
ADVOCACY COALITIONS AND THE "GREENING" OF THE SINGLE EUROPEAN ACT

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ABSTRACT

ADVOCACY COALITIONS AND THE "GREENING" OF THE SINGLE EUROPEAN ACT

Before the promulgation of the 1987 Single European Act (SEA), the European Communities (EC) had undertaken three multi-year Environmental Action Programmes and generated more than 100 measures to coordinate and harmonize environmental protection. However, the 1957 Treaty of Rome, the legal basis for the organization, did not authorize joint action in the area of environmental protection. Pre-1987 environmental legislation was justified on the grounds that divergent environmental regulations in the Member States distorted trade competition and constituted a non-tariff barrier to free trade, and that the Treaty specified as objectives the promotion of "an accelerated raising of the standard of living" and the improvement of the living and working conditions of EC citizens. The SEA represented a seachange in the legal mandate of the organization in that it amended the Treaty of Rome to require that environmental protection be incorporated into every aspect of Community policy.

Utilizing an advocacy coalition model, this paper aspires to describe and explain the policy stages, actors, and political interactions associated with the incorporation of environmental objectives into the EC's mission via the Single European Act. The activities of advocacy coalitions are examined during the agenda setting, policy option delineation, and decision making stages to ascertain the relative importance of policy ideas, national/power interests, institutional factors, and political interactions to explaining the "greening" of the SEA.

The study concludes that although coalitional activities were not evident in processes that placed environmental provisions on the SEA agenda, they were important during the policy delineation and decision making stages. Environmental provisions were added to the agenda as a consequence of a process of policy evolution. All major participants agreed that the constitutionalization of the *de facto* functions was desirable. The Commission as a policy initiator and broker played the most significant role in placing environmental concerns on the SEA agenda.

Once these concerns were on the agenda, the member states aligned themselves in coalitions on the basis of their positions on the specificity and stringency of the proposed legislation. "Green/clean" states feared that the legislation would require downward harmonization of their high national standards, while less environmentally-concerned states feared the economic costs of meeting strengthened EC regulations. In the end, the substantive content of the legislation was shaped by Commission-brokered compromise. The most contentious issues were "side-stepped" so that the overall initiative might move forward. All parties to the final decision making were eager that this "fringe" area bring positive incentives rather than confrontation to the SEA negotiations.

Introduction

No consensus obtains in the analytical literature as to what is the most significant source or determinants of international organizations' decisions and policies. The question is a perennial one, but it acquires greater import as increased global interdependence and the end of the Cold War have resulted in a proliferation of problems requiring the attention of international organizations. Research structured to investigate various units and levels of analysis yields persuasive evidence, for example, that member-states' interests and power,¹ institutionally-conferred power assets, decision process dynamics, ideology and ideas,² interest groups' demands and clout,³ and even idiosyncratic factors⁴ are important shapers of multilateral policy. Realist/intergovernmentalist, federalist,⁵ pluralist, functionalist/neofunctionalist⁶, bureaucratic politics,⁷ expected utility and

1. See, for example, Paul Taylor, *The Limits of European Integration* (London: Croom Helm, 1983), chapter 2, and Andrew Moravcsik, "Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community," *International Organization*, vol. 45 (Winter 1991), pp. 19-56.

2. See, e.g., Ernst B. Haas, *When Knowledge is Power, Three Models of Change in International Organizations* (Berkeley: University of California Press, 1990).

3. See, for example, Wolfgang Streeck and Philippe C. Schmitter, "From National Corporatism to Transnational Pluralism: Organized Interests in the Single European Market," *Politics and Society* vol. 19 no. 2 (1991), pp. 133-164 and Sonia Mazey and Jeremy Richardson, eds., *Lobbying in the European Community* (Oxford: Oxford University Press, 1993).

4. See, e.g., Ernst B. Haas, *When Knowledge is Power, Three Models of Change in International Organizations* (Berkeley: University of California Press, 1990), pp. 135, 226 fn 3, 244 fn 11; and Oran Young, "Political Leadership and Regime Formation: On the Development of Institutions in International Society," *International Organization* 45 (Summer, 1991).

5. See, for example, Alberta M. Sbragia, "Thinking about the European Future: The Uses of Comparison," in her *Euro-Politics, Institutions and Policymaking in the "New" European Community* (Washington: The Brookings Institution, 1992), pp. 257-291

6. See e.g. Ernst B. Haas, *The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957* (Stanford: Stanford University Press, 1958) and *Beyond the Nation-State: Functionalism and International Organization* (Stanford: Stanford University Press, 1964) and Leon N. Lindberg, *The Political Dynamics of European Economic Integration* (Stanford: Stanford

exchange models,⁸ "two-level games,"⁹ and regime theory¹⁰ have been offered as empirically valid and heuristically useful ways to structure analysis into these important questions. Much of the analysis deriving from these approaches, however, is overly parsimonious and static, and, thus, far removed from the empirical complexities of multilateral decision making.

Employing an advocacy coalition model, derived in part from the domestic United States public policy literature, this study undertakes more in depth analysis of the various actors and political interactions associated with the decision making of one particular international organizations, the European Communities (EC). The model begins by dividing the data into three stages of the policy process: agenda setting, policy option delineation, and the actual taking of the decision. Advocacy coalitions,¹¹ potentially comprised of national, regional and international actors, are scrutinized in terms of their policy ideas, interests, assets, and preferences. Then, political dynamics and processes such as negotiation (bargaining), persuasion, learning, compromise (concession and accommodation), brokering, linkage, obstructionism and coercion within and between coalitions are analyzed to ascertain the relative influence of policy ideas, policy assets, and political interactions

8. See e.g. Bruce Bueno de Mesquite and Frans N. Stokmen, eds., *European Community Decision, Making, Models, Applications and Comparisons* (New Haven, CT: Yale University Press, 1994).

9. See, for example, Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-level Games," *International Organization* 42, 3 (Summer 1988), pp. 427-460.

10. See, e.g., Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, NJ: Princeton University Press, 1984) and Stephen D. Krasner, ed., *International Regimes* (Ithaca, NY: Cornell University Press, 1983.)

11. The term "advocacy coalition" is most closely associated with the United States (US)-oriented, environmental policy work of Paul Sabatier of the University of California-Davis. While the model employed in this study conforms to Sabatier's conceptualization of actors uniting together in support of specific policy options and assigning importance to brokering and learning dynamics in determining policy outcomes, the model employed in this study also borrows freely from John Kingdon's work on US public policy and Hass' contributions on linkage and learning in international organizations.

to EC agenda setting, policy delineation, and decision making with regard to a single case study, the incorporation of environmental protection into the constitutional mandate of the Communities by means of the 1987 Single European Act.¹³

The study concludes that although coalitional activities were not evident in processes that placed environmental provisions on the SEA agenda, they were clearly important during the policy delineation and decision making stages. Environmental provisions were added to the SEA agenda as a consequence of an evolutionary process. All major participants agreed that the constitutionalisation of the *de facto* functions was desirable. The Commission as a policy initiator and broker probably played the most significant role in placing environmental concerns on the SEA agenda.

Once these concerns were on the agenda, the member states aligned themselves in coalitions on the basis of their positions on the specificity and stringency of the proposed legislation. "Green/clean" states feared that the EC legislation would require downward harmonization of their high national standards, while less environmentally concerned states feared the economic costs of meeting strengthened EC regulations. In the end, the substantive content of the legislation was the product of Commission-brokered compromise. The most contentious issues were "side-stepped" so that the overall initiative

13. The "Single European Act" was so called because it combines in one legal instrument two texts with different origins, one amending the Treaty of Rome (Title II) and one dealing with cooperation in the foreign policy sphere (Title III), rather than having specific reference to a "Single European Market." Nigel Haigh and David Baldock, *Environmental Policy and 1992*, Report prepared for the British Department of the Environment (London: Institute for European Environmental Policy, 1989), p. 10.

The Single European Act was approved by the Council of Ministers, the EC's primary decision making body, in February 1986. It came into force 1 July 1987; 31 December 1992 was the deadline set for the achievement of its provisions. See *Official Journal* (OJ) L 169, 29 June 1987, p. 7.

might move forward. All parties to the final decision making were eager that this "fringe" area bring positive incentives rather than confrontation to the SEA negotiations.

Policy Making in International Organizations

It is analytically useful to consider policy making as distinctive in terms of stages (agenda setting, policy option delineation, and decision making); actors such as national, regional, international and even individual actors allied in advocacy coalitions; and political interactions. An understanding of public policy agenda setting requires explication of how officials identify policy issues, decide to give them their attention, and mobilize their organizations to generate legislation to address the issue.¹⁴ A policy system can usually handle many routine issues via standard operating procedures but nonroutine issues, particularly those with implications for constitutional change, require extraordinary attention and processes. The critical question in explaining the prominence of an agenda item is not the identification of its source, but the receptivity of policy makers to the issue at a given time.

A debate exists as to whether the international agenda items "bubble up" from popular, expert, and/or national agendas; "spillover" from previous legislative initiatives or other organizational policy areas or from interaction with other international organizations; and/or are the consequence of a "top-down" process, orchestrated primarily by international political leaders. A single catastrophe or accident may mobilize interest and support and result in organizational action. Attention-generating knowledge,

14. Barbara J. Nelson, *Making an Issue of Child Abuse* (Chicago: University of Chicago Press, 1984), p. 20.

technology, indicators, or the gradual accumulation of knowledge and policy ideas among specialists in a given policy area (i.e. spillover from the expert agenda to the public and national agendas) may place issues on the agenda of international organizations. Less dramatic, more gradual, inducements might include such factors as demographic changes. New national political leadership may emerge out of changes in party control or intraparty ideological balances brought about by elections or other political transformations, alter the national agenda, and mobilize new popular and expert publics.¹⁵

To identify policy alternatives is to narrow the set of conceivable choices to a few that are seriously considered. Experts, nongovernmental organizations, and the entire policy community are usually involved in setting the informal agenda and generating policy alternatives, whereas only political leadership possesses the authority to establish the formal agenda and make policy decisions.¹⁶ This model assumes that policy preferences evolve through the political interactions among and between competing advocacy coalitions.

When an actor or organization acting alone can not affect or change public policy, joint action may be undertaken by means of a coalition. An advocacy coalition is "a time-limited organization in which there is a convergence of interest on the part of a number of actors, both individuals and organizations, and an interaction around furthering these common interests."¹⁷ Thus, the three primary elements which signal the existence of

15. John W. Kingdon, *Agendas, Alternatives, and Public Policies* (Boston: Little, Brown and Company, 1984), pp. 16-18.

16. John Kingdon, *Agendas, Alternatives, and Public Policies*, p. 4.

17. R. Warren, *Social Change and Human Purpose* (Chicago: Rand McNally, 1977) quoted in Milan J. Dluhy, *Building Coalitions in the Human Services* (Newbury Park, CA: Sage Publications, 1990), p. 10.

an advocacy coalition are: (a) converging interests deriving from some combination of common values, ideas, and policy prescriptions; (b) actors transcending the customary levels of analysis (individuals; states; other international organizations; national, regional, and international nongovernmental organizations (NGOs); and regional organizational units constitute the coalition by virtue of their issue-specific participation in advocacy); (c) and various forms of interaction toward furthering common interests.

Many EC actors, particularly those from continental policy traditions, are uncomfortable with the concept of "coalition building" as a description of the policy dynamics associated with environmental policy making. They conceptualize the process as an informal, issue-specific, coming together to share information, to incorporate the various participants' interests, and to build consensus in support of various policy options rather than an amalgamating of political power assets to achieve policy goals implied in some coalition models.¹⁸ Institutional mandates create natural alliances, for example among the Environment Commissioner, the Directorate General for the Environment, Nuclear Safety and Civil Protection (DGXI), the Committee on Environment, Public Health and Consumers of the European Parliament, and environmental NGOs. However, their multiple environmental and institutional interests rarely completely coincide even on a single issue, much less across issue areas.¹⁹ Therefore, a caveat is proffered that the activities of EC

18. Policy participants associated with NGOs and the Environment Committee on of the European Parliament were quite comfortable with the use of "coalition building" to describe their activities. Interviews, Brussels, June 6, 17, 21 and 22, 1994.

19. Mazey and Richardson describe EC policy communities in general as "ill-defined and rather loose policy networks." Sonia Mazey and Jeremy Richardson, "Policy-Making Styles in the European Community: Consultation of Groups and the Process of European Integration," paper presented to the Third Biennial

environmental actors are not completely analogous with the coalitional activities prevalent in British and United States policy arenas.

This having been said, within the EC environmental policy subsystem, the focus of our interest, coalitions are distinguishable by their policy ideas, interests, resources (assets/power) and policy prescriptions. Advocacy coalitions compete to translate their preferences into policy through mobilizing political resources, including ideas, information, and analysis and support from within and without formal decision making structures. They may employ strategies such as persuasion, compromise, brokering, and linkage to achieve their political goals. Or, failing this, they may employ more confrontational or coercive tactics such as discrediting the opposing coalition's data, policy proposals, and/or utilizing organizational prerogatives such as vetoes to obstruct the process. The actual bargaining process is dominated by politicians who are aided by experts in national and international bureaucracies and urged on by interested parties such as nongovernmental organizations.²⁰ In the end, it is also these subsystem political officials who possess the authority to choose among policy alternatives and make policy or legislate for the international organization.

This paper aspires to an understanding of the qualitative nature of the political interactions within and between coalitions which ultimately yields regional policy. For analytical purposes, these political transactions may be conceived as occupying points along a continuum from harmony to learning/cooperation/negotiation/compromise to brokering/bargaining/persuasion/linkage to more confrontational interactions

International Conference of the European Community Studies Association, Washington, DC, 27-29 May, 1993, p. 2.

20. Joseph Stewart, Jr., "Policy Models and Equal Educational Opportunity," *PS: Political Science & Politics* 24, 2 (June 1991), p. 172.

such as obstructionism/coercion.²¹ Because policy brokering and issue linkage are particularly prevalent political interactions in European Communities' policy making, additional theoretical attention will be allotted them.

Paul Sabatier's advocacy coalition model posits "policy brokers" as essential actors in the various stages of policy making.²² The model employed in this study assumes that several actors have the capacity and interest to perform a brokering role, and that they may engage in that behavior during different stages of the process. Often organizational actors--in many EC cases the Commission and the Council Presidencies--hold views approximating those of a coalition, but their institutional roles apportion them additional interests and powers in agenda setting and policy making.

21. If complete harmony of beliefs, interests, and preferences obtains among policy actors, there is no need for coalition building or negotiation. For purposes of this study, "negotiating" is defined as interacting, mutual discussion, or consulting among coalitions to reach policy agreement. "Persuasion" involves moving the opposing coalition(s) to a new policy belief or position by providing new information, consensual knowledge, and/or arguments or by means of inducements or pleas. "Compromise," "making concessions" or "accommodation" involves one or more coalitions' modifying or adjusting policy positions to reconcile or conform to the other. To "obstruct" is to halt or impede the legislative process. "Coercive" interactions are political, procedural, or legal actions undertaken to constrain or force the opposing coalition(s) to do something.

22. Paul A. Sabatier, "Political Science and Public Policy," and "Toward Better Theories of the Policy Process," in *PS: Political Science & Politics*, XXIV, No. 2 (June 1991), pp. 144-156; and "An Advocacy Coalition Framework of Policy Change and the Role of Policy-Oriented Learning Therein," *Policy Sciences* 21 (1988), pp 129-168. Sabatier's policy brokers must be differentiated from Kingdon's "policy entrepreneurs." Kingdon's entrepreneurs may be found in or out of government, may be elected or appointed, or represent interest groups or research organizations. Their distinguishing characteristic is their willingness to invest resources (time, energy, reputation, money) in anticipation of receiving future returns such as adoption of their preferred policies or personal satisfaction in the form of participation, being at or near the locus of decision making power, job security, career advancement, etc. See John Kingdon, *Agendas, Alternatives, and Public Policies*, pp. 21, 129-30. Sabatier's policy brokers are an integral part of the policy subsystem and a vested interest in system maintenance.

Policy brokers may be equally or more concerned with system maintenance as with achieving particular policy goals. They broker ideas and policy options, facilitate negotiation, and seek compromises.

Linkage is a prevalent political interaction that requires special analytical attention. This form of persuasion involves connecting the issue at hand to other policy questions to gain bargaining leverage and/or to enlarge the reservoir of benefits (the "win-set") available to coalition participants. Stable, powerful coalitions will achieve their goals through persuasion, bargaining, or coercion rather than issue linkage. Weaker coalitions may resort to this tactic or linkage may occur when negotiating processes reach an impasse due to parity of actors' or coalitions' political assets. Adding issues or tying the issue at hand to other issues encumbers some risk in that new issues may upset the consensus within the original coalition and result in defections. Thus, coalition participants must weigh the benefits of expanding the size of the win-set to maximize the chances for policy success via issue linkage against limiting the number of issues to keep the win-set small enough to maintain coalition stability and a less complex bargaining scenario.²³

Ernst Haas distinguishes among tactical, substantive, and fragmented issue linkage. With tactical linkage, concerns that are not substantively or inherently connected are brought into the policy discussions to elicit a concession not obtainable if the discussion remains confined to the original issue. Substantive linkage is made between issues on the basis of causal

23. Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-level Games," *International Organization* 42, 3 (Summer 1988), pp. 427-460; Michael M. Atkinson and William D. Coleman, "Policy Networks, Policy Communities and the Problems of Governance," *Governance: An International Journal of Policy and Administration*, 5, 2, (April 1992), p. 170.

understandings or consensual knowledge applied to reach an agreed upon, overarching goal. With fragmented linkage, the political goals are issue specific but strands of causal understanding exist between the issues being linked. With tactical and fragmented linkage, success depend on the size of the "win-set" generated by the strategies. However, in substantive linkage, the persuasiveness of the ideational and cause-and-effect content of policy options and the acceptance of consensual understandings by coalition participants shape the policy outcome.²⁴ A diagram of the primary elements of the model employed in this study is provided below:

INSERT DIAGRAM HERE

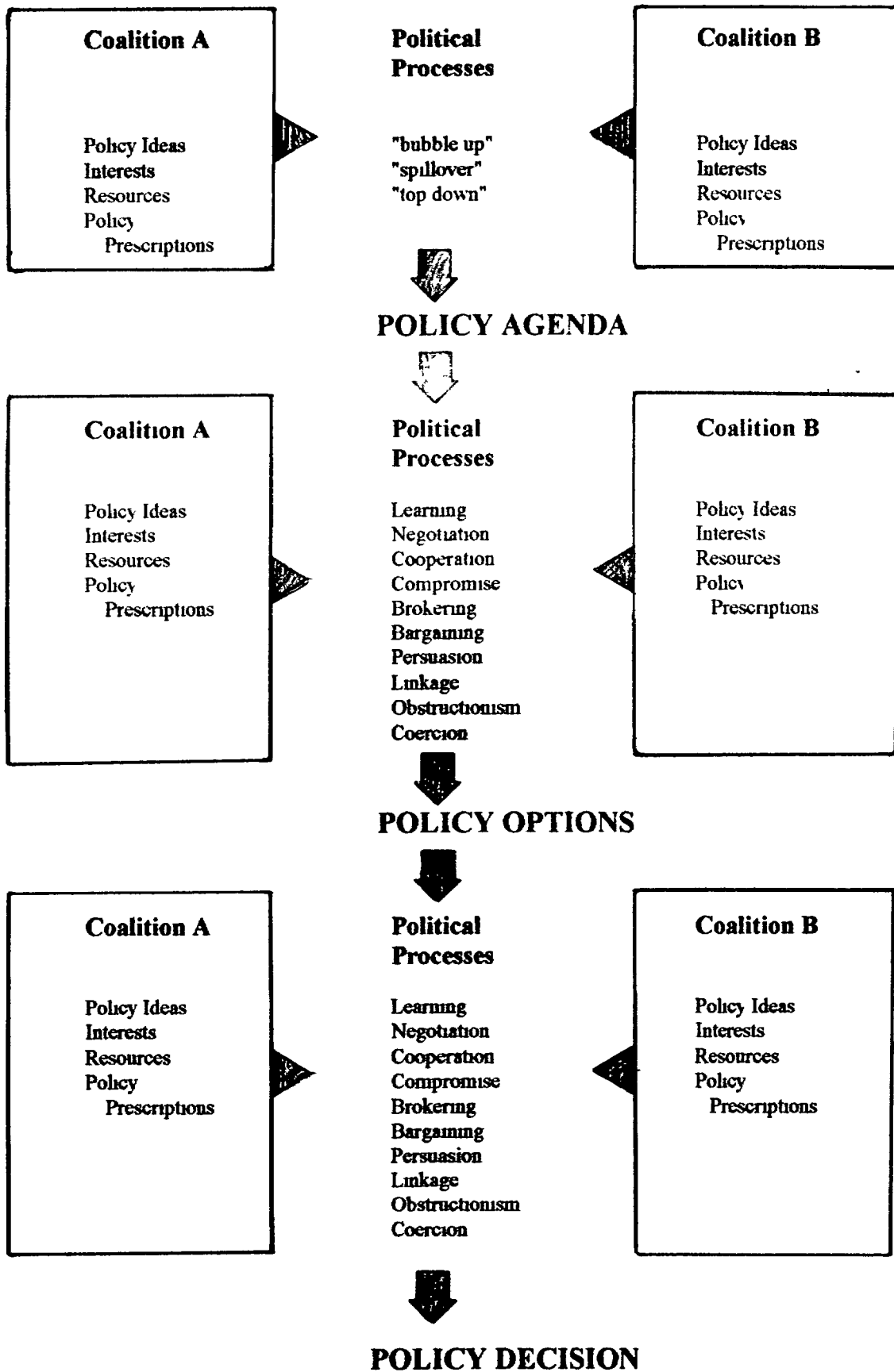
The sections to follow provide empirical information associated with the coalitions' policy ideas, interests, resources, and political interactions that placed environmental provisions on the SEA agenda, delineated the form that the legislation assumed, and which ultimately yielded the authoritative policy decisions.

Placing Environmental Protection on the SEA Agenda

Although environmental protection was not a part of the legal mandate conferred by the 1957 Treaty of Rome, by the early 1980s, environmental protection was a well established feature of the EC's policy agenda. Before the promulgation of the Single European Act, the EC had undertaken three

24. Ernst B. Haas, *When Knowledge is Power*, pp. 76-78. S. George, *Politics and Policy in the European Community* (Oxford: Clarendon Press, 1985) reminds us that France and West Germany's linking of the issues of common market and the utilization of nuclear energy constituted the basis for the founding of the European Communities.

ADVOCACY COALITION MODEL



multi-year Environmental Action Programmes (EAPs)²⁵ and enacted more than 100 measures (approximately 20 of which were important) to affect and coordinate environmental protection.²⁶ Pre-1987 environmental legislation was justified on the grounds that divergent environmental regulations in the Member States distorted trade competition and constituted a non-tariff barrier to free trade. The Preamble to the Treaty of Rome establishes as an objective: "...the constant improvement of the living and working conditions of their people,...". Article 2 further states: "The Community shall...promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion,...an accelerated raising of the standard of living." Rehbinder and Steward refer to the pre-SEA EAPs and environmental directives as "Soft law [which] consists of programs and declarations of a non-binding nature..." that represent "... a new type of policy developed

25. The First Programme was adopted by EC Ministers on 22 November 1973, and covered the period 1973 to 1976. See *OJ 16, C112 (20 December 1973, p. 1)*. The Second Community Action Programme was approved for 1977-82 by the Council on 17 May 1977. See *OJ 20, C139 (13 June 1977, p. 1)*. The Third Community Action Programme (1982-86) was approved on 7 February 1983. See *OJ 26, C46 (17 February 1983)*. Lynton Keith Caldwell, *International Environmental Policy, Emergence and Dimensions*, 2nd ed. (Durham, NC: Duke University Press, 1990), pp. 138-142 summarizes the Programmes' objectives.

26. Ida Johanne Koppen, *The European Community's Environment Policy, From the Summit in Paris, 1972 to the Single European Act, 1987* (EUI Working Paper No. 88/328. San Domenico di Fiesole, Italy: European University Institute, Department of Law (January). Koppen (pp. 8, 46) asserts that although most analysis suggests that the Heads of State and Government meeting in Summit in Paris 19-20 October 1972 provided the initial impetus for EC environmental protection, more than a year prior to that meeting, the Commission took a major initiative in preparing its first Communication relating to the environment, SEC (71) 2616 final, 22 July 1971, followed by a Draft EAP, SEC (73) 666 FINAL, 22 March 1972. After the summit, the communication was rewritten in the form of Draft Council resolution on a Community EAP, COM (73) 539 FINAL, and submitted to the Council on April 10, 1973. Between 1981 and 1985, the European Court of Justice rendered a series of judgements that progressively upheld the validity and legitimacy of the Communities' environmental policies.

through political consensus of the member states."²⁷ Thus, Koppen regards the SEA as the "constitutionalisation of EC environmental policy" rather than a novel environmental initiative. The SEA amended the Treaty of Rome to require that environmental protection be incorporated into every aspect of Community policy.²⁸ The Act also changed the decision making procedures of the organization, instituting qualified majority voting in the Council on some issues²⁹ and the "cooperation procedure" which provided for greater European Parliament participation in policy making, with the consequence of facilitating the enactment of environmental legislation.³⁰

27. E. Rehlinger and R. Stewart, *Environmental Protection Policy* (Berlin: de Gruyter, 1985), p. 33, cited in Koppen, *The European Community's Environment Policy*, p. 6.

28. The environmental amendments are in Section II labeled "Provisions relating to the foundations and the policy of the Community." Subsection I and VI of Section II add provisions to the Treaty directly related to environmental action. The primary amendment concerning the environment is in Subsection VI that adds a separate Title on "Environment" to Part Three ("Policy of the Community") of the Treaty. The new Title VII adds three articles (130R, 130S, and 130T) that introduce explicitly for the first time two references to the Communities' powers in the field of environmental protection. Article 100A lays down criteria for environmental protection legislation affecting the internal market and allows legislation to be adopted by qualified majority in the Council. Articles 130R, 130S, and 130T establish the goals, means and procedures for adopting environmental legislation by unanimous decision. Koppen, *The European Community's Environment Policy*, p. 46.

29. All important EC decisions are taken in the Council by unanimous vote. Since January 1966, qualified majority voting had been limited by the "Luxembourg Compromise" in which France unilaterally asserted the right to veto a proposal in the Council by declaring a "vital" or "very important" interest was at stake. The SEA extends the use of qualified majority voting to matters pertaining to the internal market. David R. Cameron, "The 1992 Initiative: Causes and Consequences," in Sbragia, ed. *Euro-Politics*, p. 55.

30. Article 149 establishes a "cooperation procedure" wherein Commission proposals must be sent to the Parliament (and thus published) for a "second reading" and public debate. The SEA also increases the power of the Commission relative to the Council. If the Commission supports amendments offered by the Parliament in the "second reading," considerable pressure is exerted on the Council to accept the amendments which can only be altered by a unanimous vote. The cooperation procedure thus makes policy making more transparent, more sensitive to public opinion since the Parliament is an elected body, and more unpredictable. The cooperation procedure only applies

Coalition activity was not apparent in the processes that placed environmental provisions onto the SEA agenda. Consensus obtained regarding the desirability of providing a more solid legal foundation for the extensive environmental legislation of the organization. The British, including among others the House of Lords' Select Committee, and other member states had challenged the legal competency of the EC to promulgate specific environmental directives, although they never sought vindication of their position in the European Court of Justice. Over time, the Germans and the Danes voiced support for more formal authority for the EC to undertake environmental tasks. For example, although the Danes had reluctantly agreed to the directive protecting wildbirds,³¹ they argued that the EC lacked legal competence to legislate in areas such as protecting wildlife habitats and, as a result, it was understood that no further wildlife legislation should be adopted unless it was directly related to trade. Therefore, for their own reasons, both "clean" and "dirty" members agreed that the environmental initiatives of the organization required clearer legal articulation.

The Commission clearly had institutional interests in consolidating EC authority in this policy area. By broadening the range of issues covered in the SEA, Commission President Jacques Delors created the possibility for coalitions, bargains, and trade-offs to be struck across the issues of market reform and institutional reform. Combining market enhancement, institutional reform and environmental provisions would make the single market more attractive to those concerned about the democratic deficit and environmental

when the issue is to be decided by a qualified majority vote in the Council. Nigel Haigh and David Baldock, *Environmental Policy and 1992*, p. 12.

31. Directive 79/409/EEC, relating to the conservation of wild birds, was adopted by the Council in April 1979.

protection.³² Commission environmental activism would also allow the Community to assume a leadership role rather than remain a follower in international environmental policy making.³³

Juliet Lodge maintains that the SEA was predominantly a European Parliament initiative. In mid-1980, Altiero Spinelli and a group of European parliamentarians launched an initiative to greatly expand the power of Parliament. Haigh and Baldock write that: "The pressure for the introduction of these [environmental] Articles was quite separate from the pressures for completion on the internal market even though both found expression in the Parliament's 'Spinelli Report' of 1982 that led to the SEA."³⁴ Andrew Moravcsik challenges these interpretations by assigning primary importance to the activities of representatives of the member-state governments meeting in summit and special sessions for the SEA. He writes that after the June 1984 Fontainebleau meeting of the European Council, member-state representatives, abetted by the Commission, deliberately excluded representatives of the Parliament from decisive forums. One of the Dooge Committee's³⁵ first actions was to reject the Parliament's "Draft Treaty Establishing European Union;" a draft submitted by the French government was the basis for the initial negotiations. Moravcsik contends that internal market aspects of the

32. David R. Cameron, "The 1992 Initiative: Causes and Consequences," p. 51.

33. Niall O'Neill, 1992 - *The External Impact of European Unification*, 1, 7 (30 June 1989), p. 13.

34. Nigel Haigh and David Baldock, *Environmental Policy and 1992*, p. 20.

35. At the June 1984 Fontainebleau meeting, the European Council created an Ad Hoc Committee on Institutional Affairs to consider and make specific recommendations regarding institutional reform. The Committee was chaired by Senator James Dooge of Ireland. Its Report to the European Council (Brussels, 29-30 March 1985) specified several changes to improve the efficiency of decision making, render it less vulnerable to the veto of individual members, and expand the role of the European Parliament. Nigel Haigh and David Baldock, *Environmental Policy and 1992*, p. 36.

SEA were launched independently of pressure from outside, including regional business, interests. Similarly, environmental interest groups played no role in shaping the environmental segments of the agreement. He writes that the Commission was responsible for quietly slipping environmental provisions into the revised treaty without encountering any opposition from member-state representatives.³⁶ Lodge counters that: "It is wholly misleading to suppose that plurilateral diplomacy alone applied, during this time, to coalition-building behavior among the members states. Without the EP's initiative for the EUT, the SEA process would not have been launched or been run in the way that it was."³⁷

While the leadership of the European Communities was always formally committed to the creation of a common market among its members,³⁸ the 1980s was a particularly challenging decade for the organization. The West European economies had not adapted well to significant structural changes in the global economy and increased levels of interdependence as well as competition among the world's major economies. It was widely recognized that Europe was falling behind the United States and Japan in productivity, investment, and advanced technologies. The members' first response to these challenges was retrenchment and, paralleling the global tendency, they increasingly threw up barriers to protect their individual economies. As a result, progress in the European Communities ground to a halt; the organization was in the throes of

36. Andrew Moravcsik, "Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community."

37. Juliet Lodge, "Negotiating the Single European Act in the European Community," p. 20.

38. West European leaders first made a commitment in the Hague in 1969 to achieving economic and monetary union by the end of 1990. This goal was reiterated at summits in Paris in 1972 and December 1974. The latter summit invited Prime Minister Leo Tindemans of Belgium to provide a comprehensive review of the prospects for such a union.

"Euroclerosis."

The European Council meeting in Luxembourg in June 1981 expressed alarm at the state of the internal market and in November of that year in London asked the Commission and Council of Ministers to report on the state of the internal market and more generally on the state of economic and monetary union. An extensive study was prepared by the Commission and its conclusions reported to the European Council in Copenhagen in December 1982. At the Copenhagen meetings, the European Council endorsed the concept of strengthening the internal market by eliminating restrictive trade practices and created a special council within the framework of the Council of Ministers to identify priority measures for creating an internal market. At a meeting in Brussels in 1985, the Council endorsed the goal of creating a single market by 1992 and called upon the Commission to draw up a detailed program with a specific timetable to achieve the liberalization objectives. Lord Cockfield, the Internal Market Commissioner to whom the task fell, interpreted this mandate in the broadest of terms. Of the resulting White Paper's slightly more than 300 initial proposals, (a total of 279 measures remained at the end of 1988), few pertained explicitly to the environment and hardly any were purely environmental in their content.³⁹

The incorporation of environmental provisions in the SEA can not be said to provide a completely explicit case of agenda setting exclusively as a consequence of "bubbling up" from popular and member-state agendas, "spilling over" from other policy areas, or being orchestrated primarily by

39. Commission of the European Communities, *Completing the Internal Market: White Paper from the Commission to the European Council* (Luxembourg, 1985). The European Council accepted the Commission's White Paper in June 1985 at a meeting in Milan. Nigel Haigh and David Baldock, *Environmental Policy and 1992*, pp. 29-32.

organizational elites. In the first half of the 1980s, Green parties were primarily important on the national level. The 1984 European Parliamentary elections returned nine Green members (seven Germans and two Belgians) to Strasbourg. Even with less than 2 percent of the Parliament's total members, the Greens exerted considerable influence. Although their policy preferences were not always represented in the Parliament's final resolutions and reports, they stimulated debate and forced traditional party groups to review their environmental policies. The growth of Green influence on the national and regional level may be regarded by some as a "bottom up" source of the SEA environmental provisions but this factor is probably more accurately described as providing contextual impetus for the legislation.⁴⁰ The "spillover" analogy from other policy areas also seems to lack verisimilitude in the SEA case. EC environmental legislation had always been linked in the minds of member-state leaders with facilitating free competition in trade. However, the conjoining of environmental protection with trade and institutional reform measures, seemed more a consequence of policy evolution than a spillover from

40. Although, it appears that Green politics, *per se*, contributed only contextually to the SEA's being expanded to include environmental provisions, David R. Cameron ("The 1992 Initiative: Causes and Consequences," pp. 57-58) writes that changes in the partisan composition of member-states governments were an important determinant of the market liberalization provisions. Margaret Thatcher's Conservative party achieved a majority in Britain in 1979; Wilfried Martens formed a center-right government in Belgium after the November 1981 election; a center-right government headed by Ruud Lubbers came to power in the Netherlands in May 1982; the Social Democrat government in Denmark was succeeded in 1982 by a four-party government comprised of the Conservative party, the Liberal party (a conservative group despite the name), the Center Democrats, and the Christian People's Party) headed by Poul Schluter (umlaut over u); and finally, in October 1982 the coalition government of Helmut Kohl came to power in West Germany. Kohl's coalition was brought together the Christian Democrats, its Bavarian sister party the CSU, and the Free Democrats (FDP). These far-reaching changes in the ideological positions of the major West European governments owed much, of course, to their predecessors' inability to deal effectively with the consequences of global stagflation.

or linkage with trade objectives. Alberta Sbragia writes that the environmental content of the SEA represented only a step in the institution-building process that this sector had been engaged in since mid-1973. Helen Wallace concurs that the legislation "marked a recognition of institutional behavior that was already being established as typical."⁴¹

While the generally pro-environment sentiments of EC citizens provided a congenial context for attaching environmental provisions to the SEA, the placing of these issues on the SEA agenda was a distinctly top-down rather than a bottom-up process. The entire SEA process was elite-driven and insular. The market liberalization and decision procedure proposals, both esoteric and complex, were offered and sorted out within the context of European Council summits, the Commission, specific *ad hoc* and Parliamentary committees, and an Intergovernmental Conference constituted solely for that purpose. The brief timeframe within which these deliberations and decisions were taken also limited the input of outside parties.

Advocacy Coalitions and the Delineation of the-Environmental Provisions of the SEA

To claim that the placing of environmental protection on the SEA agenda was relatively uncontroversial is not to imply that once it achieved the agenda that consensus obtained as to how the Treaty should be amended to incorporate environmental protection. Once the issue was on the agenda, the Commission played a primary role in shaping the policy alternatives. The

41. Alberta Sbragia, "EC Environmental Policy: Atypical Ambitions and Typical Problems?" in Alan W. Cafruny and Glenda G. Rosenthal, eds. *The State of the European Communities*, vol. 2, *The Maastricht Debates and Beyond* (Boulder, CO: Lynne Rienner Publishers, 1993), p. 341. Helen Wallace, "The Council and the Commission after the Single European Act," in Leon Hurwitz and Christian Lequesne, *The State of the European Community* (Boulder, CO: Lynne Rienner, 1991).

Intergovernmental Conference (IGC), essentially a series of meetings of the foreign ministers, commenced on 9 September 1985. Procedurally, it was understood that each delegation would submit their preferred treaty texts by 15 October. The draft of the SEA was written during the first month of the conference, and most central issues were resolved within the first two months. The remaining details were worked out between the foreign ministers and heads of state during five meetings between 21 October and December. The document was signed in February 1986.⁴² Outside observers, isolated from the complex preparations that yielded the agenda, were surprised by the scope of the institutional reform generated by the meetings. The *Financial Times* reported that the conference began with the circumscribed aims of coordinating foreign policy and introducing more majority voting in the Council, but six months later, new powers affecting the environment, society, technology and research and development had been added to the legislation.⁴³

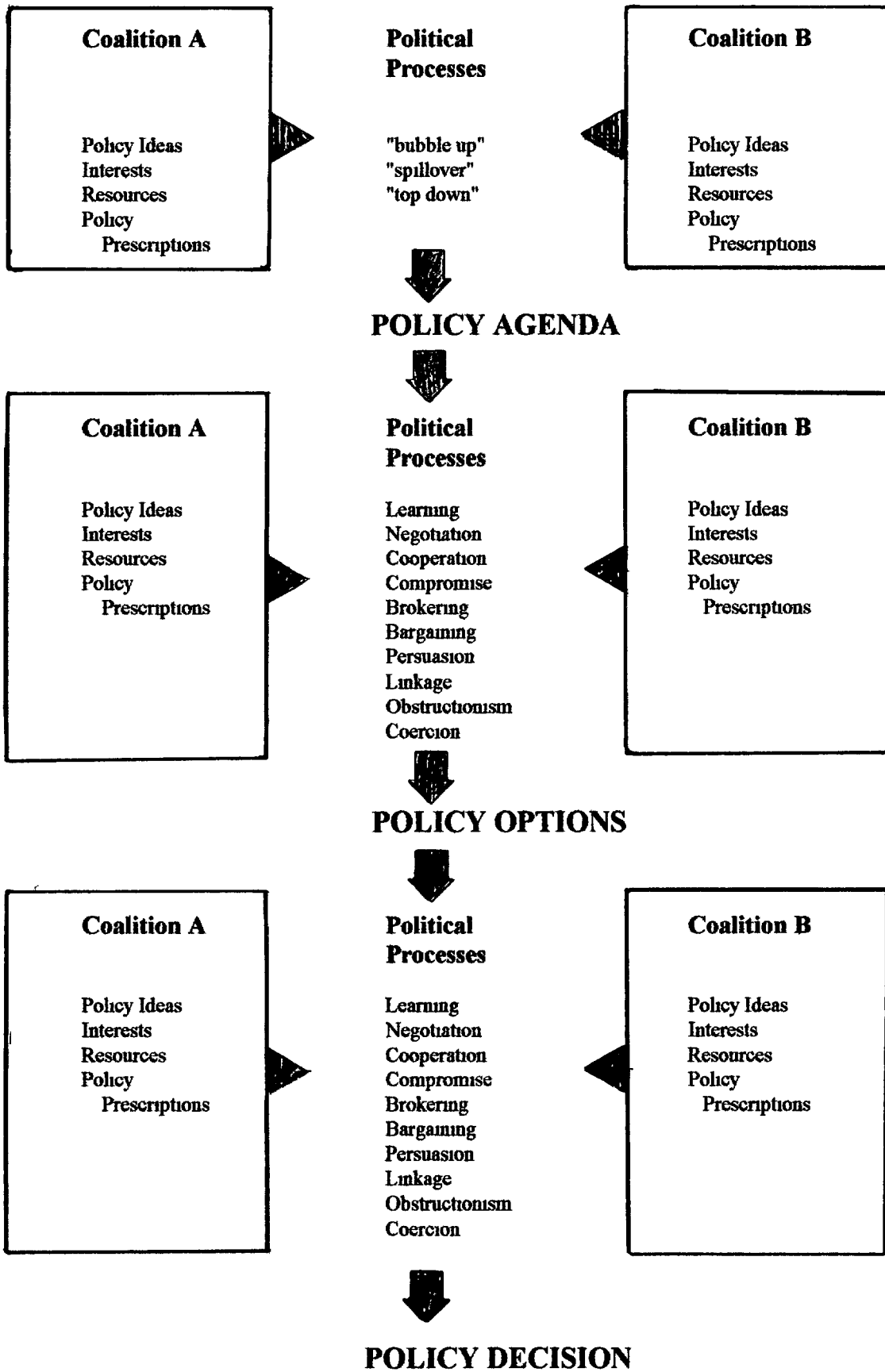
This coalition model and the literature posit the Council Presidency as a potential policy broker in EU policy making.⁴⁴ The task of conducting the IGC in the latter half of 1985 fell to Luxembourg. Lodge contends that this was fortuitous in that Luxembourg is a strong pro-Europe member, has few vested interests in the critical issue areas, and since as a small state it could not even in alliance with other small members block or advance anything without the support of at least one large state, to get things done, had to identify and promote compromise and accommodation. In the role of Council

42. Andrew Moravcsik, "Negotiating the Single European Act."

43. David Buchan, *Financial Times*, 13 December 1990, Section I, p. 3.

44. The presidency of the Council passes from one member state to the next every six months, in alphabetical order according to the language of each. Each member is eager to demonstrate leadership and compile a record of achievement on its watch. The Council maintains a standing Committee of Permanent Representatives to carry out the day-to-day work of the Council and to facilitate cooperation.

ADVOCACY COALITION MODEL



President, small states tend to seize the opportunity to play a high-profile diplomatic role in the regional and international arenas. Luxembourg set out its version of the SEA in a document known as the treaty framework (*charpente d'un traite*). The evidence does not suggest, however, that this draft was more influential than those of other members in shaping the substance of the environmental articles.

Lodge writes that "The Commission set the agenda, producing and submitting formal treaty texts on the internal market, the environment, and research and technological development, and later on cohesion, monetary policy, and cultural policy." The Commission proposed four new environmental articles (see page ^{13 fn 28}) laying down aims, principles, and specific measures, with majority voting for implementing measures but unanimity for defining aims and principles. When the Member States put forward their policy statements, Germany concurred with the high levels of protection provided in the Commission's draft and suggested expanding the proposal's ambit to include animal protection. Denmark was the strongest advocate for high levels of environmental protection and was eager to ensure that it should not be forced to lower its standards to accommodate newly-articulated EC norms. It put forward a six article proposal similar to that of the Commission. It was relatively easy and inexpensive for the "greener" states to put forward proposals unlikely to be enacted when the policy positions of the dirtier states were brought into the equation. The former could assume a progressive stance secure in the knowledge that they would not be called upon to actually implement the policies they proposed.

Allied against Germany, the Danes and the Commission were the EC's "dirty states," Britain, Ireland, and Greece. These members were concerned about the expense associated with stringent environmental protection.

Ireland, backed by Greece, put forward an amendment on the need to balance environmental and economic considerations. The dirty states also contended that the availability of scientific and technical data, regional differences, the potential benefits and costs of action or lack of action, and the economic and social development of the Community as a whole and the balanced development of its regions must be taken into account. Greece and the Netherlands objected to the extensiveness of the specific measures and Greece and Denmark objected for different reasons to the majority voting provisions. Bilateral trade-offs and diplomacy were clearly important at this phase of the policy process.⁴⁵

Taking the Final Decision

In the end, the substantive content of the SEA's environmental provisions reflected an admixture of the preferences of the various coalitions, and can not be attributed to the triumph of one group's ideas, policy proposals, or bargaining power or skills over the others. The issues dividing the coalitions over the legislation pertained to how specific and stringent the provisions should be rather than the overall desirability of the legislation. Agreement on the major environmental principles involved (preventive action, the polluter pays, that environmental damage should be rectified at the source, and that environmental protection should be incorporated into all other EC activities) had been reached during negotiations over the various EAPs. All members had a vested interest in avoiding confrontation in these "fringe" areas and moving forward with single market and decision making aspects of the legislation. Concurrently, each

45. Juliet Lodge, "Negotiating the Single European Act in the European Community," pp. 29-30.

possessed a veto power over any measure they regarded as contravening important national interests. These factors created the necessity as well as a conducive atmosphere for compromise and accommodation.

Acting in the role of policy broker, the Commission's diluted its initial proposal to accommodate dirty states requests including confirmation of the subsidiarity principle. These policy adjustments avoided direct confrontation among the relatively diverse positions on environmental protection. The requirement that environmental consequences be taken into account in the formulation of all EC policies was incorporated to assuage clean states' concerns that the provisions had been overly diluted.⁴⁵ What Lodge labels "side-stepping tactics" yielded such elements as incorporation of references of the controversial matter of the European Court of Justice's competence and whether EC environmental action would be subordinated to national energy policies.⁴⁶

Indeed, it is clear that in addition to the political processes of compromise and accommodation, "side-stepping" or avoidance/ postponement which would include such behaviors as deliberately couching provisions in ambiguous language to permit divergent member-state interpretations and/or transferring ultimate responsibility for settling the issue to the European Court of Justice or future deliberations should be added to our model's list of political interactions that characterize decision making.

45. The relevant Article 130R(2) of Title VII provides: "Environmental protection requirements shall be a component of the Community's other policies."

46. Juliet Lodge, "Negotiating the Single European Act in the European Community," pp. 30, 35-36.

Conclusions

It must be concluded that although coalitional activities were not evident in processes that placed environmental provisions on the SEA agenda, they were clearly important during the policy delineation and decision making stages. Environmental provisions were added to the SEA agenda as a consequence of an evolutionary process. All major participants agreed that the constitutionalization of the *de facto* functions was desirable. The Commission as a policy initiator and broker probably played the most significant role in linking environmental concerns to the SEA agenda.

Once these concerns were on the agenda, the member states aligned themselves in coalitions on the basis of their positions on the specificity and stringency of the proposed legislation. "Green/clean" states feared that the EC legislation would require downward harmonization of their high national standards, while less environmentally concerned states feared the economic costs of meeting strengthened EC regulations. In the end, the substantive content of the legislation was the product of Commission-brokered compromise. The most contentious issues were "side-stepped" so that the overall initiative might move forward. All parties to the final decision making were eager that this "fringe" area bring positive incentives rather than confrontation to the SEA negotiations.

This case study in EC decision making is unique in the fact that processes were particularly elite-driven, time-compressed, and isolated from outside influences. The environmental segments of the legislation were well subordinated in priority to the economic and institutional reform objectives of the legislation. To a large extent, the consensus that obtained on the legalization of the EC's environmental role via this legislation is unusual to environmental decision making in the EC.