

# **Greening Europe? Environmental Interest Groups and the Europeanization of a New Policy Field<sup>1</sup>**

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## **RESÜMEE**

Dieser Aufsatz untersucht den Beitrag der Umweltorganisationen in der Frühphase der Umweltpolitik der Europäischen Gemeinschaft. In den frühen 1970er Jahren entsteht in den Mitgliedsstaaten parallel zur Erfindung von Umwelt als Politikfeld eine moderne Umweltbewegung. Erstaunlich rasch geht diese den Weg nach Europa. Als transnationale Grass-Roots-Initiative, aber mit Unterstützung der Europäischen Kommission wird bereits 1974 das Europäische Umweltbüro (EEB) als europäischer Dachverband etabliert, der aber lange Zeit personell unterbesetzt bleibt. Dagegen zeigt das Beispiel der Entstehung der Vogelschutzrichtlinie von 1979, dass nicht-staatliche Akteure bereits in den 1970er Jahren in der Lage waren, in transnationaler Zusammenarbeit untereinander und mit europäischen Institutionen Umweltthemen auf die europäische Agenda zu setzen, mit öffentlichem Druck und Expertise Einfluss zu nehmen, und so auf die Mitgliedsstaaten hin zu wirken, Europas Zugvögel unter europäischen Schutz zu stellen.

The environment as an area of policy-making is an invention of the early 1970s. To be sure, on an ad-hoc basis, national governments as well as the European Communities (EC) had already been regulating problems that we understand to be part of environmental policy today, such as issues relating to pollution.<sup>2</sup> Demands for the protection of

1 This research was supported by a Marie Curie Intra European Fellowship within the 7<sup>th</sup> European Community Framework Programme.

2 For instance, the European Atomic Energy Community (EURATOM) enacted the directive 59/221 regarding the protection of workers from ionising radiation as early as 1959. In 1967, the European Economic Community (EEC) agreed on the directive 67/548 concerning the classification, packaging and labelling of chemicals. John McCormick, *Environmental policy in the European Union*, Basingstoke 2001, p. 45.

nature, the beauty of the pre-modern landscape and wildlife had mainly been advanced by predominantly bourgeois associations as early as the late nineteenth century in many western European countries. However, treating pollution, waste, limited resources and the destruction of nature as a single comprehensive issue area that should be subject to one single policy was a novel development of the 1970s.<sup>3</sup> The ecological conception of the environment as a complex bounded system, the so-called 'biosphere', had been germinating in international expert circles over the course of the 1960s. Towards the end of the 1970s, such ideas were popularized by internationally best-selling books which stressed the dangers of unfettered population growth in the face of limited natural resources and growing pollution threatening human health.<sup>4</sup> The apparent fragility of the 'blue planet' and the fact that humanity had to make do with the resources and the ecosystem of 'spaceship earth' was frequently symbolized by the compelling image of the earth set against the backdrop of dark, endless and inhospitable space. Ironically, this image was only made possible by the most advanced technological achievements of space travel.

Much publicized international events were instrumental in spreading these ideas, raising awareness and putting the issue of the environment on the agenda of international and subsequently also of domestic and European politics and policy-making. The United Nations Educational, Scientific and Cultural Organization (UNESCO) conference on the 'Man and the Biosphere' in Paris in 1968 and the decision by the Council of Europe to designate the year 1970 as the European Conservation Year, had already been planned in the mid-1960s, well before it was possible to anticipate the issue's rise to prominence.<sup>5</sup> Environmental disasters, notably the vast oil spill caused by the supertanker Torrey Canyon near the French and British coasts in 1967, and the images of dead birds covered with oil, further raised awareness of the downsides of prosperity and technology. At the political level, the event demonstrated the cross-border implications of pollution. The Torrey Canyon disaster put pressure on policy-makers to take preventive action.<sup>6</sup> The politicization of the issue was accelerated by American President Richard Nixon's announcement in January 1970 of the targeting of environmental clean-up as a priority for the 1970s. Nixon also intended to make the environment an important issue within the North Atlantic Treaty Organization (NATO), thus encouraging the West European partners to engage with these issues, too.<sup>7</sup> Not least since environmental degradation affected

3 Frank Uekötter, *Von der Rauchplage zur ökologischen Revolution. Eine Geschichte der Luftverschmutzung in Deutschland und den USA 1880–1970*, Essen 2003, p. 480. See also: Frank Uekötter, *The Age of Smoke. Environmental Policy in Germany and the United States, 1880–1970*, Pittsburgh 2009, pp. 221–230.

4 For instance: Paul Ehrlich, *The Population Bomb*, New York 1968.

5 Kai F. Hünemörder, *Vom Expertennetzwerk zur Umweltpolitik. Frühe Umweltkonferenzen und die Ausweitung der öffentlichen Aufmerksamkeit für Umweltfragen in Europa (1959–1972)*, in: *Archiv für Sozialgeschichte* 43 (2003), pp. 275–296; Thorsten Schulz, *Das Europäische Naturschutzjahr 1970 – Versuch einer europaweiten Umweltkampagne*, WZB-Discussion Paper P 2006 (2006) 7, pp. 1–34, here p. 1f; John Sheail, *An Environmental History of Twentieth-Century Britain*, Basingstoke 2002, p. 146.

6 Abel Wolman, *Pollution as an International Issue*, in: *Foreign Affairs* 47 (1968) 1, pp. 164–175, here p. 173.

7 Sandra Chaney, *Nature of the Miracle Years. Conservation in West Germany 1945–1975*, New York 2008, p. 186.

many citizens, tackling pollution seemed to be a popular new issue for policy-makers to take on board. In the early 1970s, contemporaries tended to underestimate the cost and the potentially controversial nature of the new policy, which facilitated the uptake of the issue.<sup>8</sup> When a number of European governments such as Germany introduced environmental action plans or a separate ministry for the environment (France, UK, Bavaria),<sup>9</sup> governments quickly came to realize the limitations of regional and national approaches to what in many cases amounted to a cross-border problem, such as river pollution or acid rain. International organizations such as the Organization for Economic Cooperation and Development (OECD) and specialist organizations like the International Commission on the Rhine were initially deemed to provide the appropriate institutional settings for resolving cross-border environmental issues, in preference to the EC, which had been established to further economic integration.

Faced with the prospect of a multitude of national environmental regulations, the European Commission in particular was worried that these measures would lead to the distortion of competition in the Common Market. As plans for a United Nations (UN) conference on the human environment to be held in Stockholm in 1972 were underway, the Commission was keenly interested in coordinating a joint approach of the EC member states (and the accession states). Activist Commissioners such as Altiero Spinelli and Sicco Mansholt, who shared an ambition to further European integration and were increasingly concerned about the consequences of economic growth for Europeans' quality of life, started preparations for Community action in this emerging field of policy-making.<sup>10</sup> From 1970 onwards, officials in the Directorate General for Industry started to collect information about existing national environmental legislation and tried to achieve an overview of existing research. European cooperation in scientific and technological research, the COST programme, proved instrumental in gathering expertise for a subsequent programme of action.<sup>11</sup> Thus ambitious members of the Commission, which was eager to carve out a role of its own in order to ensure that Europe would speak with one voice within the OECD and at the UN conference, and the governments of the member states cooperated to place the environment as a new policy area on the Community's agenda.<sup>12</sup> From 1971 onwards, the Commission prepared a number

8 Chaney, *Nature of the Miracle Years* (note 7), p. 186. Even such a politically circumspect observer as Downs also shared this view with respect to the US in 1972: Anthony Downs, *Up and Down with Ecology. The 'Issue-Attention' Cycle*, in: *Public Interest* 28 (1972) 1, pp. 38-50, here p. 47.

9 John McCormick, *British Politics and the Environment*, London 1991, p. 16 f.; Uekötter, *Von der Rauchplage zur ökologischen Revolution* (note 3), p. 485; Michael Bess, *The Light Green Society. Ecology and Technological Modernity in France, 1960-2000*, Chicago 2003, p. 83 f.; Hans Maier, *Fortschrittsoptimismus oder Kulturpessimismus? Die Bundesrepublik Deutschland in den 70er und 80er Jahren*, in: *Vierteljahreshefte für Zeitgeschichte* 56 (2008) 1, pp. 1-17, here p. 9.

10 Michel Carpentier, *La naissance de la politique de l'environnement*, in: *Revue des Affaires Européennes* 9 (1999) 3, pp. 284-297, here pp. 284-286.

11 See for example, Secretariat of the European Cooperation in the Field of Scientific and Technological Research (COST), *Note to the Working party on Pollution*, 4 May 1970, National Archive, London, FCO 55/425, EEC Environmental Pollution Studies 1970, document 1.

12 Laura Scichilone, *The Origins of the Common Environmental Policy. The Contributions of Spinelli and Mansholt*

of documents to test the ground.<sup>13</sup> When the heads of state and government, meeting in Paris in October 1972, invited the Commission to present a Programme of Action on the Environment, preparatory consultations between the Commission, experts and ministerial officials from the member states had long been underway. Eventually, in November 1973, a European Environmental Policy was officially kick-started with the Environmental Action Programme, which foresaw measures to be taken across a wide range of aspects of environmental policy, including water and air protection and waste treatment.<sup>14</sup> The European institutions already consulted with and received opinions from non-state actors during this germination phase of environmental policy. Legal experts from the University of Bonn were commissioned to provide a comparative legal study of existing environmental legislation.<sup>15</sup> The European agricultural interest group Committee of Professional Agricultural Organizations (COPA)<sup>16</sup> and the business interest organization Union of Industrial and Employers' Confederations of Europe (UNICE, now called BUSINESSEUROPE)<sup>17</sup> routinely voiced their – generally supportive – opinions, reflecting the privileged position they enjoyed in EC consultation mechanisms in the early 1970s.

By contrast, the environmental movement, which was in a process of transformation from old nature protection groups to the new environmental movement that became part of the new social movements in the 1970s, was initially not a central actor in the creation of environmental policy. However, once environmental policy making was started at the European level, environmental groups quickly adapted themselves to the new level of policy making, and effectively managed to exert influence on policy-making. This

in the *ad hoc* Group of the European Commission, in: Morten Rasmussen/Ann-Christina Lauring Knudsen (eds.), *The Road to a United Europe. Interpretations of the Process of European Integration*, Brussels 2009, pp. 335–348, here p. 340; Laura Scichilone, *L'Europa e la sfida ecologica. Storia della politica ambientale europea 1969–1998*, Milan 2008, pp. 54–65.

- 13 E.g. European Commission, First Communication of the Commission about the Community's Policy on the Environment, SEC (71) 2616 final, 22 July 1971, Archive of European Integration, [http://aei.pitt.edu/3126/01/000045\\_1.pdf](http://aei.pitt.edu/3126/01/000045_1.pdf) [last accessed 25 June 2010].
- 14 Council of the European Communities, Declaration of the Council of the European Communities and of the Representatives of the Governments of the Member States meeting in the Council of 22 November 1973 on the Programme of Action of the European Communities on the Environment, in: *Official Journal of the European Communities* 16 (1973) C 112, 20 December 1973, pp. 1 ff.
- 15 Letter by A.E. Furness, UK Delegation to the European Communities in Brussels, to Angus Hislop, Confederation of British Industry, 13 May 1970, National Archive, London, FCO 55/425, EEC Environmental Pollution Studies 1970, document 5.
- 16 E.g. Comité des Organisations Professionnelles Agricoles (COPA), Observations du COPA sur le programme en matière d'environnement, 10 November 1972, sent to Sicco Mansholt, European Commission, 16 November 1972, Historical Archive of the European Commission (HAEC), BAC 244/1991 6, pp. 7–18; Comité des Organisations Agricoles, Observations du COPA sur le programme en matière d'environnement, 10 November 1972, letter from C.S. Knottnerus, Secretary General of COPA to J. Calmes, Secretary General of the Council of Ministers, 16 November 1972, Archive of the Council of Ministers (ACM), CM2 1973.529 517.
- 17 E.g. 'Avis de l'UNICE [Union des Industries de la Communauté Européenne] sur le Projet d'accord des représentants des gouvernements des états membres réunis au Conseil concernant l'information de la Commission en vue d'une harmonisation éventuelle à l'ensemble de la Communauté des mesures d'urgence en matière de l'environnement (Doc. COM (72) 334 du 22 mars 1972)', letter from H.M. Claessens, Secretary General of UNICE to J. Calmes, Secretary General of the Council of Ministers, 10 July 1972, ACM, CM2 1973.529 517.

chapter will first explore the conditions for environmental groups to become involved in European policy making. In a second step I will discuss the role of environmental interest groups in an example of concrete European environmental policy-making, namely the making of the Council Directive of 2 April 1979 on the conservation of wild birds, the so-called birds directive.<sup>18</sup> In a final step, some general conclusions will be drawn, and the role of environmental groups will be juxtaposed to that of other groups discussed in this special issue.

### Environmental groups on their way to Brussels

Concern for what we now call the environment had already led to the founding of nature protection organizations in European countries (as well as the US) in a first 'green wave' before the First World War. The second 'green wave' in the 1960s and 1970s led to the rise of the modern environmental movement. Unlike their conservationist predecessors, modern environmentalists no longer focussed on aesthetic values and the protection of natural monuments or specific parts of nature, but based their approach on a comprehensive understanding of the environmental problem. On the basis of ecological ideas, they stressed the complex relationships that connected all parts of the living environment, and the dangers of disturbing the natural balance that not only enabled plants and animals to exist but also ultimately ensured human health and the survival of mankind.<sup>19</sup> New organizations were created, such as the World Wildlife Fund (WWF, today World Wide Fund for Nature). Established organizations underwent a transformation: new alliances were formed, new issues appeared on the agenda and new styles of political action were tried and frequently successfully applied.<sup>20</sup> While influenced by a global shift towards the creation of an environmental consciousness, changes at the level of groups and associations largely took place within the respective national institutional frameworks. These developments differed from country to country, depending on the strength, goals and the specific situation of the organization of the older nature protection movement and the radicalism of the new groups.<sup>21</sup>

18 European Community, Council Directive of 2 April 1979 on the Conservation of Wild Birds (79/409/EEC), in: Official Journal of the European Communities 22 (1979) L 103, 25 April 1979 pp. 1-18. For further information on the origins of the birds directive see: Jan-Henrik Meyer, Saving Migrants. A Transnational Network supporting Supranational Bird Protection Policy in the 1970s, in: Wolfram Kaiser/Michael Gehler/Brigitte Leucht (eds.), *Transnational Networks in Regional Integration. Informal Governance in Europe 1945-83*, Basingstoke 2010, p. 176-198.

19 C.S.A. van Koppen/William T. Markham, Nature Protection in Western Environmentalism. A Comparative Analysis, in: C.S.A. van Koppen/William T. Markham (eds.), *Protecting Nature. Organizations and Networks in Europe and the USA*, London 2008, pp. 263-285, here pp. 264-266.

20 For an account of these changes with regard to the case of Germany see: Jens Ivo Engels, *Naturpolitik in der Bundesrepublik. Ideenwelt und politische Verhaltensstile in Naturschutz und Umweltbewegung 1950-1980*, Paderborn 2006.

21 Where international comparisons exist, most studies of the rise of environmentalism only cover a small number of countries; see e.g. Andrew Jamison, et al., *The Making of the New Environmental Consciousness. A Comparative Study of the Environmental Movements in Sweden, Denmark, and the Netherlands*, Edinburgh 1990;

In post-war western Europe, issues of nature conservation and the emerging environmental concerns were being dealt with at various levels of policy-making – at the local level, at the regional or national level, as well as by international organizations of varying geographical scope such as the UN and the Council of Europe. Non-state advocates of environmental concerns had been established at all of these levels. A first international organization for nature protection had already been set up in the interwar years, in 1926 – the International Office for the Protection of Nature (IOPN) in Brussels. Based on this experience, in 1948, the International Union for the Protection of Nature (IUPN) was founded in the institutional context of the newly established UNESCO. The IUPN, later renamed International Union for the Conservation of Nature (IUCN), was a hybrid organization, consisting both of government representatives and non-governmental organizations (NGOs).<sup>22</sup> An international organization for bird protection, the International Council for Bird Preservation (ICBP) had already been set up in 1920.<sup>23</sup> The World Wildlife Fund (WWF) was established in 1961 on the initiative of Max Nicholson, the director of Britain's Nature Conservancy, as a fund-raising organization for IUCN. However, it quickly outgrew its parent, started its own projects and branched out to set up national chapters in many countries.<sup>24</sup> Present internationally and at the national level, the WWF set an example for later foundations of international environmental organizations like Greenpeace and Friends of the Earth.

While all western and northern European countries were affected by the second 'green wave' starting in the late 1960s, the strength and the focus of the first 'green wave' before the World War I had varied considerably between countries. As a result, the structure, the character and the focus of nature protection groups differed substantially, as did the size of the membership base. Generally speaking, in the Protestant northern European countries, where industrialization set in earlier, the awareness of nature protection arose more quickly.<sup>25</sup> For instance, in Italy, a bird protection organization was only established in 1965 with the founding of the Lega Italiana Protezione Uccelli (LIPU). In most other western European countries bird protection had been one of the earliest concerns of the nature protection movement and had led to the founding of the Ligue de Protection des Oiseaux (League for the Protection of Birds, LPO) in France in 1912, of the Deutscher Bund für Vogelschutz (German Ligue for Bird Protection, DBV) in Germany in 1899 and of the RSPB in Britain in 1891, for example. As a consequence, the Italian chapter of

Dieter Rucht, *Modernisierung und neue soziale Bewegungen: Deutschland, Frankreich und USA im Vergleich*, Frankfurt 1994; C.S.A. van Koppen/William T. Markham (eds.), *Protecting Nature. Organizations and Networks in Europe and the USA*, London 2008.

22 John McCormick, *The Global Environmental Movement*. Second Edition, Chichester 1995, p. 38 f.

23 Anna Katharina Wöbse, *Naturschutz global – oder: Hilfe von außen: internationale Beziehungen des amtlichen Naturschutzes im 20. Jahrhundert*, in: Hans-Werner Frohn (ed.), *Natur und Staat 1906-2006*, Münster 2006, pp. 625-727, here p. 649 f.

24 McCormick, *The Global Environmental Movement* (note 22), p. 46 f.

25 On the link between Protestantism and environmentalism see: David Vogel, *The Protestant Ethic and the Spirit of Environmentalism. Exploring the Cultural Roots of Contemporary Green Politics*, in: *Zeitschrift für Umweltpolitik und Umweltrecht* 25 (2002) 3, pp. 297-322, here 316-320.

the WWF (established in 1966) was much more prominent in Italy than WWF branches in Northern Europe, where older organizations dominated.<sup>26</sup> In terms of membership, WWF Italia was the largest environmental organization with 30,000 members in 1978, more than that of the second-ranked nature protection group Italia Nostra (15,000) and LIPU (12,000) taken together.<sup>27</sup> By comparison, in the UK, the traditional bird protection organization RSPB was the largest environmental organization. Membership figures were much higher – in a country with a comparable population size. Its membership grew from 98,000 in 1971 to 441,000 members in 1981.<sup>28</sup> As a consequence of growing environmental awareness, membership in environmental organizations increased dramatically across western Europe in the 1970s.<sup>29</sup>

Environmental groups swiftly became established at the European level, with the founding of the European Environmental Bureau (EEB) in December 1974, barely a year after the publication of the first Environmental Action Programme.<sup>30</sup> Its origins can be traced back to the UN conference on the human environment in Stockholm in 1972, which had put national environmental groups in touch with each other.<sup>31</sup> The American Sierra Club's international programme was the important catalyst for the founding of the EEB. They and the International Institute for Environment and Development invited 20 representatives of North American and European environmental groups to Brighton in 1974. Representatives of the Gents Aktiekomitee Leefmilieu from Belgium and the British Conservation Society proposed closer cooperation among environmental groups of the EC member states. They realized that the EC was going to become an important institution for decision-making on the environment, and hence a promising target for NGO lobbying. The environmentalists from Ghent organized a meeting in December 1974, during which the EEB was founded. It originally comprised 25 member organizations, many of them local grass-roots groups with young members, representing the new environmentalist impetus of the 1970s. Funding by the Commission's Directorate General for Information and Communication – for members' travel to meetings, and free office space in the Royal Belgian Institute of Natural Sciences, conveniently located in the European quarter – were thus essential for the EEB's operation.<sup>32</sup>

26 Giorgio Osti, *Nature Protection Organisations in Italy. From Elitist Fervour to Confluence with Environmentalism*, in: C.S.A. van Koppen/William T. Markham (eds.), *Protecting Nature. Organizations and Networks in Europe and the USA*, London 2008, pp. 117–139, here p. 122; van Koppen/Markham, *Nature Protection in Western Environmentalism* (note 19), p. 264 f.

27 Fulco Pratesi, *Ein Brief aus Italien. Nicht nur das Land der Vogelmörder*, in: *Wir und die Vögel* 10 (1978) 5, pp. 16 f.

28 Christopher Rootes, *Nature Protection Organisations in England*, in: C.S.A. van Koppen/William T. Markham (eds.), *Protecting Nature. Organizations and Networks in Europe and the USA*, London 2008, pp. 34–62, here p. 39.

29 E.g. Jamison, et al., *The Making of the New Environmental Consciousness* (note 21), p. 153.

30 Council of the European Communities, *Declaration of the Council of the European Communities and of the Representatives of the Governments of the Member States meeting in the Council of 22 November 1973 on the Programme of Action of the European Communities on the Environment*, in: *Official Journal of the European Communities* 16 (1973) C 112, 20 December 1973, pp. 1 ff.

31 McCormick, *The Global Environmental Movement* (note 22), p. 124 f.

32 European Environmental Bureau, *Ten Years of the European Environmental Bureau (EEB) (1974–1984). Ten Years of European Community Environmental Policy* [Manuscript], Brussels ca. 1985, pp. 2–3, 10; Interview with Hubert David, former Secretary General of the European Environmental Bureau, Brussels 5 May 2010.

Even by the end of the 1970s, the EEB remained a small organization, with the secretary general as its only permanent staff member. Working methods and organizational structure were still very provisional, as a report by the Economic and Social Committee (ESC) observed. In 1980, the umbrella organization consisted of 39 member organizations, some of which were national federations, while others were specialist organizations like the Dutch bird protection organization. Due to the lack of staff at the European level, the member organizations played a major role, directly addressing relevant members or committees of the European Parliament (EP), for example. The EEB largely served as a framework for coordination and information exchange.<sup>33</sup>

Why did environmental interest groups become involved in European decision-making? In the 1970s the issue of the environment not only received new attention in public debates across western countries, it was also increasingly understood as a global problem that extended beyond borders. Public salience of the issue strengthened the thrust towards the international level, where the leadership of nature protection groups had been operating for a long time.

However, as long as international organizations had very little decision-making power and had to limit themselves to frequently ignored resolutions and international agreements, international activism was often futile and frustrating for participants. The key difference between the EC and international organizations such as the UN or the Council of Europe was that the former was able to take binding decisions. This made the EC an interesting target for environmental interest groups seeking to change policy. The proposals concerning, for instance, the clean-up of the river Rhine, which had been discussed from 1969 onwards,<sup>34</sup> and various elements of the EC's Environmental Action Programme of 1973 demonstrated that the EC was intent on dealing with cross-border problems. Thus the EC provided a novel and promising locus of decision-making. Uploading issues to this forum also offered the opportunity to shake up the balance of power among interest groups. For instance, this was part of the rationale for the bird protection groups when they tried to move the issue of protecting migrant birds away from Italian politics, where it had proven difficult to ensure that bird protection laws would not simply be revoked by the next government, to the European level. However, as European environmental policy only slowly took off in the course of the 1970s, groups did not immediately realize what the European level had to offer. As I will demonstrate below, however, once they found the EC to be a relevant decision-maker, national environmental groups were able to quickly establish transnational ties and cooperative relations at the supranational level.

33 Economic and Social Committee of the European Communities, *European Interest Groups and their Relationships with the Economic and Social Committee*, Westmead 1980, p. 433 f.

34 E.g. Jacob Boersma, Bericht im Namen des Ausschusses für Sozial- und Gesundheitsfragen über die Reinhaltung der Binnengewässer unter besonderer Berücksichtigung der Verunreinigung des Rheins, 11. November 1970, doc. 161, Archive of the European Parliament (AEP), PEO-AP RP/ASOC.1967 AO-0161/70.



The openness of the European decision-making process with its multiple access points for non-state actors made it easier for environmental groups to get involved.<sup>35</sup> Moreover, the European institutions, particularly the new Service for the Environment and Consumer Protection of the Commission, as well as the respective committees of the EP and the ESC, perceived the environmental interest groups as partners who shared their vision of extending the scope of EC policy-making in this policy area.<sup>36</sup> In 1976, for example, Michel Carpentier, the Director of the European Commission's Service of the Environment and Consumer Protection, and some members of this Service, invited the member organizations of the EEB for a day-long consultation.<sup>37</sup> By referring to the views of interest groups as representatives of citizens' interests, the supranational institutions were able to enhance the legitimacy of their proposals. Moreover, they appreciated – and crucially relied upon – environmental groups' apparently independent scientific expertise as ammunition for arguing and bargaining.<sup>38</sup> As supranational actors frequently acted as advocates of the dossiers they worked on, they welcomed those non-state actors who were willing to join and form an advocacy coalition.<sup>39</sup> Hence, there was a keen interest on both sides, which encouraged the involvement of environmental groups.

Cooperation among environmental groups was facilitated by the EEB. However, the EEB did not enjoy a monopoly in the field. In the context of the birds directive, bird protection groups set up their own European network WEBS (Working group of European Bird Protection Societies) in autumn 1978, in order to institutionalize the previous informal cooperation that had been facilitated by existing ties via the ICBP. WEBS served to facilitate information exchange and coordinate the lobbying of national governments when the proposal was stuck in the Council of Ministers.<sup>40</sup> Difficulties with effective access to decision-makers and competition apparently encouraged the founding of European organizations. The EEB was also strengthened by the precedent set by the birds directive in the area of nature protection. With the objective in mind 'to push for further Community competence in this field', a 'large number of conservation bodies' joined the EEB at the end of 1979.<sup>41</sup>

35 Wolfram Kaiser, Bringing History back in to the Study of Transnational Networks in European Integration, in: *Journal of Public Policy* 29 (2009) 2, pp. 223-239, here p. 228.

36 Interview with Claus Stufmann, former director in European Commission's service on the Environment and Consumer Protection, Brussels, 10 June 2009.

37 Economic and Social Committee, European Interest Groups (note 33), p. 435 fn.1.

38 Harald Müller, Arguing, Bargaining and all that: Communicative Action, Rationalist Theory and the Logic of Appropriateness in International Relations, in: *European Journal of International Relations* 10 (2004) 3, pp. 395-435.

39 On the concept of advocacy coalitions, particularly with regard to the EU, see: Paul Sabatier, The Advocacy Coalition Framework: Revisions and Relevance for Europe, in: *Journal of European Public Policy* 5 (1998) 1, pp. 98-130.

40 Bärbel Häcker, 50 Jahre Naturschutzgeschichte in Baden-Württemberg. Zeitzeugen berichten, Stuttgart 2004, p. 123f; Zugvogelschutz im Vordergrund, in: *Wir und die Vögel* 10 (1978) 6, pp. 13; Interview with Alistair Gammell, former assistant to the Director of International Affairs of the Royal Society for the Protection of Birds (RSPB), by phone, 7 May 2009.

41 European Environmental Bureau, Ten Years of the European Environmental Bureau (note 32), p. 23.

Since the birds directive touched upon their interests, several hunting organizations also decided to set up the Federation of Hunting Associations of the EC (FACE) in 1977, in order to lobby the European institutions more effectively.<sup>42</sup> Traditionally, hunting interests had been represented at the international level by the Paris-based International Council for Game and Wildlife Conservation (CIC, founded in 1930).<sup>43</sup> Consisting of individual and government members (mainly from Eastern Europe), the CIC was a socially exclusive club that could usually rely on the direct contacts of its elite members, rather than on professional lobbying activities. The CIC did not prove to be very influential in the EC in the context of the birds directive.<sup>44</sup> The Europeanization of interest groups – and their professionalization – apparently closely followed the Europeanization of policy-making in the respective areas.

### **From agenda setting to implementation: environmental groups in environmental policy-making**

The birds directive of 1979 was the first piece of European environmental legislation in the area of nature protection. It laid the basis for subsequent legislation, such as the habitats directive of 1992<sup>45</sup> and established the EC as a central policy maker in conservation.<sup>46</sup> The birds directive emerged from the public outcry in Northern Europe against the hunting of migrant birds in Southern Europe. The fact that the issue was placed on the European agenda despite a shaky legal base for European level action in the form of Article 235 of the EEC Treaty and that it was eventually enacted by the unanimous agreement of the member states can be attributed to a large extent to the joint effort and various activities of environmental groups in close collaboration with the European institutions. Thus the directive provides an excellent and multi-faceted example of non-state actors' activities in European policy-making.

The goal of the birds directive was the conservation of bird species and the maintenance of sufficient populations.<sup>47</sup> For this purpose, member states had to designate and protect habitats, including those covered by international conventions. This was an issue very

42 Federation of Associations for Hunting and Conservation of the European Union, History – 25 Years of History, 2002, available from: <http://www.face-europe.org/Documents/FACE25book/faceBook%2011-40%20history.pdf>, [7 June 2010], pp. 12 f.

43 From 1974 the organization's name included the reference to 'Wildlife Conservation' which better fit the new era of environmentalism. Hanns-Gero von Lindeiner-Wildau, Glückwunsch an einen CIC Jubilar, in: Zeitschrift für Jagdwissenschaft 25 (1979) 2, pp. 115-117; Erhard Ueckermann, 20. Jahreshauptversammlung des Conseil International de la Chasse, in: Zeitschrift für Jagdwissenschaft 19 (1973) 4, pp. 213-215.

44 Interview Stuffmann (note 36); Interview with Yves Lecocq, Secretary General of FACE, Brussels 4 May 2010.

45 European Community, Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora, in: Official Journal of the European Communities 36 (1992) L 206, 22 July 1992 pp. 7-50.

46 Wouter P.J. Wils, La protection des habitats naturels en droit communautaire, in: Cahiers de Droit européen 30 (1994) 3-4, pp. 398-430.

47 European Community, Council Directive of 2 April 1979 (note 18).

dear to traditional bird protection organizations such as the RSPB. These organizations had long been linked internationally in the framework of the ICBP and fought for these conventions and their transposition into national law. The directive prohibited the 'large-scale and non-selective' hunting methods using lime or nets that had triggered much of the public outrage. Hunting and the trade in birds were limited only to game species. All European bird species were categorized in different lists in the annex of the directive. These lists – which specified which bird species could legally be hunted and sold in the EC or only in some member states – were at the core of contention in the negotiations between member state governments. Birds' habitats – particularly of those bird species which enjoyed the highest level of protection listed in Annex I – were subject to conservation measures. Effectively, the directive severely limited the hunting of songbirds. However, not least due to the unanimity requirement, the directive was a European compromise, so that a few songbird species could still be hunted in Italy and France, where in some regions various kinds of songbirds were traditionally killed and eaten.

Throughout the stages of the policy-making process, from agenda-setting and policy formulation to policy adoption and policy implementation, environmental groups applied different means and methods of exerting influence in the policy making process. Students of environmental organizations have distinguished various methods that groups utilized to advance their cause:<sup>48</sup> First, groups engaged in lobbying. Representatives of environmental groups directly contacted decision-makers, trying to exert influence by arguing for their cause. Secondly, while lobbying was based on their own initiative, environmental groups were invited to state their opinion on certain policy papers or legislative proposals. Thirdly, by informing the public via public relations – directly or via the media – groups sought to change public opinion, thus indirectly influencing policy making. Fourthly, groups encouraged citizens to express their dissatisfaction or organized protest. Protest was voiced in various ways, for instance, via public events or through letter-writing campaigns. Fifthly, networking was used to combine and coordinate various environmental groups engaging in all of these activities. Exchanging information, organizing joint action, combining the respective areas of strength such as easy access to decision-makers greatly improved the effectiveness of non-state actors' intervention in the policy process. Network ties were established between different environmental groups, but also between environmental groups and European policy-makers from the various European institutions, forming a policy network.<sup>49</sup> Network ties also covered non-state actors with only partially overlapping interests, e.g. hunting organizations and bird protection groups.<sup>50</sup>

48 Jochen Roose, *Die Europäisierung von Umweltorganisationen. Die Umweltbewegung auf dem langen Weg nach Brüssel*, Wiesbaden 2003, p. 216. Similarly: van Koppen / Markham, *Nature Protection in Western Environmentalism* (note 19), pp. 273-275.

49 For an introduction into the concept see: John Peterson, *Policy-Networks*, in: Antje Wiener/Thomas Diez (eds.), *European Integration Theory*, Oxford 2009, pp. 105-124.

50 For a historical perspective on networks in EC policy-making see: Wolfram Kaiser, *Transnational Networks in European Governance. The Informal Politics of Integration*, in: Wolfram Kaiser / Morten Rasmussen / Brigitte Leucht

Finally, researchers have highlighted that environmental groups engaged in environmental projects in order to set an example of how nature could be protected. By the mid-1970s, the purchase of land for habitat protection was high on the agenda of traditional bird protection organizations such as the RSPB and the DBV. This was an area of transnational cooperation and exchange of expertise, relying on international ties via the ICBP.<sup>51</sup> While environmental projects did not directly influence policy-making, the engagement of traditional bird protection groups in such projects arguably strengthened habitat protection as one of their policy priorities. Furthermore, the knowledge accumulated through environmental projects helped environmental interest groups to convincingly present themselves as experts at the policy formulation stage and even more so at the implementation stage. Moreover, the ties established through cooperation in habitat protection surely helped with transnational network building. In what follows, I will explore the extent to which and how effectively the different environmental groups made use of these methods in the course of the policy process, from agenda setting to policy formulation and adoption. I will also provide some pointers to their role in subsequent policy implementation.

The fact that the unlikely issue of bird protection was placed on the agenda of early European environmental policy-making can only partially be attributed to the efforts of environmental groups. However, different environmental groups did play a decisive role in agenda-setting – through protest and public relations, but also as experts who were consulted by the Commission.

In the late 1960s and early 1970s, the hunting of migrant birds, particularly of songbirds, was an important issue in the media, particularly of the Northern European countries. The cruelty of the hunting practices – involving the use of lime and nets – was illustrated with graphic images. The apparent inability of the Italian government to outlaw the hunting of songbirds, and the scandals surrounding this legislation stirred up public alarm, and fears for the total destruction of the songbirds.<sup>52</sup> For instance, the public relations efforts of the recently established bird protection groups in Italy – like the Lega Nazionale Contro La Distruzione Degli Uccelli in Florence, founded in 1966 – and their ambition to find allies beyond borders certainly played a role in getting the issue into the media.<sup>53</sup> Clearly, media reporting and protest made an impression on the European institutions. Media reports and protests by animal protection societies were cited by Members of the European Parliament (MEPs) and of the ESC when they posed questions to the Commission about possible Community measures against the mass killing

(eds.), *The History of the European Union. Origins of a Trans- and Supranational Polity 1950–72*, Abingdon 2009, pp. 12–33; Michael Gehler/Wolfram Kaiser/Brigitte Leucht (eds.), *Netzwerke im europäischen Mehrebenensystem von 1945 bis zur Gegenwart/Networks in European Multi-Level Governance from 1945 to the Present*, Vienna 2009.

51 Englische Wissenschaftler arbeiten auf Wallnau, in: *Wir und die Vögel* 8 (1976) 5, pp. 24.

52 Robert Berger, Stoppt endlich den Vogelmord, in: *Wir und die Vögel* 7 (1975) 3, pp. 22 f.

53 Umberto Marini, Der Brief eines Italieners, in: *Wir und die Vögel* 5 (1973) 2, pp. 5 f.

of birds in the early 1970s.<sup>54</sup> In fact, when the Commission justified the inclusion of the issue of bird protection in its eventual proposal for the first Environmental Action Programme, it referred to the worldwide protest and the barrage of letters by individuals and animal protection societies it had received in 1973.<sup>55</sup> At this stage, when the Commission was collecting issues to be included in the Environmental Action Programme, putting bird protection on the incipient European environmental agenda was relatively easy. The Commission was highly receptive to the issue, since it perceived bird protection as a popular cause and an opportunity to advance the new European environmental policy. While the emotional and moral style of protest initially did not appeal to the technocrats in the newly established environmental service, they were won over, for example, by the ecological arguments regarding the role of birds as biological pest controls.<sup>56</sup> Not only the Commission rank and file, but also the upper echelons of the Commission were sympathetic to the cause. In the response to a parliamentary question, the Commission referred to its President Mansholt who was reported to have demanded putting a halt to killing birds at a conference in Venice.<sup>57</sup>

While the inclusion into the Environmental Action Programme placed bird protection on the European agenda, the Community only committed to promoting 'joint action by Member States in the Council of Europe and international organizations'. In the eyes of the environmental groups, this was hardly going to resolve the issue. International organizations had long been dealing with bird protection, but because their resolutions were not binding, national governments could simply ignore them. However, the Commission opened a window of opportunity for possible EC legislation by promising a 'study with a view to possible harmonization of national regulations on the protection of animal species and especially migratory birds'.<sup>58</sup>

54 E.g. Jean-Pierre Glesener, Written Question No. 285/71, 10 September 1971, to the Commission concerning killing of migratory birds in Belgium and Italy, in: *Official Journal of the European Communities* 14 (1971) C119, 26.11.1971, pp. 3; Hans Edgar Jahn, Written Question No. 620/72, 15 February 1973, concerning mass killing of migratory birds in Italy, in: *Official Journal of the European Communities* 16 (1972) C 39, 7.6.1973, pp. 12; Wirtschafts- und Sozialausschuss, Anlage zum Protokoll der 6. Sitzung des Unterausschuss Umwelt am 31.05.1972. Zusammenfassung des Gedankenaustausches zwischen den Vertretern des Unterausschusses und Herrn Toulemon, Vertreter der Kommission, Historical Archives of the European Union, SEC 4298, here p. 9; Horst Seefeld, Question écrite no. 253/72, 08.08.1972 à la Commission des Communautés européennes, in: *Official Journal of the European Communities* (1972) C120, 17.11.1972; Hans Richarts, Written Question No. 254/67, 11 December 1967, to the Commission concerning the harmonisation of rules for bird protection, AEP, PE0 AP QP/QE E-0254/67 (1967).

55 Commission of the European Communities, Programme of Environmental Action of the European Communities. Part II: Detailed Description of the Actions to be undertaken at Community Level over the next two Years. Forwarded by the Commission to the Council, COM (73) 530 final C, 10 April 1973, p. II.67 f.; European Commission, Answer to Written Question No. 321/73, 6 September 1973, by Lord O'Hagan on Migratory Birds, in: *Official Journal of the European Communities* 16 (1973) C 116, 29.12.1973, p. 10; European Commission, Answer to Written Question No. 620/72 by Hans Edgar Jahn, 15 February 1973, concerning Mass Killing of Migratory Birds in Italy, 10 April 1973, in: *Official Journal of the European Communities* 16 (1972) C 39, 7.6.1973, pp. 12.

56 Interview Stufmann (note 36).

57 European Commission, Antwort auf die Schriftliche Anfrage 259/72 von Herrn Seefeld, in: AEP, PE0 AP QP/QE E-0259/72.

58 Commission of the European Communities, Programme of Environmental Action, Part II (note 55), p. II.67 f.

Since the Commission lacked the expertise for writing such a study, it contracted it out to a non-state actor, an external expert. The contract was given to the Frankfurt Zoological Society of 1858, chaired by Professor Bernhard Grzimek, easily the most prominent figure in German environmentalism at the time.<sup>59</sup> The director of the Frankfurt Zoo and host of a popular TV show featuring wild animals had been the German Chancellor Willy Brandt's special representative for the environment from 1970 to 1973.<sup>60</sup> Grzimek – a veterinary doctor by training – was not exactly an authority on migrant birds, however. Thus the actual work was carried out by two junior ornithologists Bernhard Conrad and Wolfgang Poltz, who produced their study under the supervision of Gerhard Thielcke.<sup>61</sup> Thielcke was equally well-connected both nationally and internationally as the head of the German Section of the ICBP.<sup>62</sup> In the course of their work, Conrad and Poltz interviewed bird protection activists throughout Europe. The bird protection organizations were not simply invited to state their opinion: they were also given the chance to frame the issue by giving their assessment of the problem and by suggesting possible solutions.<sup>63</sup> Besides calling for more research in cooperation with international bodies of ornithological research and the accession of all EC members to the relevant international conventions, they demanded uniform European legislation with regard to the hunting and catching, breeding and trade of birds. They emphasized the role of hunting as the major cause of the decline of bird populations, but they also demanded the protection of habitats to ensure the survival of bird species. They called for a system of European bird reserves specifically for migrant birds – referring to the model apparently practiced in the United States.<sup>64</sup> At this early stage, the member organizations of the ICBP were alerted to possible European legislation, and given the chance to act upon it. Even if the Frankfurt Zoological Society lacked thorough expertise in ornithology, it was proficient in networking. Once the study was finally completed in July 1975, Grzimek's assistant Rosl Kirchshofer wrote to Inge Jaffke from the Komitee gegen den Vogelmord (KV), a newly founded German activist bird protection group with a clear anti-hunting agenda, which had grown out of the animal protection movement. Kirchshofer encouraged her to ask

59 Grzimek's prominence and air of expertise was apparently the main reason for his selection: Interview Stuffmann (note 36).

60 Cf. Claudia Sewig, *Der Mann, der die Tiere liebte*. Bernhard Grzimek, Bergisch Gladbach 2009, pp. 345–372.

61 *Zoologische Gesellschaft Frankfurt, Vogelschutz in Europa*, in: *Wir und die Vögel* 7 (1975) 3, pp. 30. The work was subsequently published as: Wolfgang Poltz / Bernhard Conrad, *Vogelschutz in Europa. Ein Situationsbericht über den Vogelschutz in den Staaten der Europäischen Gemeinschaft*, Luxemburg 1976.

62 On the links between Thielcke and Grzimek in the national context see: Jens Ivo Engels, *Von der Heimat-Connection zur Fraktion der Ökopolitik. Personale Netzwerke und politischer Verhaltensstil im westdeutschen Naturschutz zwischen Nachkriegszeit und ökologischer Wende*, in: Arne Karsten / Hillard v. Thiesen (eds.), *Nützliche Netzwerke und korrupte Seilschaften*, Göttingen 2006, pp. 18–45, here p. 33.

63 On the concept of framing see Robert Entman, *Framing: Toward Clarification of a Fractured Paradigm*, in: *Journal of Communication* 43 (1993) 3, pp. 51–58, here p. 52; applied to the EU: Falk Daviter, *Policy Framing in the European Union*, in: *Journal of European Public Policy* 14 (2007) 4, pp. 654–666.

64 Poltz / Conrad, *Vogelschutz in Europa* (note 61), pp. 67–69. On the actual situation of migratory bird protection in North America see: Mark Cioc, *The Game of Conservation. International Treaties to protect the World's Migratory Species*, Athens, Ohio 2009, pp. 58–103.

the Commission to propose a binding directive, based on the results of their expertise. After the final submission of the report and the end of the contractual relation with the Commission, the Zoological Society would also call for a directive.<sup>65</sup> Not least because the Commission was not satisfied with its scientific quality and the 'undiplomatic' language used, however, the expert opinion itself did not have much impact.<sup>66</sup>

In the 1970s, petitions to the European institutions were an important instrument of environmental and animal protection groups to intervene in European environmental policy-making. Until 1979, fourteen petitions submitted to the EP related to animal protection, while another nine petitions related to other environmental problems, such as pollution in the Mediterranean. The Stichting Mondiaal Alternatief (SMA), an activist ecological organization from the Netherlands founded in 1974, accounts for the lion's share of these petitions. Together with its international partner organizations from Austria, Belgium, England, Kenya, Netherlands, South-Africa, Surinam, Switzerland, the USA and West Germany, it presented seven petitions on bird protection. Most of the supporting groups were animal protection organizations, such as the KV in Germany. After the initial success with its first petition, SMA kept pushing for European bird protection legislation and the larger issue of the 'new ecological order' even until after the Directive had been enacted in 1979.<sup>67</sup>

This first petition 'Save the Migratory Birds' was submitted by SMA simultaneously to the European Commission, the Council of Ministers and the EP – as well as to the Dutch Foreign Ministry – on 26 August 1974.<sup>68</sup> It warned against the ecological consequences of the decline of bird populations across Europe and Africa for humanity as a whole. Some bird species had declined so drastically that they were on the verge of extinction, the authors of the petition stated, singling out the mass killings of migrant birds in the Mediterranean area, particularly in Italy, as the main reason. Given insects' growing resistance against chemical pesticides, they predicted 'apocalyptic chaos in the Old World's ecology', the destruction of crops and enormous costs, if insectivorous birds were taken out of the ecological balance. To solve this problem, they called for an international conference to address the issue and demanded the end of hunting migratory songbirds.<sup>69</sup> The EP's Committee on Public Health and the Environment, and its rapporteur Hans-Edgar Jahn, a German Christian Democrat, who had posed parliamentary questions on the issue of bird protection before, took up this petition to produce a report and a resolution. The committee carefully used the opportunity provided by the petition to call on the Commission to propose binding European legislation based on the

65 Letter by Rosl Kirchshofer, Zoologische Gesellschaft Frankfurt, to Inge Jaffke, Komitee gegen den Vogelmord, 3 July 1975, Archive for Christian Democratic Politics (ACDP), Nachlaß Hans Edgar Jahn, Umweltschutz Tierschutz Schriftwechsel 098/2, 1975–1976.

66 Interview Stufmann (note 36).

67 Franco Piodi, *The Citizen's Appeal to the European Parliament. Petitions 1958–1979*, Luxembourg 2009, pp. 18–20, 41–44.

68 Stichting Mondiaal Alternatief, *Save the Migratory Birds*. Petition to the Parliament, the Council and the Commission of the European Communities, 26 August 1974, ACM, Liste Rouge 2680.

69 Stichting Mondiaal Alternatief, *Save the Migratory Birds* (note 68), here pp. 3–5.



findings of the expert opinion of the Zoologische Gesellschaft, arguing that the urgency of the issue did not allow any more time to be wasted on international conferences.<sup>70</sup>

In fact, in the ensuing debate, Commissioner Guido Brunner assured the MEPs that if recommendations to the member states did not produce 'satisfactory results', the Commission would propose a directive, as Jahn had demanded.<sup>71</sup>

In the agenda setting phase, different environmental groups were able to insert their views about bird protection into the European policy process. Their public relations and protest were taken up by the European policy-makers, who even brought in environmentalists as experts to prepare appropriate measures. Even though to some extent European policy makers used the cues provided by the environmental groups at their discretion, they accepted and supported the cause of bird protection as a relevant issue of policy-making. They also facilitated protest and lobbying by providing access to the institutions. Jahn, for instance, had additional documents sent by environmental groups translated and distributed to the members of the EP's Committee on the Environment and Public Health in October 1974 before the discussion on the petition started.<sup>72</sup> At times, environmental groups were even embedded within the European institutions. For instance, the British MEP Lord Chelwood, who asked a parliamentary question in 1974 about the expert opinions gathered by the Commission, was himself a former president of the RSPB. Consequently, he recommended their expert knowledge and that of similar organizations in other countries.<sup>73</sup>

Particularly in the policy formulation phase, when the content of the directive was specified, the embedding within the European institutions of a member of the international bird protection organization the ICBP played a crucial role. In the informal situation of the Commission in the 1970s, when it was still a relatively small organization, John Temple Lang, an Irish official from the Legal Service, took part in the Commission's internal working group on bird protection on his own initiative. He was welcome to the other officials from the new environmental service because of his expertise. Temple Lang was a hobby ornithologist and had previously been involved in international meetings of the ICBP. He was thus familiar with experts in the field as well as with the legal intricacies of international conventions. Conveniently placed, Temple Lang helped in particular with the drafting of those sections of the directive that deal with habitats protection. Articles 3 and 4 of the directive specified ambitious goals. They required the member states to

70 Hans Edgar Jahn, Report drawn up on behalf of the Committee on Public Health and the Environment on Petition No. 8/74 'Save the Migratory Birds', doc. 449/74, PE 38.979fin, ACM, Liste Rouge 2680, here p. 6.

71 European Parliament, Debate on Petition No. 8/74 'Save the Migratory Birds', 21 February 1975, in: Official Journal of the European Communities, Annex: Proceedings of the European Parliament (1975) 186, February 1975, pp. 262-267, here p. 266.

72 E.g. Committee on Public Health and the Environment European Parliament, Notice to Members: Report by Mr Uberti, Secretary of the Verona Branch of the National Society for the Protection of Animals, on the Trade in Birds in the Mediterranean Region, particularly in Italy, 30 October 1974, AEP, PE0 AP RP ENVI.1973 A0-0449/74.

73 Lord Tufton Victor Chelwood, Oral question (doc 12/74) 'Protection of Wild Birds especially Migratory Birds' and Explanatory Statement, 15 May 1974, in: Official Journal of the European Communities, Annex: Proceedings of the European Parliament (1974) 176, May 1974, p. 104.



‘maintain and restore a sufficient diversity and area of habitats for all species of wild birds’.<sup>74</sup> He included a reference to ‘recognized wetlands of international importance’ – protected by the Ramsar Convention of 1971<sup>75</sup> – in the text of the directive. Given that some member states remained hesitant to implement the initial recommendation on bird protection of 1974,<sup>76</sup> which asked the member states to accede to the existing international conventions on bird protection, the birds directive was intended to bring this international convention through the back door.<sup>77</sup> Since for the preparation of a directive the Commission required additional and more balanced expertise than the study by the Frankfurt Zoological Society was able to provide, Temple Lang recommended Stanley Cramp as an expert. Stanley Cramp, a former British diplomat and author of a multi-volume handbook on *Birds of the Western Palearctic*,<sup>78</sup> was a prominent figure not only in ornithology, but also within the ICBP.<sup>79</sup> Cramp’s expert opinion stressed habitat protection, particularly the protection of wetlands, and the general reduction of pollution, as well as research in which the international research and protection organizations such as the ICBP and the International Wildfowl Research Bureau (IWR) were to play an important role. Even though Cramp also called for EC legislation ensuring uniform rules concerning hunting at the highest level of protection, his words were much more carefully chosen than in the report from Frankfurt. The treatment of the hunting issue in particular was less emotional and much more even-handed.<sup>80</sup>

The process of consultation on the early drafts for a directive was informal and very open to groups which could demonstrate an interest or contribute expertise. It included bird protection organizations, environmentalists, hunting organizations and national governments.<sup>81</sup> Cramp had alerted the RSPB to the project of legislation. Its director for international affairs Ian Presst and his assistant Alistair Gammell had been unsure about the role the EC could play in bird protection, but decided that Gammell should go to Brussels to offer his expertise and to lobby. Gammell found the Commission to be very receptive to outside expertise, so that it was very easy to get appointments. The

74 European Commission, Proposal for a Council Directive on Bird Conservation, 20 December 1976, COM (76) 676 final, ACM, Liste Rouge 2772, here art. 3.

75 Convention on Wetlands of International Importance, especially as Waterfowl Habitat. Final Text adopted by the International Conference on the Wetlands and Waterfowl at Ramsar, Iran, 2 February 1971. [http://www.ramsar.org/cda/ramsar/display/main/main.jsp?zn=ramsar&cp=1-31-38^20708\\_4000\\_0\\_\\_](http://www.ramsar.org/cda/ramsar/display/main/main.jsp?zn=ramsar&cp=1-31-38^20708_4000_0__) [last accessed 26 June 2010].

76 European Commission, Recommendation to Member States concerning the Protection of Birds and their Natural Habitats, 20 December 1974, in: Official Journal of the European Communities 18 (1974) L 21, 28.01.1975, pp. 24 f.

77 Interview with John Temple Lang, former official in the legal service of the European Commission, Brussels 9 June, 2009; John Temple Lang, The European Community Directive on Bird Conservation, in: Biological Conservation 22 (1982) 1, pp. 11–25, here pp. 14–17.

78 Stanley Cramp, Handbook of the birds of Europe the Middle East and North Africa: the birds of the Western Palearctic, Oxford 1977–1992.

79 K.E.L. Simmons, Stanley Cramp (1913–1987) – Obituary, in: Ibis 131 (1989) 4, pp. 612–614.

80 Stanley Cramp, Schicksal und Zukunft der Vögel Europas. [Bird conservation in Europe], Kilda 1978 [1977], pp. 62–65.

81 Interview Stuffmann (note 36); Interview Gammell (note 44).

access and information Gammell had gathered early on helped him during the lobbying in the policy adoption phase, during which he acted as the official expert for the ESC's environmental committee and wrote the EEB statement on the birds directive submitted to the ESC.<sup>82</sup>

Even though various experts were engaged in the Commission's consultation, the eventual legislative proposal indicates the success of the traditional bird protection groups in shifting the framing of the issue. The issue of bird protection had started out from the alarm over the mass killing of birds, put on the agenda by protest and public relations. Expertise and lobbying provided by representatives of the ICBP and the RSPB at the drafting stage helped shift the focus of the legislative project to the institutionally more convincing, scientific arguments about the need to protect habitats in order to ensure the long-term survival of the birds.

The European legislative process provided plenty of opportunities for access to non-state actors. At the same time, its complexity posed a formidable challenge for the bird protection organizations that were involved in European policy-making for the first time. The Council of Ministers had the power to take the final decision on the directive, after the Committee of Permanent Representatives (Coreper) and its working groups consisting of national ministerial officials had undertaken all the preparatory negotiations. At the time, the still unelected EP and the ESC only had to be consulted. Even though the relevant committees consulted experts, produced reports and suggested amendments, and voted on them in the respective plenaries, the Council was under no obligation to include these proposals.

What characterized non-state actors' lobbying efforts at the legislative stage is their co-ordinated nature. Three – partially overlapping – networks formed: First, the traditional bird protection organizations used their ties from the ICBP and created the above-mentioned European network WEBS to improve their lobbying efforts. Secondly, the newer and more radical anti-hunting groups were also transnationally linked around the KV and the ecologically oriented SMA, which continued to churn out petitions. They shared many of the views of the EP's rapporteur Jahn and were in regular contact with him. As explained above, the hunting organizations not only relied on their pre-existing ties via the CIC, but also established new cooperation at the European level with FACE. These networks were never totally separate. Particularly among local chapters of the traditional bird protection organizations, there was frequently a lot of sympathy for the radical bird protection groups.<sup>83</sup> Moreover, in what could be considered a precursor to what lobbying strategists now call 'transversal lobbying'<sup>84</sup> the SMA met with representatives from FACE

82 Interview Gammell (note 44); Economic and Social Committee, Minutes of the Meetings of the Study Group on Bird Protection and the Section Environment, Public Health and Consumer Protection, February-July 1977, Archive of the Economic and Social Committee, Dossier: Proposition de Directive du Conseil concernant la conservation des oiseaux doc (76) 676 final [340.145:591.615] 636.6.

83 E.g. Letter by Hans Mohr, member the CDU and of local section of DBV to Hans Edgar Jahn, 18 June 1977, ACDP, Nachlaß Hans-Edgar Jahn, Vogelschutz Tierschutz 050/2, 1976–1977.

84 Daniel Guéguen, *European Lobbying*, 2nd edition, Brussels 2007, pp. 135–138.

in October 1977. In the face of the legislation being stuck in the Council of Ministers, they tried to explore the possibility of cooperation, since 'it had never been our goal to harmonize the hunting legislation in the member states, but only to save the Euro-African migrant birds'.<sup>85</sup>

These networks targeted different institutions at different points in time. On 12 May 1977, shortly before the report of the EP was due, rapporteur Jahn received a large number of supportive letters and telexes by the groups from the transnational anti-hunting network, including letters from Grzimek, Ermanno Rizzardi of the Italian ICBP, and animal protection groups in Munich and Würzburg. This was clearly the result of a co-ordinated effort. All of these groups had previously been in regular contact with Jahn.<sup>86</sup> Both the KV and Prof. G.V.T. Matthews – simultaneously representing the traditional nature and bird protection organizations the IUCN, the ICBP and the IWRB – lobbied Jahn with detailed proposals for amendments to the draft directive.<sup>87</sup> Representing bird protection, Matthews also participated in the meeting of the representatives of FACE with Jahn and three other members of the environmental Committee in Strasbourg on 12 May 1977. Since Jahn had little sympathy for the hunters, it took substantial lobbying efforts and complaints about their position not having been heard to get this meeting organized. A few days in advance of this meeting, the German Hunting Association (Deutscher Jagdschutzverband, DJV) sent out a FACE resolution on the issue of hunting legislation in the EC not only to Jahn and the European institutions, but also to the German president, chancellor, relevant ministers and parliamentary committees, and the parliamentary parties' leaders. It is highly likely that the member organizations of FACE in other EC member states did the same in a coordinated lobbying effort.<sup>88</sup>

Since the ministers of the national governments represented in the Council of Ministers were the relevant decision-makers, protest and letter-writing subsequently focused on national ministries and the Council as a whole. Citizens sent a large number of letters – sometimes including postcards with children's images of birds, distributed by the KV. The member organizations of all three networks also engaged in letter writing.<sup>89</sup> Most of these letters date from 1978, when it had become altogether unclear whether the directive was going to be enacted at all. The negotiations had entered a deadlock. The French government insisted on reducing the number of birds that could be sold, an issue that was important to hunters in Denmark and the UK, where wild ducks and geese were

85 My translation from the German original. Letter by Fanny Rosenzweig, Stichting Mondiaal Alternatief to Jahn, Zusammenarbeit SMA/Jäger, 23 October 1977, ACDP, Nachlaß Hans-Edgar Jahn, Vogelschutz Tierschutz 050/1, 1977–1978.

86 ACDP, Nachlaß Hans-Edgar Jahn, Vogelschutz Tierschutz 050/2, 1976–1977.

87 Letter by G.V.T. Matthews to Jahn, 13 May 1977, and Letter by Inge Jaffke to Jahn, 9 June 1977, ACDP, Nachlaß Hans-Edgar Jahn, Vogelschutz Tierschutz 050/2, 1976–1977.

88 Jahn, Vogelschutz Tierschutz 050/2 (note 86), ACDP, Nachlaß Hans-Edgar Jahn, Vogelschutz 098/5, 1975–1978.

89 Council of the European Communities, *Prises de position concernant la directive 79/409/CEE du Conseil du 02.04.1979 concernant la conservation des oiseaux sauvages*, ACM, Liste Rouge 2787, 1977–1979; Council of the European Communities, *Prises de position concernant la directive 79/409/CEE du Conseil du 02.04.1979 concernant la conservation des oiseaux sauvages*, ACM, Liste Rouge 2789, 1977–1978.

usually marketed after their shooting. Against this, the French government insisted on a longer list of songbirds that should remain free to be hunted in France (and Italy).

When it seemed that the position of the French government remained the last obstacle to the successful agreement on a birds directive in the summer of 1978, the French *Fédération des Sociétés de Protection de la Nature* (FFSPN), the environmental umbrella organization in France not only wrote to the responsible French ministers, demanding the signing of the directive, but also distributed information to its member organizations for PR purposes and for organizing protest. Its expressed hope was to ‘constitute a pressure group equivalent to that of the hunters’. In conjunction with the EEB, the FFSPN had already encouraged international protest in early June 1978. The member organizations of the EEB were asked to write to the French ambassadors in the respective countries. Also the IUCN wrote to the French ministers responsible.<sup>90</sup>

To what extent these efforts actually made the position of the French government untenable, remains unclear. In any case, by November 1978, the French government – domestically under pressure from the hunting lobby – had lost its last remaining ally in the Council. The Italian government now favoured the enactment of the directive, as they hoped that this might help overcome the negative image Italy had acquired because of bird hunting.<sup>91</sup> Apparently, the continued campaign against Italy as a country of bird hunting – pursued by the KV and its partners – was not without effect on government decision-makers.

The case of the birds directive demonstrates that environmental organizations had improved their ability to lobby the European – and national – institutions using a combination of methods, from protest letters to offering expert opinions. At the same time, the environmental groups also acted as transnational mediators. The new European policy was shaped both by ideas from the international level – that is, the 1971 Ramsar Convention and habitats protection – and domestic concerns in various European countries about the killing of singing birds in Southern Europe. At the European level, these concerns came together in a binding piece of European level legislation beyond the nation state.

By contrast, the implementation of the birds directive can hardly be considered a success story. At various instances, the Commission had to take governments to the European Court of Justice for their failure to properly implement and enforce it.<sup>92</sup> However, the environmental groups which participated in the creation of the directive played a central part in its implementation. Those who had become part of a policy network in the course

90 J. P. Le Duc, *Fédération Française des Sociétés de Protection de la Nature: Le Point sur la Directive européenne pour la Protection des Oiseaux*, 14 Juillet 1978, ACDP, Nachlaß Hans-Edgar Jahn, Vogelschutz Tierschutz 049/2, 1978–1979, quote p. I; my translation from the original French.

91 Direction des Affaires Economiques et Financières Ministère des Affaires Etrangères, Note [de HCL/LV] au sujet: Concertation franco-italienne sur les problèmes de l’environnement, 10 November 1978, Archives Nationales, Fontainebleau, 19910580, article 33.

92 Alexandre Kiss/Dinah Shelton, *Manual of European Environmental Law*. Second Edition, Cambridge 1997, p. 206.

of the legislative process subsequently also became part of the expert committee set up for the implementation and adjustment of the directive. The list of candidates – drawn up by the EEB – included various members of the traditional bird protection organizations and the ICBP, among others John Temple Lang, Ian Presst and Alistair Gammell from the RSPB, and Rainer Ertel from the DBV. In a protest letter to Jahn in March 1979, Inge Jaffke from the KV demanded the inclusion of experts closer to the cause of the radical anti-hunting groups.<sup>93</sup> Jahn's intervention was apparently successful, and the candidates were included.<sup>94</sup> The incident demonstrates that the KV, one of the initiators of the policy project, while being effective in building up public pressure, had not become part of the inner circle of the policy network around the Commission. The organization had to rely on its links to Jahn, who was not going to return to the EP after the direct elections.<sup>95</sup> At the same time, their inclusion in the expert committee illustrates the completion of a process of the Europeanization of the bird protection organizations by the end of the 1970s – as a result of the lengthy battle over the birds directive.

## Conclusion

Two main conclusions can be drawn from the analysis of non-state actors in environmental policy-making in the 1970s. First, in the emerging policy area of the environment, non-state actors, namely environmental interest groups, increasingly played a role in policy-making. When environmental interest groups realized the importance and the binding nature of European policy-making in various aspects of environmental protection, they set up shop at the European level. The founding of the EEB as the umbrella organization was advanced by actors from the international level in the aftermath of the Stockholm conference. It was thus a download from the international level. Pre-existing connections via the ICBP and the CIC facilitated transnational cooperation between national organizations which led to the founding of European networks like the WEBS or organizations like FACE. However, this bottom-up Europeanization of these more specialized interest groups was much slower, and was a direct response to concrete policy-making in their specific area of concern.

Not only did the interest groups push towards the European level, since European legislation offered new opportunities, there was also an important pull by the European institutions to include them.<sup>96</sup> The involvement of non-state actors in environmental

93 Letter by Inge Jaffke, KV, to Jahn, 21 March 1979, ACDP, Nachlaß Hans-Edgar Jahn, Vogelschutz Tierschutz 049/2, 1978–1979.

94 ACDP, Nachlaß Hans-Edgar Jahn, Vogelschutz Tierschutz 049/2, 1978–1979.

95 Jahn's apparently anti-Bolshevist and anti-Semist writings during World War II were revealed by the German newsmagazine Stern shortly before the first direct elections in June 1979. Jahn thus had to withdraw from standing as a candidate. See: Arnim von Marnikowski, Christdemokraten: Ein Mann für Europa? Sternredakteur Arnim von Marnikowski über die NS-Vergangenheit eines CDU Spitzenkandidaten für die Europawahl, in: Stern, 23 May 1979.

96 I am loosely borrowing this concept of push and pull factors developed by students of migration to distinguish

policy was encouraged by the openness of the European policy process, the willingness particularly of the supranational organizations to listen to demands, in order to both advance European integration and enhance the legitimacy of the European project by considering the opinions of scientific experts and of the representatives of important societal concerns. The Commission was also still in a learning process with regard to selecting experts, while the environmental movement had to learn how to present their expertise, as the example of the study by the Zoological Society indicates.

Secondly, the example of the birds directive demonstrates how non-state actors successfully cooperated with the European institutions and among themselves, using the entire gamut of methods for making their voice heard. An important condition for their success was the willingness of supranational actors to cooperate with them. That is, the EP picked up the issue and produced a report. Similarly, the Commission made use of external expertise in order to demand legislative action. This case study shows how new these groups were to the European policy process, but also how quickly they learned that transnational cooperation was a key to success. In the 1970s, we can observe the emergent role of environmental groups at the EC level, which laid the basis for future cooperation with the European institutions. At a theoretical level, the 'Europeanization' of environmental groups can largely be interpreted within a neo-functionalist framework.<sup>97</sup> The creation of the EC environmental policy made the European level more attractive, and led to their growing presence and advocacy of European level solutions. Similarly, the case fits institutionalist claims that organizations always closely follow the institutional patterns of the institutions they depend on.<sup>98</sup> Finally the Europeanization of environmental groups may also be interpreted as part of the formation of a European political society, or a system of governance, as early as the 1970s.<sup>99</sup> In contrast to what is frequently claimed by political scientists,<sup>100</sup> who contend that consultation of experts only started in the 1990s, the cases of the birds directive and the environmental action programme demonstrate that non-state actors' expert knowledge was already routinely drawn on in 1970s environmental policy.

between the factors that induced interest groups to 'go to Europe'. Cf. Everett S. Lee, *A Theory of Migration*, in: *Demography* 3 (1966) 1, pp. 47-57.

97 Ernst B. Haas, *The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957*, Stanford 1958, p. 312 f.; Arne Niemann / Philippe C. Schmitter, *Neofunctionalism*, in: Antje Wiener/Thomas Diez (eds.), *European Integration Theory*, Oxford 2009, pp. 45-66, here p. 49.

98 Paul J. DiMaggio / Walter W. Powell, *The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields*, in: *American Sociological Review* 48 (1983) 2, pp. 147-160, here p. 150. For the use of institutionalist theories in the historical study of the EC see: Morten Rasmussen, *Supranational Governance in the Making. Towards a European Political System*, in: Wolfram Kaiser/Morten Rasmussen/Brigitte Leucht (eds.), *The History of the European Union. Origins of a Trans- and Supranational Polity 1950-72*, Abingdon 2009, pp. 34-55.

99 Wolfram Kaiser, *Transnational Western Europe since 1945. Integration as political society formation*, in: Wolfram Kaiser / Peter Starke (eds.), *Transnational European Union. Towards a Common Political Space*, London 2005, pp. 19-35.

100 Daviter, *Policy Framing in the European Union* (note 63), p. 658; Johan Nylander, *The Construction of a Market. A Frame Analysis of the Liberalisation of the Electricity Market in the European Union*, in: *European Societies* 3 (2001) 3, pp. 289-314, here p. 307.