other methods such as documents. (Dexter 2006: 15-17) Besides, even if interviews are the main source of research material, secondary sources always play an important role in providing the researcher with the necessary background information. Without the appropriate background information, the interviews may not fulfil their purpose and hinder even the research process. The interviewer might ask questions of topics that are of common knowledge and hence show a lack of interest in both the topic of the research and the interviewee. (Mykkänen, 2001: 110-1)

Moreover, a well prepared background study serves another purpose as well. Not only does it keep the interviewee interest and engaged to the interview, but it also provides the interviewer a source of confidence that is vital for continues flow of the conversation and for the efficient evaluation of the answers given. This type of error should especially be avoided when dealing with members of the elite as they often know their value and the interviewer should respect that. (Mykkänen, 2001: 110-1) As members of the elite have a reason to be reserved when it comes to sharing sometimes delicate information, the researcher can use the previously gathered background information to be aware of any inconsistencies in the answers and use her own knowledge to build a trust with the interviewee. Armed with a proper knowledge of the research theme it is also easier for the researcher to translate the answers that were given to a more concrete form, as they often tend to be rather long and incomprehensible to the untrained ear. This point is particularly important as usually elites' position in society is based on exclusive information. (Mykkänen, 2001: 111)

For the purpose of this study, the plan was to interview representatives from all the environmental NGOs operating in Finland. In the beginning of the research process, I thought there would be no shortage of NGOs to interview, perhaps even enough for me to choose the targets of this research. However, after extensive research, both theoretical and practical, on the matter it becomes obvious that there were not enough NGOs operating in Finland to leave any of them out of the research. The NGOs interviewed are:

- Greenpeace Nordic
- World Wildlife Fund (WWF)

- The Finnish Association for Nature Conservation. (FANC)
- Friends of the Earth Finland
- Dodo
- Bird Life Finland
- Animalia

The list contains all the major environmental NGOs based or branched out to Finland. They are all nationally influential and have a great potential to act internationally, if they are not doing so already.

### **Making a Contact**

Making the first contact to the interviewees is a critical phase in the interview process, especially when conducting elite interviews, as it is often the case that without the interviews there is no research either. Even though there might not be a horde of researchers going around demanding for interviews, it is definitely the case that the ‘buyer’, that is the interviewee, holds the power to refuse the interviewer and possibly destroy the research. (Berry, 2001: 680) The interviewee has no obligation to take part in the research, hence, it is the responsibility of the researcher to make the contact and ‘sell’ the research to the interviewee. This, however, is not always an easy task. Even though members of a particular elite group might be fairly easily located, creating a strong research contact might turn out to be more difficult task. When creating that very important connection, it is important to present yourself and your research in the correct way. (Berry, 2001: 680)

When first presenting your research theme to the interviewee, the proper formulation of your research problem is of utmost importance. Although it has to be noted that formulating the research problem is ultimately a process that usually continues throughout the research process and is finalized only after the interviews are finished and the researcher possesses all the needed data. Therefore, the researcher has to think about the research problem and her point of view in all stages



of the research. Then again the research problem has to be at least sketched in the very early stages of the research so that it is possible to contact the focus group and see if it is even possible to conduct the research. (Berry, 2001: 680)

It has been established that it is very important to be able to present your research interest clearly and concisely, however, in addition it is very important to pay attention to one's own communication skills towards the elite. Aside from the normal common courtesy there are a few things to keep in mind. It is advisable to rehearse presenting an overview of the research project so that it can be done in a matter of seconds for the purpose of presenting it on the phone. A quick and easily understandable overview is much more effective tool in creating trust than a long and incomprehensive story. At some point of the process a longer explanation might be relevant; however, at the very beginning easy comprehension and trust go hand in hand. (Gillham, 2004: 6)

Members of an elite group are usually considered to be isolated to a degree, guarded by assistants, secretaries and porters. Increasingly the trend seems to be that even in the most democratic countries that the elite groups isolate themselves physically as well: the level of security has been raised and access to buildings or executive floors are often electronically controlled. (Mykkänen, 2001: 112) Although in regards to this research I did not find this to be true. My plan of action was simply to call directly to the executive director, if there was one, and hope to get him or her to agree to an interview. It was easy enough to make the first contact, however, it was a completely another story to get them to agree to an interview. What happened in many of the cases was that the executive director told me that someone else from the organization would be qualified to answer any questions I might have and hence would delegate me to them. It is hard to say whether they are being truthful about their motives for delegating the interview to someone else. In the end I managed to interview four executive directors out of seven NGOs, although, keeping in mind that two of the organizations do not have one.

Even though there are cultural differences on how to best approach a member of an elite group guarded this way, in Finland this is not an impossibly difficult task. However, there are a few basic things one must pay attention to, such as attaching yourself to a research organization, university for example, and to paying attention to communication skills, as they should be neutral and presenting things with as few words as possible. (Mykkänen, 2001: 113) In addition the researcher must be persistent in pursuing, for example, corporate executives or nation-level politicians that are buried under a mountain of institutional routine and obligations. Simply being

'busy' is the most significant hindrance for being available for a meeting, though other reasons can come into play as well. (Mykkänen, 2001: 113)

Belonging to a research organization can make a crucial difference when legitimizing a research project. Even though 'belonging' to an organization would only mean the physical location of an office or a place of study, organizational backing has both symbolic value and more instrumental control value. The research organization provides the research target group members with an outlet to supervise, for example, how the material is being used as well as providing an easy means of reaching the researcher in case there is a need to discuss issues relating to the research. (Mykkänen, 2001: 113) A researcher operating without the backing of a plausible background organization often arouses suspicion among the elite, for example, because they are used to people representing something more collective than just themselves. To be able to identify yourself to a background organization is also a source of trust and a good starting point to build a stronger relationship. (Mykkänen, 2001: 113)

All though members of the elite do usually appreciate practicality, they do have a tendency preferring universities and other scientific institutions over commercial entrepreneurs and freelance researchers. Freelance researchers are considered unreliable because of the lack of institutional watchdog. Commercial researchers on the other hand, are a part of a industry that, paired with the media, forms a distracting force to the everyday life of the elite. (Mykkänen, 2001: 113) For example, in Finland the chairperson of a parliamentary group might be the target of over a hundred differed attitude- and opinion polls in a year, though it should be noted that the elite does support the operations of this industry by commissioning its services in regular basis. However, it is just this lack of relationship between the researcher and the target group when dealing with commercial players that separates academic researchers from all the others. (Mykkänen, 2001: 113)

Academic researcher is often considered to be a special case to be taken seriously, and time is often donated generously. Although a member of the elite might not commission a research from an academic researcher, they might still have a more positive attitude towards academic researchers than perhaps otherwise more efficient commercial researchers. Even though being an academic researcher might not always be an advantage (Searing, 1994: 405), but in 'buyers market' it can be a good way of separating oneself from other providers of the same product.

However, as mentioned before, being an academic researcher is not always an advantage. Especially when dealing with the elites of the business world a problem of relevance

might arise: in order for the research group feel that the research is justified, it has to have concrete value. In this sense academic research is often is often classified as useless. (Thomas, 1992: 86) Though this does not mean that academic research interests are necessarily bad thing, but if the research has no value to the interviewee it might raise resistance. Furthermore, academic researchers can be seen as a threat because they are seen many ways as independent from the surrounding society, and hence, they are not as easily controlled as a hired consultant. (Thomas, 1992: 86-7)

## **The Interviews**

Kvale (1996) defines the research interview as an “interpersonal situation, a conversation between two parties about a theme of mutual interest.” (Kvale, 1996: 125) The interview situation is not as anonymous and neutral as when a subject responds to a survey questionnaire but it is not, however, meant to be highly personal and emotional either. When conducting a research interviews, it is up to the interviewer to create in a short time a contract that allows the interaction to get beyond merely a polite conversation or exchange of ideas. An atmosphere must be established that allows the subject to feel safe enough to talk freely about his experiences and feelings. This involves “a delicate balance between cognitive knowledge seeking and the ethical aspects of emotional human interaction.” (Kvale, 1996: 125) In other words, though personal expressions and emotions should be encouraged, turning the interview to a therapeutic session should be avoided.

What is probably the most important aspect of the interview process is to not only listen to the words that are spoken, but also to interpret the interviewees’ body language, tone of voice, expressions and reactions. Each word, act, and pause carries a meaning. Often the findings of a research interview are based on an interpretations of the interviews, hence paying attention and being an ‘active listener’, the interviewer can get a lot more out of the interviewees than just simply looking at the answers. (Mears, 2009: 115)

When conducting a research interview it should always be kept in mind that the interview conversation is not a reciprocal interaction between two equal partners. The interviewer should define and be in control of the situation while steering it through additional questions.

(Kvale, 1996: 126) For this end result to become a reality, and as has been mentioned before, advance preparation is the key.

### Conducting Elite interviews

As interviewees, members of the elite are both ideal and extremely difficult. Members of the elite are often used to being interviewed and, express themselves verbally very well. They have a tendency to talk a lot and eloquently, but often in a way that is almost incomprehensible to the untrained ear. Researchers are often disappointed to their material that can be very abstract, deals matters in very general level and often does not correspond with the questions. (Dexter, 2006: 20) It is typical for people in leading positions to approach matters in a more abstract way. These people are typically well educated, used to dealing with large quantities of information and it is their job to see long into the future. In order to succeed in that, they have to assume more abstract thinking patterns. In their position as the elite, they are used to of being heard: they talk and others listen. (Dexter, 2006: 20)

However, this does not mean that they are arrogant or condescending; on the contrary, usually members of the elite have assumed much more refined style of interaction where pleasantness is combined with determination and assertiveness. The interviewer is often made to feel respected and as if lifted to the same level as the interviewee. This kind of behaviour might sometimes surprise the interviewer. Although it should be kept in mind that the elevation is only perceived: the interviewee will give indications when to react to humour, when it is time to be serious and what are the appropriate common concerns. The interviewer has to be aware danger of losing control of the interview in situations like this. (Dexter, 2006: 20)

The social skills of the elite usually give them the upper hand on the interviewer, and they will try, and often succeed, to dominate the interview. They might try to use techniques like going around the question, answering to whole different question or simply just not answering at all. Since the members of the elite are by definition on a higher position, they must also have their own agenda that usually shines through to the interview. (Mykkänen, 2001: 118)

Another problem when interviewing a member of the elite is standardized answers. This means that the interviewees do not answer the questions according to their personal view or

experience, but use the official point of views of the organization they represent. Though, sometimes their individual agenda and the general company agenda are the same or very close to one another. Furthermore, if there is no official policy, the interviewees might still lean on easy generalizations, stereotypes or clichés. (Odendahl & Shaw, 2002: 308-9) Standardized answers and speech is the elite's way to protect themselves from the outside world and also a part of asserting their power. Sometimes standardized answers might be useful to the researcher; however, more often they are detrimental to the research. (Odendahl & Shaw, 2002: 309)

As standardized answers are a real problem when conducting elite interviews, how can the interviewer avert the interviewee from using them? First of all elite interview must be flexible but well prepared. In addition the interviewer must pay attention to the answers, so that if the original answer is too vague additional questions can be asked or the original question can be clarified. Members of the elite assume that the researcher is not going to waste their time by asking trivial questions, but instead look forward to challenging and interesting questions. Furthermore, this is also the reason why open-ended questions work better than standardized questions. (Dexter, 2006: 26)

Secondly, another way increase trust between the researcher and the interviewee, and to increase the intellectual depth of the answers, is to modify the researchers own idealism or opinions to more match those of the interviewee. Of course the interviewee doe not actually have to change her convictions, but simply to appear to openly positive towards the opinions of the interviewee. Though, too positive and uncritical attitude can arouse the suspicions of the interviewee and turn the affect completely around. (Dexter, 2006: 26)

As mentioned before, for this research I got the opportunity to interview both executive directors, as members of the Elite, and other NGO staff, as in some cases the interviews were delegated to other personnel. I did not find there to be a great deal of difference in the interviews the Elite and other members of the personnel. Of course on the personal level there were differences between interviews, but they can hardly be credited to the difference in professional standing. Although in retrospect this observation is hardly surprising, after all the same preparations were conducted for all of the interviews, regardless of the position of the interviewee.

Thirdly, a careful wording of the questions can increase the factualness of the answers, decrease unnecessary generalizations and gain answers even to the most sensitive questions. The common rule when structuring an interview is that the easy questions are placed to the beginning of

the interview to get the conversation going. (Dexter, 2006: 26) However, when dealing with elite interviews, this can cause to frustrate the interviewee. A better option is increase the level of these preliminary questions and start, for example, something concrete relating to the research theme. There is usually no need to use ‘teaser’ questions to get the conversation going. By going straight to the point the researcher gives out the impression that she is well educated on the research theme and very efficient, all qualities the members of the elite usually appreciate. (Dexter, 2006: 26-7)

The interview should be structured so that those questions that have no sensitive elements on them are gone through first. These questions should frame the research theme. When the overview of the research theme has been established, it is time to move on to the more detailed questions, among which can be sensitive questions as well. (Mykkänen, 2001: 121)

In my interviews I relied on open-ended questions. This was mostly because I had no idea what the answers would be and it was important to be able to react on case-by-case basis with follow up questions. It was also important for the natural flow of conversation and for the general atmosphere of the interview situation not to have questions that are very restrictive.

## **Analysis of the Material**

As mentioned before in this research, my main material consists of seven interviews. These interviews were approximately an hour long and were structured as loosely as possible around the themes of my research question. As the material itself is not terribly extensive, I did not find the need to do full transcription of the interviews. Instead, after listening to the interviews several times, I made detailed notes of each of the recordings. These detailed notes consisted mainly of direct quotations and detailed examples that come up at the interviews, However, they cannot be classified as transcripts as I did not include in them instances where the interviewee got side tracked from the question and talk about something completely irrelevant (for my research question) for many minutes. From the detailed notes I also left out many of the filler words and my own meaningless responses to the interviewees’ answers. The point of this exercise was to extract from tapes everything even remotely relevant to my research while separating from it all information that has no relevance.

After finishing with this first initial part of the analysis process, I continued to go through the notes again. This time the idea was to condense the long ideas and statements of the interviewees to much shorter form while grouping them under the main themes of the research. These themes almost formed on their own when the research question was developed. The two main themes of the research are: the lobbying that the environmental organizations practice on both EU and national level and the participation to legal action on the EU level.

Next it was time to develop the subcategories under the main themes. Again, this task was fairly easy as my research question is very specific and even before going into the interviews I had a clear idea what it was I wanted to find out.

## **Analysis**

### **Introduction**

It has been established in previous chapters how influential NGOs can be, and it is the purpose of this chapter to determine whether they fulfil that potential, or are even aware of it, on the national level.

All respectable environmental NGOs, seven in total, operating in Finland were interviewed. The purpose of these interviews was to find out if the organizations are even aware of the lobbying influence and legal opportunities they have on the European level. Furthermore, Finland has been brought in front of the ECJ for environmental policy violations by the Council numerous times, but extremely rarely has an environmental organization taken legal action against the state. It will be interesting to find out why not? Do they not have the recourses or knowledge to do that? Or could it be the case that they are supplying the Commission with the evidence needed to pursue legal action?

The chapter has two main sections: Lobbying and Legal action. The lobbying section is about who does the lobbying, on both levels, and what is lobbied. The two levels, though interlapping, are dealt with separately and with several examples. The second section is about the routes that environmental NGOs take when they are faced with the need to initiate a legal process.



## Lobbying

Lobbying is nowadays a very commonly used and accepted way for NGOs and organizations of all sort to influence the decisions made by the legislators and officials in the government of a state or, like in this case, the EU. Though lobbying certainly is an important tool, it must be kept in mind that lobbying is only a means to an end, not the end itself. In other words, environmental NGOs feel strongly that their foremost responsibility is to protect the nature, or a specialized part relating to it, and if after the conservation work there still remains time and resources, some of it might be distributed towards lobbying.

In theory environmental NGOs have great opportunities of influencing the decision makers on both the national and EU levels. As the environmental awareness has increased, and moved up in the agenda of many countries as well as the EU, so has increased the relative influence of the environmental organizations. However, especially in the European Union, it has been claimed that in some cases the environmental NGOs have basically written a piece of legislation that was accepted and implemented with no objections. This would suggest that, in fact, environmental organizations potentially can form a lobbying force to be reckoned with.

All of the interviewed organizations openly admitted of using lobbying as one of their main tools to reach their policymaking goals on both the national and on the EU level. Many of them even listed lobbying as one of their main activities in their webpage. Dodo is the only one from the seven NGOs to state that it does not have the resources necessary to participate in full scale lobbying. (Interview, Dodo, 22.01.2010) Instead of lobbying, Dodo is concentrated on spreading the awareness of their causes to the general public. Although in the interview, Pauliina Jalonen, the Chairman of the Board of Dodo, did admit that Dodo would be more than willing to participate in the more conventional type of lobbying, if they had more resources and were able, for example, employ permanent staff and an executive director.

*“...you will not find us from the corridors [of the parliament]. We think that because we do this as a volunteer basis, we can create more buzz by simply having a dialogue with normal people out on the town, and enhancing their opportunities to make a difference and be part of the transformation.”* (Interview, Dodo, 22.01.2010)

## Lobbying on the EU Level

Although NGOs certainly can practice lobbying in the EU level, on their own accord and utilizing their national resources, all of the interviewed environmental organizations choose to belong to an international, or at least EU wide, organization that has specialized working within the EU.

There are two types of international organizations that national NGOs can belong, and pay membership fee, to: the first type is an international cooperation organization, which usually has the same name than the national equivalent and share the exact same values. These international organizations have the resources to sustain EU level, as well as international, activities. For example, Birdlife Finland pays membership fee to belong to Birdlife International that sustains offices in Brussels with a staff of 13 persons. This basic idea can be applied to Greenpeace, WWF and FoE.

The other option is to join one of the many international or EU level organizations that have the recourses to be involved with lobbying inside the EU. The value systems and priorities of the national and EU level organizations do not always completely meet on all the main issue areas, hence it might be necessary to join multiple international organizations in order to find proper representation to all prominent issues on the EU level.

From the group of seven, FANC and Animalia are members of other international organizations. FANC is a member of as many as six international networks or organizations. However, in the interviews European Environmental Bureau (EEB) was named as the main channel through which their European –level goals can be realized (Interview, FANC, 15.02.2010). Likewise to FANC, Animalia too holds memberships to several international organizations, three to be exact. The main one of these is Eurogroup for Animals (EA), though in the case of Animalia, this one European level organization does not fulfill all of their representation needs; for example, as of right now, the EA has no campaign or special interest in animal testing or fur farming. Hence Animalia belongs to European Coalition to End Animal Experiments (ECEAE) and the Fur Free Alliance (FFA). (Interview, Animalia, 31.03.2010)

*“... in our experience Eurogroup alone is not enough.. So, for example right now they [Eurogroup] have no active campaign on animal testing or fur farming, which are our*

*main areas of interest. So, we do feel that it is worth the while to belong to these three organizations.”* (Interview, Animalia, 31.03.2010)

Only one of the organizations interviewed, FANC, estimated that they had the resources necessary to engage in comprehensive lobbying activities on the EU level on their own. (Interview, FANC, 15.02.2010) the other six choose not to engage in such activities either because of a lack of resources, or a by choice and prioritizing. Nor do they, in my opinion, have any reason to do so. These Brussels based organizations often have better connections and are better resourced than any country based NGO would ever be able to sustain. Hence, it makes sense for the national –based organizations to aim their resources to the national level and handle their European goals through the EU level organizations.

There are also differences in the relative political influence of the different EU level actors, and especially how that influence is perceived. Eero Yrjö-Koskinen, the executive director of FANC estimates that EEB has very much influence on the European Level and even states that:

*“EEB undoubtedly has corresponding position [in the EU] than what the FANC has in Finland. It is without a question the strongest out of these [EU level] environmental organizations when it comes to influencing [EU] legislation. [They have] direct contact with heads of the Commission in questions relating to the environment”* (Interview, FANC, 15.02.2010)

On the other hand, Teemu Lehtiniemi from BirdLife Finland is convinced that:

*“Well, I would say that the role of BirdLife [International] in the EU is very powerful. Even from the time when the Birds Directive was established Birdlife... has been actively involved. And it would be fair to say, that it is very strongly involved in the Commission’s decision making process, even from the first stages onwards. The communication [between the Commission and Birdlife International] is very good and many other organizations are jealous of us for that... It is straight up being said that on the EU level, BirdLife is so much more stronger than for example EEB.”* (Interview, BirdLife Finland, 08.02.2010)

Furthermore, Liisa Rohweder, the executive manager of WWF Finland estimates as follows:

*“... the original question was, what is the level of our influence in the EU, and I would say that it is the greatest from all of these [other environmental] organizations.*  
(Interview, WWF Finland, 22.02.2010)

Obviously, it is very hard to measure the influence of the three interest groups; and therefore it is hard to tell in absolute terms which one, Birdlife International, WWF International or EEB, is more powerful on the EU level. However, that is hardly even the point. It is interesting how all of these national organizations see themselves as having the best possible representation on the European level. Nonetheless, all of the three international organizations are undoubtedly very influential and, ultimately, working towards the same goal.

Although, the EU level organizations are reliant on their national member organization as well. Connections to the Commission are very important, as it is the main legislative body of the EU. In order to obtain and uphold these relationships it is important for an EU level organization to establish itself as an expert on its field. Of course employing people with expertise knowledge of the field is very important, however, when dealing with as large and as complex of an entity as the EU, it would be impossible for a few employed personnel to keep track of all the political and social developments in all the membership countries. Having a comprehensive network of local (i.e. country based) organizations is vital in order for the EU level organizations to achieve the level of expertise to gain leverage on the EU level.

Many of the NGOs interviewed listed as one of their goals the gathering of information and spreading it as wide as possible, in fact, all of them are publishing leaflets or guides of some sort for educational purposes. Hence, the information from the local level is spread to the EU level, enabling the EU level actors to have a profound knowledge, for example, on the state of the nature in different parts of the Union.

In other words, the relationship between local organizations and EU level organization is symbiotic: the local level NGOs need the EU level organizations to represent theirs (and their members) interests in the EU decision making process, however, the EU level organizations could not complete that task without the constant supply of information and support from the local level.

When national level organizations do practice direct lobbying on the European level, the most likely target is the Finnish Members of the European Parliament (MEPs). Teemu

Lehtiniemi from Birdlife Finland goes as far as to estimate that it is easier to contact, and to get a response from, a MEP than from a member of the Finnish parliament. Yrjö-Koskinen from FANC stated that the main goal for them on the European level is to influence the legislation, and the best way to achieve this goal is via the Finnish MEPs:

*“...by expressing our issues of concern and concretely writing ourselves the amendment proposals that could be used to amend a particular legislative proposal.”*

(Interview, FANC, 15.02.2010)

In some cases more comprehensive lobbying from a national level organization can result in a favorable outcome, as demonstrated by the next example.

An example of a successful EU level lobbying campaign comes from FANC: when the directive on the promotion of the use of energy from Renewable Energy Sources (RES) was being drafted, Finland's main goal was to ensure that peat would be added to the list of renewable energy sources. FANC took an opposite stance and an active approach to the matter and contacted the EEB, Finnish MEPs, and political groups inside the European Parliament.

*“...the main goal for the Finnish government was to include peat in it [the list of renewable energy sources], which is of course scientifically and for climate totally unsustainable... Things went pretty much the way we wanted them to, and peat was not accepted in it [the list of renewable energy sources] and never will be.”* (Interview, FANC, 15.02.2010)

Hence, the end result was very favorable to FANC and peat was not added as a renewable energy source. (Interview, FANC, 15.02.2010) That result can be largely credited to the persistence of the environmental organization.

Although a more integrated, and less confrontational, plan of action can work equally well; an example of which is the way WWF has handled the protection of the Baltic Sea. WWF has established offices in countries along the Baltic Sea coastline and produced a strategy for all of them to follow. However, the point is not to follow the strategy by the letter, but to adopt in a way that is suitable to the particular conditions of the individual countries involved. (Interview, WWF Finland, 22.02.2010)

*“...we have really been able to make a difference by acting out the same strategy in every country and with measures adapted country-by-country basis. And we have, for*

*example, been in a very central position in many situations where the state of the Baltic Sea has been in question, for example the EU's Baltic Sea strategy, for which we made a considerable amount of background research” (Interview, WWF Finland, 22.02.2010)*

On the other hand, European level lobbying campaigns are not always so successful; after all, there are other lobbying forces, sometimes with superior resourcing, to take into account. For example, Animalia is battling with the revision of a directive on animal testing. The draft version of the directive proposed by the Commission was tolerable in Animalia's point of view. However, the pharmaceutical industry unleashed their forces against the new directive and managed to turn the European Parliament, which usually sides with the environmental interests, on their side, securing redrafting of the directive. (Interview, Animalia, 31.03.2010) Although, Salla Tuomivaara, the executive manager of Animalia, adds that even though the end result was not ideal, without huge amounts of work from the side of the environmental NGOs, the outcome could have been a lot worse.

In the latter case, the lack of support from the European Parliament was truly a surprise, as the environmental issues are ones where the Parliament has usually been able to agree. Yrjö-Koskinen, from FANC notes:

*“I would also estimate that perhaps environmental issues are precisely the theme under which the [European] Parliament is at its best. It [environmental issues] is specifically the joint European question, that is good to promote and where national interests perhaps do not weigh in so much.” (Interview, FANC, 15.02.2010)*

## Lobbying on the National Level

Lobbying is not a cost free business even on the national level. It requires a considerable amount of time and effort to obtain and uphold relations with the government institutions, as well as the wide variety of political parties.

In terms of lobbying on the national level, the NGOs that were interviewed can be divided into two categories: in the first category we have FANC, WWF Finland, and Greenpeace

Finland. These organizations have very good connections to the government, to the political parties, and in some instances, to the media as well.

*“Nationally, we are actively in contact with all the political parties. Next we are about to launch our parliament election –campaign... during which we will be going through all the political parties.”* (Interview, FANC, 15.02.2010)

The question rises, why have these particular organizations been able to create such a network, and not the others?

Firstly the size and the long history of the organization comes to mind: FANC is the biggest and perhaps most well resourced environmental NGO in Finland and WWF Finland is not far behind. Although, mere size cannot be the only reason, otherwise, Greenpeace and Birdlife Finland could also belong to this category. Liisa Rohweder, from WWF Finland, explains that the reason behind their excellent networks is their basic values, which are based on cooperation and finding alternative answers to the problems. (Interview, WWF Finland, 22.02.2010)

*“We do not climb walls or chain ourselves to anything. We negotiate, discuss, and try to find answers. Also, one of our central ideas is to be positive and we truly believe that the world can be saved...”* (Interview, WWF Finland, 22.02.2010)

While this might be the case, an element of prioritization must also come into play. It is only natural for environmental organizations to divide their limited resources among many important areas; hence it is understandable that some areas cannot be given the same amount of attention as others.

Animalia, Birdlife Finland, Dodo, and FoE belong to the second category. These organizations do not have the resources, or have prioritized them differently, to uphold the same kind of networks as members of the first category. Although, that is not to say that they do not take part in any lobbying activities on the national level. On the contrary, they may be very active on lobbying, for example, a piece of legislation. However, they do choose their battles carefully.

*“In Finland we practice it [lobbying] fairly little, due to purely the lack of resources... if we had more resources, we would also do it more, on both the EU and national level.”* (Interview, BirdLife Finland, 08.02.2010)

Birdlife even has a problem with people contacting them and trying to use the organization for their advantage: the local inhabitants who do not want a wind farm being build in their neighborhood try to use the detriment of the bird population, as it is a well known fact that wind farms have a very destructive effect on the bird population of the area, as an argument against the farm being build and hope to get backing, or even a front fighter, from BirdLife. Unfortunately for the inhabitants of the area where the wind farm is being build, in most cases BirdLife finds no reason why the farm should not be build:

*“We do not consider the average wind farm project to be any risk [to the birds of the area]. We just want them to stay away from the really good bird areas.”* (Interview, BirdLife Finland, 08.02.2010)

However, all claims are investigated, which takes up plenty of time and resources. (Interview, BirdLife Finland, 08.02.2010)

Regardless of the degree which each of the environmental organizations partakes in the field of lobbying, each of them has their own successes as well as failures. Although in some of the cases it is hard to credit any single organization for the success, or failure, of lobbying efforts, as usually there are more players involved. However, some cases do stand out.

In the February 2006 the Metsähallitus, state enterprise that administers more than 12 million hectares of state-owned land and water areas, presented a protection plan for the ancient forests of Finland. However, the report excluded wide areas of ancient forests in the heart of Lapland. For more than four years Greenpeace, together with FANC, used all resources available to it to campaign against the commercial exploitation of these extremely valuable forests. Lapland’s vast forests are unique in that they have remained in their natural state, untouched by men, for hundreds of years, up until today. Wide-ranging areas in their natural state are important for the survival of many endangered species. From all the Finnish forestry, only fewer than five per cent have remained in their natural state. (Greenpeace.org)

After more than five years of campaigning and lobbying, in the fall of 2009, finally all parties agreed to come together, and the negotiations could begin. After two months of negotiations, on 27<sup>th</sup> of October 2009, a decision was reached: a conservation area of 35 000 hectares were set up. This kind of excellent negotiation result was made possible by the fact that the clients of the forest industry do not want products from forests that have conservation value (Greenpeace.org).



WWF Finland has also had considerable success in the conservation of the Saima ringed seal. WWF Finland was part of a working group, of which goal was to secure a conservation area of 1500 square meters. Though this goal was not realized right away, the minister of agriculture and forestry later set up another working group to ponder the issue. The second working group took on the same goal as the first one and went even further by setting a time limit by which the conservation area should be realized, however, if this does not happen, a new legislation will be drafted to aid the process. (Interview, WWF Finland, 22.02.2010) This particular case is a very good example of how environmental organizations can be influential on the national level: through lobbying WWF Finland succeeded to directly influence the working of a ministry and later even a piece of legislation.

However, failures are not uncommon either, and can have very serious ramifications. An example comes from Birdlife Finland. Steller's Eider is a sea duck that breeds along the arctic coasts of the eastern Siberia and Alaska. However, it winters down at the seaside in the northern Scandinavia (mostly in the northern coast of Norway) and the Baltic Sea. In Finland there is only one region where the Steller's Eider winters: the region of Lemland in the Aland isles.

The islets of Lemland are mostly protected against any interruptions to the wildlife. However, on one of the islets there had existed an old mine and hence it was concluded that the area's natural state had already been violated, and it was decided to build a wind farm on the islets. Birdlife protested arguing that mining activities had only minimal impact on the wildlife of the area where as a wind farm would cause major interruptions and to cause the area to be inhabitable to all birds, including Steller's Eider. The organization could not stop the wind farm from being build and sure enough the Steller's Eiders were gone as well. The case was brought to the Commission, not as an official complaint, but as an enquiry. However, the Commission agreed with the government officials and the wind farm was build. (Interview, BirdLife Finland, 08.02.2010)

Perhaps a little less dramatic example of an ongoing campaign that has, in most parts, failed comes from Animalia. One of Animalia's main areas of interest is animal testing, and in fact, it has been a major goal of them to ban it, preferably worldwide. For the last couple of government platforms, it has been written down as a goal for the government to reduce the amount of animal testing being done. However, despite the efforts of the organization, no actual measures have been taken to reach that goal, and in fact, animal testing has even been increasing. (Interview, Animalia, 31.03.2010)

## Legal Action

As mentioned before, it is now possible for any private citizen, firm, or organization to bring legal action against a member state in the European Court of Justice in cases of noncompliance with the community law. European wide, this option is being used increasingly in all policy fields, including environmental policy. However, when going through the EUR-Lex database, where all the closed court cases of the ECJ are found, it becomes evident that the Finnish environmental NGOs have not utilized what seems like a very prominent opportunity. The question remains why is that?

The theory, before going into the interviews, was that maybe the organizations were not aware of such opportunity, after all I was doubtful that many of the NGOs to be interviewed would have permanent legal representation; in other words, a lawyer on their payroll. Another option was that, as it is the responsibility of the Commission to make sure that the member states comply with the community law, the NGOs were proving the Commission with information about infringements and, hence, shifting the responsibility of any prominent legal action to it. The third, and last, option is simply the lack of resources. Legal action on the EU level is long and grueling process, which can even take the excess of ten years (as was the case with the second example) and soak up much money.

## Legal Representation

From the seven environmental organizations interviewed none had permanent legal representation. Dodo and FoE concluded that they have no need for legal representation. Even if such occasion would rise that legal advised would be needed, services of a legal consultant could be hired.

Animalia, Birdlife Finland, and WWF have lawyers and people with legal training imbedded in their organization (as a member of the board or otherwise engaged in other duties than legal) making it possible to consult a legal adviser without the extra costs of hiring one. FANC and

Greenpeace regularly use the services of a legal consultant, although FANC is aspiring towards hiring a legal representative on their own.

The reason why FANC is the only one from the group that feels the need for a permanent legal representation is many a fold. As is noticeable from the introductions of the organizations interviewed (from the Introduction chapter), the structure of the NGOs vary significantly. Out of the group of seven, FANC is probably the one with most local-level, or grassroots, activities. Active grassroots operations are, of course, a good thing for an NGO, however, it also means that the local level activists will be leaning on the national organization for any spot of trouble they might have. (Interview, FANC, 15.02.2010) Moreover, as the FANC is an all-around environmental organization (e.i. they have no particular areas of interest), they have to deal with all disputes from wind farms and motorways to planning issues. And there are plenty of incidents to go around:

*“...often these kind of things can be dealt with by requesting an investigation from the police, but sometimes, mostly relating to planning issues, a national level help is needed. Then they [local level organizations] will turn to us... We have a desperate need for one [a lawyer] as these situations come up practically every week.”* (Interview, FANC, 15.02.2010)

All seven NGOs have a way of acquiring legal representation and, based on the interviews, they all seem to be well aware of their rights on both the national and on the EU level. Hence, the lack of knowledge can be ruled out as a reason why Finnish environmental organizations have not been directly involved with legal action on the EU level.

### National NGOs as Watchdogs?

The basic theory is very simple: NGOs operating on the national level alert the Commission of any infringements of the common law by member states. In practice there are two ways of doing that. The first, and the less severe one, is to send out an unofficial request to the Commission to enquire from the national government about an issue that might not be completely according to the common law. This approach, as demonstrated on the Stellers’s Eider –case, does not oblige the Commission to take any legal action against the member states, instead the

approach is based on the hope that by simply being approached by the Commission would be enough to make the member state to take action. Lehtiniemi from BirdLife estimates that this approach can be even surprisingly effective in the Finnish context:

*“It is a lighter plan of action but in Finland it clearly has an immediate effect: the government officials are immediately on their toes when the Commission enquires about something.”* (Interview, BirdLife, 08.02.2010)

This approach can also act as a warning and a first step before making an official complaint if the matter is not corrected.

The second, and more effective, way is to make an official complaint of noncompliance to the Commission. When an official complaint is made, the Commission is then obliged to look into the matter, contact the government in question and ask for a clarification on the situation. If the explanation provided by the government is not satisfactory, it is the obligation of the Commission to take legal action.

The difference between the two approaches is the paper trail: on the first approach the complaint might not be nothing more than a single e-mail, which is very easy to ignore or simply to forget. On the second option, however, the official complained has to be registered and hence the EU officials have no choice but to investigate the matter.

*“In practice if you do not make an official complaint, the case might hit a wall in the Commission. But if you make an official complaint and demand for them to register it as arrived, after that the case is open and they have to pay attention to it. The officials [of EU] of course have a lot to do, as anywhere else too, so as long as the case is not open anywhere, you’ll just put it aside and get on with other work.”* (Interview, BirdLife, 08.02.2010)

It was quite surprising to find that this is actually the main method used by Finnish environmental organizations. It should be noted, that making an official complaint is perceived among the environmental NGOs to be the absolute last resort and used only when all other options have been exhausted, and lines of communication have broken down.

Especially Birdlife Finland and FANC have been very active in utilizing their European level rights by making official complaints against the Finnish state and, most importantly, have succeeded in getting positive results.

For example, in 1995 Birdlife Finland made an official complaint against the Republic of Finland for allowing the hunting of certain aquatic birds in the spring, in the middle of their nesting season. (Interview, BirdLife, 08.02.2010) This is an infringement of the Directive on Conservation of Wild Birds and in 2001, after the Republic of Finland had failed to rectify the situation despite of the Commissions warnings to do so, a claim was raised. The ECJ judgment, which was given in 2005, concluded that:

“...in accordance with the criteria laid down therein, and by failing to establish that, in the spring hunting of aquatic birds in mainland Finland and the province of Åland, the conditions laid down in that provision for such a derogation were fulfilled, as regards in particular the application of the criteria ‘no other satisfactory solution’ and ‘small numbers’... the Republic of Finland has failed to fulfill its obligations under that directive.” (EUR-Lex: Conservation of wild birds)

The result of the case was the best one possible for Birdlife Finland, without actually costing anything to it.

FANC, however, was involved in a legal action against the Republic of Finland relating to wolf hunting. (Interview, FANC, 15.02.2010) The wolf is a protected species and although some hunting permits are granted legally every year, the state of Finland has been giving out too many ‘special permits’ as a preventative measure to ensure, for example, that wolves do not wonder too close to human habitation. In its argument the Commission concluded that

“...since the conservation status of the wolf in Finland is not favorable, alternative approaches may be employed and the hunting permits are issued without any relationship to the particular wolves causing serious damage being properly established, wolf hunting is authorized in Finland to an extent which infringes the conditions laid down in Article 16(1) of the Habitats Directive.” (EUR-Lex: Wolf hunting)

The Finnish government responded to the argument by ensuring that all necessary aspects are being considered before issuing extra hunting permits, and that the wolf population has actually “increased considerably in recent years”. (EUR-Lex: Wolf hunting)

In its ruling the ECJ did conclude that the Republic of Finland had failed to fulfill its obligations under EC law. However, the Commission failed to provide the court with proof as to

any specific case, where a wolf hunting permit was granted without the necessary research. The Court also took into account the fact that during the process, starting from the initial contact from the Commission, the Finnish authorities have been very accommodating and cooperative on the matter. Since both parties failed in some of their claims, they were ordered to cover their own costs. (EUR-Lex: Wolf hunting)

Hence the case was not a full victory to the environmental organizations, nor was it a complete fail either.

On the national level FANC and BirdLife Finland have been very active in using the EU level to bring about results on the national level. All the other organizations interviewed were also very positive towards this kind of action and would be willing to use the EU level, if such an issue would present itself. Perhaps one explanation why the other NGOs on the group have not been as active is that most of them have very specific areas of policy that they are concentrated on. For example, Animalia is very much focused on animal testing and issues relating to production animals (animalia.fi), where as FoE are concentrated on the climate change.

Nevertheless, the question still remains, why do environmental organizations choose the route of making an official complaint to the Commission instead of bringing up court proceedings themselves?

## Resources

In the literature the role of resources is often emphasized. The scarcity of resources was a very defining fact when the matter in question was lobbying. Hence, it is only natural that the same theme continues in regards to EU level legal action. It has been made very clear that litigation on the EU level is often time and resource consuming activity. However, are the environmental organizations aware of this?

During the interviews it became evident that there are differences in how well organizations are aware of the costs relating to EU level court proceedings. FANC and BirdLife Finland both have experience in dealing with such legal action, and they both state very strongly that they would not bring up European level court cases on their own, as they simply do not have

the necessary resources and do not see it as particularly productive way of using the little they do have.

*“...it [bringing up cases of their own in the ECJ] would require a different set of resources than what we have. As the Commission is the supervisory authority, it is a natural way of bringing things to their attention...”* (Interview, Birdlife Finland, 08.02.2010)

On the other hand, although WWF and Greenpeace Finland have not initiated any EU level court proceedings, their international equivalents have done so. For example, the WWF in Germany has raised a court case against the North stream gas pipeline. On the interviews the representatives from both organizations stated that they would very well consider rising a court case of their own as well as sending an official complaint to the Commission, depending on the case. Animalia and FoE answered along the same line, although, the issue had not come up before and they had not thought about it in any depth. Dodo readily admits that it has no resources to engage in this kind of activities, nor is it interested in acting as a ‘watchdog’.

Although four of the seven environmental organizations interviewed stated that they would have the resources necessary to battle an EU level court case, one must wonder if that is true. After all, FANC is the biggest, and most likely the most well resourced, environmental NGO in Finland, yet it states that it has not got the resources to take on a project like that. Of course it has to be kept in mind that national organizations like Greenpeace and WWF Finland would most likely receive assistance from their international equivalents. However, it is unlikely that a relatively small organization like Animalia or FoE could carry the burden of an EU level court case.

Although, maybe the right question is, why should they initiate a court case of their own? After all, the Commission has got an obligation to investigate all official complaints thrown its way, regardless of the size of the organization, or person, that drew it up.

## Conclusion

It has to be kept in mind that first and foremost goal for all the environmental organizations interviewed was the protection of nature and creatures that inhabit in it. Techniques like lobbying or protesting are just means to an end and, by all means, not the end itself. However, it is undeniable that these techniques can be very useful for organizations to reach their goals. The main question is, do the environmental organizations take full advantage of their potential, in terms of lobbying, on both the national and EU level?

Firstly, it had to be established whether all of the interviewed NGOs even participated in lobbying activities. It turns out that as many of two, from the group of seven, did not partake in such activities at all or took only a minor role in very specific topics. These two were Dodo and Friends of the Earth Finland, two of the smallest organizations from the group. On the national level, FoE might have some part in influencing the government officials, mostly in the field of climate change, when as Dodo has no resources to partake even on the national level, not to mention the EU level. For FoE the situation on the EU level is a little different. As FoE Finland is part of the International network Friends of Earth International, it has got more support on that level, though not much power of its own.

The other five organizations have taken on a more active role on influencing the decision makers. Animalia and BirdLife Finland are both placed on the middle of the influence scale: they both do participate in lobbying activities on the national level, sometimes even vigorously so, but at the same time are restricted by the lack of resources available to them. When interviewed, both of the organizations admitted that they would partake more on national level lobbying activities if they would have the resources to do so.

Again on the national level, WWF Finland, Greenpeace, and FANC are most influential environmental organizations in Finland. The three organizations are relatively well resourced, have good connections political parties, government officials, and even the media. Although, having influence does not always translate to getting the best results, as can be observed from the examples presented before.

On the EU level, however, the tables are somewhat turned for the five organizations. On the EU level, Birdlife International is named as among the most influential environmental



interest groups, alongside with EEB, to which FANC belongs to, and WWF International. All of these international organizations are influential and have good connections to the institutions of the Union. However, similar to the national level, although influential, these organizations are not always successful in their goals. After all, they have to compete in the same environment with commercial interest groups, which are often better resourced and equipped than their environmental counterparts.

When it comes to lobbying on either level, resource seems to be the determining factor on both. On the national level resources play particularly large role: if an organization cannot afford to have permanent staff, it is very likely that that organization will not be able to establish the status necessary successfully launch a lobbying campaign. On the other hand, on the EU level the story is different. Most national level environmental organizations do not have the resources necessary to commit to lobbying in the EU level; hence, they belong to an international organization which has the resources necessary to act on the EU level. It is possible for a relative small NGO, which has no great influence on the national level, to belong to an international, or an EU level, organization that is well resourced and is considered to be influential.

Considering that BirdLife Finland is not a major lobbying force on the national level, it is quite surprising that BirdLife and FANC are the two environmental organizations that have been most active in making complaints to the Commissions about infringements of the Community law by the Finnish government. Although all of the interviewed organizations declare that that given the right circumstances, they would be willing to do the same, only these two NGOs have actually taken the initiative and reported a wrongdoing. Obviously, not all of the cases have turned out positively for the environmental organizations; nevertheless some major improvements have been achieved by using the method.

## Conclusion

Multi-level governance was developed as contrast to the more traditional state-centric theories. Multi-level governance distinguishes the changing relationships between actors situated at different territorial levels, from both the public and the private sectors. The areas of domestic and international politics have traditionally been considered as separate domains; however, the multi-level governance theory emphasizes the increasingly fading distinction between the two domains in the context of European integration. Multi-level governance was first developed from a study of EU policy and later applied to EU decision-making more generally. That is because no other international form of cooperation is characterized by such far-reaching integration as the European Union. This becomes evident by the number and scope of policy areas covered by the European Union and the way policy is developed.

An early explanation referred to multi-level governance as “a system of continuous negotiation among nested governments at several territorial tiers.” (Marks, 1993: 392) The theory describes how “supranational, national, regional, and local governments are enmeshed in territorially overarching policy networks.” (Marks, 1993: 392) The theory gives emphasis to both the increasingly frequent and complex interactions between governmental actors as well as the increasingly important force of non-state actors. These two actors work together in the policy-making making process and in the EU policy processes more generally. As such, the theory of multi-level governance raises new and important questions about the role, power and authority of states.

The existence and development of EU environmental policy, with its complex decision making processes and the involvement of state and non-state actors, is considered as a good example of multi-level theory in action. In fact, Fairbrass and Jordan argue that “environmental policy is a case *par excellence* of the dispersion of authoritative decision-making across multiple territorial levels.” (Fairbrass & Jordan, 2005: 148)

Furthermore, the reason why EU environmental policy is considered as such a good practical example of multi-level governance becomes evident from the secondary theory of this paper, which deals with interest groups and how they interact with other actors on multiple levels of decision making. This theory concentrates directly to interest groups and the possibilities they have on the EU level. The European Union's institutional structure is unique. Its fragmented system of powers creates a unique environment in which private and public interests operate. These aforementioned interests not only regularly contribute to the perception, presentation and definition of issues relating to the European Union policy making, but they are also very much present in the everyday politics of the Unions policy making and implementation. (Greenwood, 2003: 1) Furthermore, they have been used to assist with explanations of the course of European integration.

Because of the structure of the EU political system it is not possible for one type of interest, for example producer or civil society public interests, to routinely dominate. This is because of "the multiple levels of EU policy making, the diffusion of power between its constituent parts, its accessibility to a range of interests, and its sheer complexity." (Greenwood, 2003: 2) These factors make policy making difficult to predict and sometimes even shield it from private interest demands as policy making shifts venues between different institutions with different constituents.

New social movements, such as the environmental movement, have gained influence through wide network of lobbying and, as an extreme action, litigation. Interest groups have a distinct role on the policy making process on both national and the EU level, making them a force to be considered by the policy makers.

As it has been established how influential NGOs can potentially be, it is good to be reminded of the research question: the purpose of this study is to find out whether environmental organizations operating on the national level are fulfilling, or even aware of, their potential on both the national and EU level. In the research most attention is paid to the lobbying activities of the NGOs on both levels and if anything is achieved by it. Also, the plan is to find out if environmental organizations in Finland are aware of the, mostly legal, opportunities they have on the European level: Finland has been brought in front of the ECJ for infringements of the EC law, in the policy area of environment, by the Council numerous times, but extremely rarely has an environmental organization taken legal action against the state. The question arises why not? Do they not have the resources or knowledge to do so? Or could it be the case that they are supplying the Commission with the evidence needed to pursue legal action?

## Findings

First and foremost it is important to remember the absolute main purpose of the organizations: preservation of the nature and all creatures in it. It can be easy to become concentrated too much on the technical terms and practices, and totally lose sight of what the actual goal was. Techniques like lobbying or protesting are just means to an end and, by all means, not the end itself. However, it is undeniable that techniques, like lobbying can be very useful for interest groups of all kinds to reach their policy goals. The main question is, do the environmental organizations take full advantage of their potential, in terms of lobbying, on both the national and EU level?

The first step of the research was to establish if all of the environmental organizations that were interviewed even practice lobbying. As it turns out that as many as two from the group of seven did not take part in lobbying activities on any level, or took only a minor role in very specific topics. The two organizations are the smallest from the group: Dodo and FoE Finland. On the national level, FoE might have some part in influencing the government officials, mostly in the field of climate change, when as Dodo has no resources to partake even on the national level, not to mention the EU level. For FoE the situation on the EU level is a little different. As FoE Finland is part of the International network Friends of Earth International, it has got more support on that level, though not much power of its own.

However, The other five organizations have taken on a more active role on influencing the decision makers. Animalia and BirdLife Finland are somewhat active in lobbying on the national level but they too are restricted by the lack of resources. On the other, both of the organizations admitted they would be interested doing more national level lobbying if they had more resources. WWF Finland, Greenpeace, and FANC could be named as the most influential, and well resourced, environmental organizations in Finland. The three organizations have very good connections and can each form an effective lobbying force on their own.

On the EU level, the story is different. Although most national level environmental organizations do not have the resources necessary to embark on a full scale lobbying quest on the EU level. As a solution they belong to an international organization which has the resources necessary to act on the EU level. It is possible for a relative small NGO, which has no great

influence on the national level, to belong to an international, or an EU level, organization that is well resourced and is considered to be influential.

According to the theories, interest groups should potentially great influence on the decision making processes on both levels. Some literature even goes as far as to suggest that certain pieces of EC legislation are basically written by an environmental NGO. From the research it becomes evident that they do have some influence. On the National level the differences in influence between different environmental NGOs is more evident than on the EU level. The distinction of the more influential organizations is very easy and even the NGOs with less influence agree with the assessment. Influence, as such, is a difficult thing to measure, but on their own accord, WWF Finland and FANC can wield significant influence on the national level, and there is no evidence to dispute that. Their good connections allow them access to, for example, governmental working groups where laws and policies are being prepared, or speak to parliament as experts on environmental matters. On the EU level, again the matter is a little more difficult. As many of the national environmental NGOs have 'outsourced' their EU level activities, it means in practical terms that they have less control on the EU level activities. It is also worth noting how most of the national NGOs believe to belong to the most influential EU level organization, as demonstrated on the Analysis chapter.

The original research question was; if environmental organizations operating on the national level are fulfilling, or even aware of, their potential on both the national and EU level? In terms of lobbying it would be my estimate that some of them are living up to their potential, when as some of them are not. Unsurprisingly a resource is the presiding factor. It is obvious that some organizations have more resources than others and the better resourced are also the ones to fulfill their potential more thoroughly. However, an element of prioritization must be considered as well. For example BirdLife Finland is more concerned with its grassroots operations and is surprisingly active in litigation action, but is only mildly interested in lobbying activities. On the other hand FANC has gone as far as to write legislative proposals to MEPs. Although not always successful, the prioritization is obvious.

However, the legal side of the EU level activities is a little more complicated. As was noted in the theory-chapter, for a number of years now it has been possible for any person, group, or company to bring cases before the ECJ. This option has increasingly been used by environmental organizations Europe-wide. In fact, there are many cases brought up against the state of Finland, in the policy area of environment, however not by environmental NGOs but the Commission. The

question is why are environmental organizations been so passive? Could it be that they do not have the resources or knowledge to do so? Or is it the case that they are supplying the Commission with the evidence needed to pursue legal action?

The question whether the organizations are aware of their legal potential on the EU level, is a hard one to answer. None of the NGOs that were interviewed had permanent legal representation. None of them would also admit of not knowing their legal rights, however, there is certainly a difference in how ready the organizations are to embark on this kind of action. Birdlife Finland and FANC have been most active in pursuing EU level legal action. However, both of the organizations proclaim that they would not initiate a legal claim on the EU level on their own; instead they make an official claim to the Commission, which is then compelled to take action on the matter. The other NGOs all claim to be also ready to take legal action against the state if such an occasion would come about. However, this claim I find doubtful.

The reason why FANC and Birdlife Finland would not pursue EU level legal action on their own accord is that legal processes on that level can take years and require the kind of pool of resources that neither one of those organizations possess. In fact, the lack of resources is the reason why I found it doubtful that any of the other organizations would do it either. Then again, why would they? When an official complain is made to the Commission, it has no choice but to act on it. Hence, why would national NGOs even waste their precious resources pursuing legal action when there in an institution that will do it for them.

### **The Afterthoughts**

Outside of the actual research questions, I find it strange that the other NGOs have not been as active in pursuing EU level legal action as FANC and BirdLife Finland. The others claim that they simply have not come across a situation where legal action would be needed. Then again, when talking to Teemu Lehtiniemi from BirdLife Finland, he explained that they find all the time infringements of the EC law and could complain to the Commission. For example, harbours are an ongoing problem: they are in many cases build in environmentally fragile areas without a proper environmental impact assessment. (Interview, Birdlife Finland, 08.02.2010) BirdLife Finland has

not the resources to fully investigate all of the cases; hence they prioritize and only concentrate on the most important ones. The question arises why are the other NGOs so passive?

I also, find it interesting, that the NGOs who have been involved with EU level legal action declare that that they absolutely would not initiate a legal action on their own, when as organizations with no practical experience on the matter were much more optimistic about the prospect. On one hand it could suggest that, actually, the organizations do not have sufficient knowledge of the processes involved. Although, some of the organizations had not even thought about taking a drastic action like initiating a legal actions against the state. This fact in turn makes me wonder if in fact in practice they would be willing to go that far.

Although this research has fulfilled its purpose by answering the research questions set in the very beginning of the research process, it has also raised a set of new questions along the way. In fact, I fell like this research would be a good starting point to a wider and more in-depth research project.

## Bibliography

Animalia. <[www.animalia.fi](http://www.animalia.fi)>

Aberbach, Joel and Bert Rockman. (2002) “Conducting and Coding Elite Interviews” *Political Science and Politics* 35:4, 673-676

Bache Ian. (2008) *Europeanization and Multi-Level Governance: Empirical findings and conceptual challenges*. ARENA Working Paper.  
<[http://www.arena.uio.no/publications/working-papers2008/papers/wp08\\_16.pdf](http://www.arena.uio.no/publications/working-papers2008/papers/wp08_16.pdf)>

Bache, Ian and Matthew Flinders. (2005) “Themes and Issues in Multi-level Governance” in Bache, Ian and Matthew Flinders (eds). *Multi-Level Governance*, 1-15. Oxford: Oxford University Press.

Bell, Ruth. (2005) “Further up the Learning Curve: NGOs from Transition to Brussels.” (pp. 194-216) in JoAnn Carmin and Stacy VanDeveer (eds.) *EU Enlargement and the Environment*. New York: Routledge.

Berry, Jeffrey. (2002) “Validity and Reliability Issues in Elite Interviewing” *Political Science and Politics* 35:4, 679-682.

BirdLife Finland. <[www.birdlife.fi](http://www.birdlife.fi)>

Bryant, Barbara. (1996) *Twyford Down: Roads, Campaigning and Environmental Law*. London: E. & F.N. Spon.

Byrne, Paul. (1997) *Social Movements in Britain*. London: Routledge

Civitas. 'EU Facts'. 16.02.2010. <http://www.civitas.org.uk/eufacts>



Dexter, Lewis. (2006) *Elite and Specialized Interviewing*, Colchester: Northwestern University Press.

Diani, Mario. (1997) "Social Movements and Social Capital: a network perspective on movement outcomes". *Mobilization* 2:5, 129-47

Dodo. <<http://dodo.org/>>

EU Environment Policy Brief. Issue 28, June 2009.

[http://ec.europa.eu/environment/news/brief/2009\\_06/newsletter\\_06\\_09.pdf](http://ec.europa.eu/environment/news/brief/2009_06/newsletter_06_09.pdf)

EUR-Lex: *Commission v. the Republic of Finland* (Case C-342/05). (2007) 'Wolf hunting'.

<[\[lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62005J0342:EN:HTML\]\(http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62005J0342:EN:HTML\)>](http://eur-</a></p></div><div data-bbox=)

EUR-Lex: *Commission v. the Republic of Finland* (Case C-344/03). (2005) 'Spring hunting of certain aquatic birds'. < [\[lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62003J0344:EN:HTML\]\(http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62003J0344:EN:HTML\)>](http://eur-</a></p></div><div data-bbox=)

EUR-Lex: *Commission v. Council* (Case 300/89). (1991)

<[\[lex.europa.eu/smartapi/cgi/sga\\\_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=61989J0300\]\(http://eur-lex.europa.eu/smartapi/cgi/sga\_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=61989J0300\)>](http://eur-</a></p></div><div data-bbox=)

EUR-Lex: *Commission v. Italy* (Case 92/79). (1980)

<[\[lex.europa.eu/smartapi/cgi/sga\\\_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=61979J0092\]\(http://eur-lex.europa.eu/smartapi/cgi/sga\_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=61979J0092\)>](http://eur-</a></p></div><div data-bbox=)

EUR-Lex: *Procureur de la République v. Association de Défense des Bruleurs d'Huiles Usagées* (ADBHU) (Case 240/83). (1985)

<<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61983J0240:EN:NOT>>

Fairbrass, Jenny and Andrew Jordan. (2005) "Multi-level Governance and Environmental Policy" in Bache, Ian and Matthew Flinders (eds). *Multi-Level Governance*, 147-65. Oxford: Oxford University Press.

Finnish Association for Nature Conservation. <[www.sll.fi](http://www.sll.fi)>

Freestone, David. (1996) "The Enforcement of the Wild Birds Directive: A Case Study" in H. Somsen (ed), *Protecting the European Environment: Enforcing EC Environmental Law*. London: Blackstone Press.

Freestone, David. (1991) "European Community Environmental law and Policy." *Journal of Law and Society*, vol.18, no.1, pp. 135-54.

G8. (2002) Introducing European Environmental NGOs: Their Role and Importance in European Union Decision Making. <<http://www.foeeurope.org/publications/2002/green8.pdf>>

Gillham, Bill. (2004) *The Research Interview*, New York: Continuum.

Graziano, Luigi. (1999) "lobbying and interest Representation in Brussels". *International Political Science Review* 17:3, 307-17.

Greenpeace.org. "Sopimus säästää 35 000 hehtaaria arvokasta metsää Lapissa." <<http://www.greenpeace.org/finland/fi/uutiset/sopimus-saastaa-arvokasta-metsaa>>. 27.10.2009

Greenwood, Justin. (2003) *Interest Representation in the European Union*. New York: Palgrave Macmillan.

- Haigh, Nigel and Chris Lanigan. (1995) "Impact of the European Union in UK Environmental Policy Making", in Tim Gray (eds.), *UK Environmental Policy in the 1990s*. London: Macmillan.
- Heinelt, Hubert; Tanja Malek; Nicola Staeck and Annette Töller. (2001) "Environmental Policy: The European Union and a Paradigm Shift." (pp. 1-33) in Heinelt, Hubert; Tanja Malek; Randall Smith and Annette Töller (eds.), *European Union Environment Policy and New Forms of Governance*. Aldershot: Ashgate publishing Ltd.
- Hilson, Chris. (2002) "New Social Movements: the role of legal opportunity". *Journal of European Public Policy* 9:2, 238-255.
- Hilson, Chris and Ian Cram. (1996) "Judicial Review and Environmental Law" *Legal Studies* 16:6, 1-26.
- Hooghe, L. and G. Marks. (2001) *Multi-level Governance and European Integration*. London: Rowman & Littlefield.
- Hooghe, L. and G. Marks. (2003) *Unraveling the Central State, But How? Types of Multi-level Governance*. Institute for Advanced Studies, Vienna.  
<[http://www.ihs.ac.at/publications/pol/pw\\_87.pdf](http://www.ihs.ac.at/publications/pol/pw_87.pdf)>
- Jans, Jan. (1996) "The Development of EC Environmental Law", in Gerd Winter (eds.), *European Environmental Law: A Comparative Perspective*. Aldershot: Dartmouth Publishing Co.
- Johnson, Stanley and Guy Corcelle. (1995) *The Environmental Policy of the European Communities*, 2<sup>nd</sup> edition. London: Kluwer Law International.
- Jordan, Andrew and Jenny Fairbrass. (2005) "European Union Environmental Policy After the Nice Summit", in Andrew Jordan (eds.), *Environmental Policy in the European Union*. London: Earthscan.

- Kriesi, Hanspeter. (1995) “The Political Opportunity Structure of New Social Movements: its impact on their mobilization”, in Jenkins, Craig and Bert Klandermans (eds). *The Politics of social Protest*, Minneapolis: University of Minnesota Press.
- Krämer, Ludwig. (1996) “ The Elaboration of EC Environmental Legislation”, in Gerd Winter (eds.), *European Environmental Law: A Comparative Perspective*. Aldershot: Dartmouth Publishing Co.
- Kvale, Steinar. (1996) *An Introduction to Qualitative Research Interviewing*, London: SAGE Publications, Inc.
- Maan Ystävät. <[www.maanytavat.fi](http://www.maanytavat.fi)>
- Majone, G. (1997) “From positive to the Regulatory State: Causes and Consequences in the Mode of Governance”, *Journal of Public Policy*, 17 (2): 137-67.
- Marks, Gary. (1993) “Structural Policy and Multilevel Governance in the EC” in Cafruny, Alan and Glenda Rosenthal (eds) *The State of the European Community Vol. 2: The Maastricht Debates and Beyond*. Harlow: Longman.
- Marks, Gary and Liesbet Hooghe. (2000) “Optimality and Authority: A Critique of Neo-Classical Theory.” *Journal of Common Market Studies* 38: 795–816.
- McCormic, John. (1995) *The Global Environmental Movement*, 2<sup>nd</sup> edition. London: John Wiley.
- McCormic John. (2001) *Environmental Policy in the European Union*. New York: Palgrave.
- McCormic John. (2008) *Understanding the European Union*. New York: Palgrave.
- Mears, Carolyn. (2009) *Interviewing for Education and Social Science Research*, New York: Palgrave Macmillan.

- Moravcsik, Andrew. (1994) *Why the European Community Strengthens the State: Domestic Politics and International Cooperation*, Working Paper Series 52 Center for European Studies, Harvard University.
- Mykkänen, Juri. (2001) "Eliittihaastattelu" *Politiikka* 43:2, 108-127.
- Odendahl, Teresa and Aileen Shaw. (2002) "Interviewing Elites" (pp. 299-316) in Gubrium, Jaber and James Holstein (eds.) *Handbook of Interview Research: Context & Matho*,. London: SAGE Publications, Inc.
- Pierre, J. and G. Stoker. (2000) "Towards Multi-level Governance" in P. Dunleavy *et al.* (eds), *Developments in British Politics*, 6<sup>th</sup> edition. London MacMillan.
- Rehbinder, Eckard and Richard Stewart. (1988) *European Protection Policy: Legal Integration in the United States and the European Community*. New York: De Gruyter.
- Salter, John. (1995) *European Environmental Law*. London: Kluwer Law International.
- Searing, Donald. (1994) *Westminster's World: Understanding Political Roles*, Cambridge: Harvard University Press.
- Single European Act. (1987)
- Thomas, Robert. (1993) "Interviewing Important People in Big Companies." *Journal of Contemporary Ethnography* 22:1, 80-96.
- Treaty of Rome. (1957)
- Warren, Carol. (2002) "Qualitative Interviewing" (pp. 60-83) in Gubrium, Jaber and James Holstein (eds.) *Handbook of Interview Research: Context & Matho*,. London: SAGE Publications, Inc.
- Weale, Albert. et al. (2000) *Environmental Governance in Europe*. Oxford: Oxford University Press.

WWF Finland. <[www.wwf.fi](http://www.wwf.fi)>

## **Interviews**

Aromaa, Juha. Information Officer, Greenpeace Finland. (05.02.2010)

Jalonen, Pauliina. Chairman of the Board, Dodo. (22.01.2010)

Lehtiniemi, Teemu. Conservation and Research Manager, BirdLife Finland. (08.02.2010)

Ojala, Noora. Member of the Board, Friends of the Earth Finland. (11.03.2010)

Rohweder, Liisa. Secretary General, WWF Finland. (22.02.2010)

Tuomivaara, Salla. Executive Director, Animalia (31.03.2010)

Yrjö-koskinen, Eero. Executive Director, the Finnish Association for Nature Conservation.  
(15.02.2010)

## Appendix 1

### Haastattelukysymykset:

1. Mikä rooli järjestöllänne näkemyksenne mukaan on Suomessa? Entä EU:ssa?
2. Kuuluuko organisaationne Euroopan kattojärjestöön *Eurogroup for Animals*?
  - a. Jos näin ei ole, onko järjestöllänne muunlaista toimintaa Euroopan tasolla?
3. Mikä on järjestönne päätavoite sekä kansallisella- että EU tasolla?
4. Mitkä ovat tärkeimmät lobbausaiheet sekä kansallisella- että EU tasolla?
5. Onko järjestönne mielestänne onnistunut lobbauksessa? Mitä käytännön seurauksia näillä onnistumisilla on ollut?
6. Onko järjestöllänne yhteistyökumppaneita EU-tasolla (esim. EU toimielimiä tai muita järjestöjä)? Mikä tai mitkä näistä ovat järjestönne kannalta tärkeimmät yhteistyötahot?
7. Euroopan komissio on haastanut Suomen valtion useita kertoja Euroopan tuomioistumeen ympäristörikkomuksista. Onko järjestönne ollut millään tavalla osallisena näissä lakitoimissa?
8. Onko järjestöllänne lainopillista neuvojaa tai mahdollisuus konsultoida tarvittaessa lakimiestä?